By Mr. MOSHER:
H.R. 8571. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. NELSEN:
H.R. 8572. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. NIX:
H.R. 8573. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. O'BRIEN:
H.R. 8574. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. O'KONSKI:
H.R. 8575. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. PELLY:
H.R. 8576. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. PEPPER:
H.R. 8577. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. PHILBIN:
H.R. 8578. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. QUILLEN:
H.R. 8579. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. RANDALL:
H.R. 8580. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mrs. REID of Illinois:
H.R. 8581. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. ROBISON:
H.R. 8582. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. ROGERS of Colorado:
H.R. 8583. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. ROONEY of Pennsylvania.
H.R. 8584. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. SAYLOR:
H.R. 8585. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. SECREST:
H.R. 8586. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. SMITH of New York:
H.R. 8587. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. STAGGERS:
H.R. 8588. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. STRATTON:
H.R. 8589. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. TEAGUE of California:
H.R. 8590. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. TRIMBLE:
H.R. 8591. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
By Mr. WAGGONNER:
H.R. 8592. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.
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.J. 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. 487. 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 question 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 Mr. ASHLEY:
H. Con. Res. 425. Concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.
By Mr. MACDONALD:
H. Con. Res. 426. Concurrent resolution expressing the sense of Congress with respect to the viewing of the U.S. Information Agency film "Years of Lightning, Day of Drums," at the 25th class reunion of the Harvard class of 1940 in Cambridge, Mass.; to the Committee on Foreign Affairs.
By Mr. PATTEN:
H. Con. Res. 427. Concurrent resolution designating the month of June as Community and Natural Beauty Month; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, 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.

284. 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.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:
H.R. 8598. A bill for the relief of Salvatore Cracchiolo; 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 Georgia Christos Manolakos; to the Committee on the Judiciary.
H.R. 8601. A bill for the relief of Paraskevi and Christos Basile Manolakos; to the Committee on the Judiciary.
By Mr. BATES:
H.R. 8602. A bill for the relief of Miss Veronica Guitelen; to the Committee on the Judiciary.
By Mr. BROWN of California:
H.R. 8603. A bill for the relief of Mrs. Jean J. Phillips; to the Committee on the Judiciary.
By Mr. BURTON of California:
H.R. 8604. A bill for the relief of Mrs. Desolina Giannone (nee Delucchi); to the Committee on the Judiciary.
By Mr. CALLAN:
H.R. 8605. A bill for the relief of Miyoko Nakamura; to the Committee on the Judiciary.
By Mr. ERLENBORN:
H.R. 8606. A bill for the relief of Mr. and Mrs. Rosario DiBella; to the Committee on the Judiciary.
By Mr. GILBERT:
H.R. 8607. A bill for the relief of Miss Lydia M. Rahman; to the Committee on the Judiciary.
By Mr. LONG of Maryland:
H.R. 8608. A bill for the relief of Dr. Antoine Arrege; to the Committee on the Judiciary.
H.R. 8609. 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 Mansueto R. Dimailig; to the Committee on the Judiciary.
By Mr. MEEDS:
H.R. 8611. 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. PEPPER:
H.R. 8612. A bill for the relief of Nicolas Duarte; to the Committee on the Judiciary.
H.R. 8613. A bill for the relief of Wieslawa Drzewiecka Pawlowicz; to the Committee on the Judiciary.
By Mr. SMITH of New York:
H.R. 8614. A bill for the relief of Miss Rajka Soda; 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, D.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's ills 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. 1564) 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 stated.

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 persons 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 not 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 Bureau of the Census. The Bureau of the Census has no published figures on military personnel, dependents, and aliens. 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 liable to be very troublesome, not much 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 change that would not 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 point of difference with 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 civil 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 study will indicate whether there are appreciable numbers of military personnel resident in our States who are denied the right to vote. Pending the completion of that 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 voting in the State by absentee 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. JAVITS. 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 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, 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 586 second lieutenants in the Regular Air Force, 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. Aarni, Jr., and sundry other cadets, U.S. Air Force Academy, for appointment in the Regular Air Force;

Ralph W. Adams, Jr., and sundry other cadets, U.S. Military Academy, for appointment in the Regular Air Force;

Richard D. Bayer, and sundry other midshipmen, U.S. Naval Academy, for appointment in the Regular Air Force;

Thomas R. Dooley, 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. Aadnesen, 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, it is so ordered.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. I yield myself 30 seconds. I have submitted certain questions to be answered by Franklin D. Roosevelt, Jr., who is slated to be Chairman of the Commission. I favor the confirmation of his nomination and the four other nominees to the Commission. Also, I invite attention to the fact that the questions submitted to Mr. Roosevelt and answers 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 legislative business.

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 as much of 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 only through colloquies; but I desire, 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 a portion of the unutterably 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 bill.

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 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."

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 enact and enforce certain 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 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.

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

The Federal Government, therefore, becomes the judge of whether certain State laws—although duplicating statutes existing in several other States of the Union—shall be permitted to operate at all in what might be called suspicious States.

While there is a provision for court review, the whole issue turns on the circumstance that what is lawful in one State of the Union could be judged unlawful in some other State—based wholly on suspicion of alleged abuse or misuse of power.

Hitherto, whenever the Constitution has been violated, the courts have been in a position to punish the guilty individuals, including State officials. But this is the first time that a whole State is to be deprived of its constitutional right to set voter qualifications, even though these may be identical with State laws in other parts of the country which are being left untouched. The phrase "equal protection of the law" becomes 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 about an "indivisible union," and actually expelled from the Union certain of the Southern States. The whole theory of the Lincoln administration was that there was no right of secession and that the Southern States were 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.

One year later, however, when the 14th amendment was submitted and the same legislatures in the Southern States rejected it, Congress threw those Southern States out of the Union, denied them seats in Congress and prescribed by law a set of conditions before they could be readmitted to the Union.

New legislatures thereupon were set up, and Federal troops were used to coerce them into "ratifying" the proposed amendment. When the required number of States, including those in the South, had voted for "ratification," Secretary of State Seward was doubtful about the legality of the process and hesitated to proclaim the amendment as having been adopted. Congress, however, by resolution, ordered him to do so anyway.

The action naturally was protested, and efforts were made to get the Supreme Court of the United States to pass on the issue of improper procedure in the "ratification" of a constitutional amendment. But the High Court declined to hear any case on this point, contending that it was 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 puts them indefinitely under supervision by the U.S. Department of Justice and the courts, efforts will be made, of course, to get the Supreme Court to pass judgment on 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 Supreme Court upholds it, a Federal dictatorship can—by mere act of Congress—operate to deprive any 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 assay honestly the unfortunate aspects of the bill from its unconstitutional 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 ardor 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, for all practical purposes, be driven out of the Union. They will not be able—as is the privilege of all other States—to enact and enforce certain 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 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:

For if the precedent is set and the Supreme Court upholds it, a Federal dictatorship can—by mere act of Congress—operate to deprive any 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. 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.

Some people say, "The United States of today is 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, and 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 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 today.

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 bill.

Florida is not affected by the bill in any serious way. Therefore, I believe that I am able to discuss this matter from a standpoint that, in many respects, is objective. There is no poll tax in our State. We have no literacy test. We have no counties with less than 25 percent of the Negroes of voting age registered with the exception of Liberty and Lafayette Counties, which I shall mention in a moment. The three counties which were mentioned in the report, Gadsden, Jefferson, and Union, as being in that classification were clearly shown by the report of the Secretary of State which I had printed in the RECORD on an earlier occasion in this debate, not to be within that classification.

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 in towns because 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 very low, and it is easily understood why the Negro citizens have lagged in voting registrations in those two particular counties.

Mr. President, I believe that the Senate knows that the State of Florida has grappled with this problem of voting rights for our citizens. We eliminated the poll tax in 1937. We never had a literacy test in modern times. We have welcomed Negroes to the voting booths. More than 300,000 Negroes are now qualified to vote. Most of them do vote.

The State of Florida, through its Senators and Representatives and the submission of the 24th amendment to the Constitution, knocked out the poll tax requirement for all Federal elections. I am happy and proud that the Florida legislature, when it came to ratifying that amendment, did so by a vote of 105 to 3 in the House, and by a vote of 36 to 6 in the State Senate.

We have tried to grapple with these problems. We have maintained relative calm, relative understanding, relative peace and tranquility in our State between the races.

It is from the standpoint of a Senator speaking for a State such as Florida that I want to say what I foresee will, in the future, result from the enactment of this particular coercive and unconstitutional legislation.

It happens that within the past few weeks there has appeared within an authoritative journal—The Florida Historical Quarterly, of April, 1965—a scholarly article on the subject "Curbing of Voter Intimidation in Florida, 1871," written by a member of the faculty of the University of Florida, Ralph L. Peek, who is a highly skilled man. This article is written in an objective way, and, incidentally, is authenticated by 94 notes which appear to show the source of the records from which he takes his information.

I shall not encumber the RECORD by having the 15 pages of this article printed in the RECORD, although I believe that it is well worthy of the serious consideration of every Senator. However, I wish to read certain things that appear in the article which clarify the background and the terrible story of the murder, the burnings, and the court trials, which were such a travesty, that occurred in the State of Florida in 1871 and 1872 as the result of the passage of the Reconstruction Act followed by the Voting Act of 1870, exactly on the same subject as this measure.

Let me read the first paragraph:

The National Republican administration by early 1870, was aware that large-scale intimidation of Negro voters throughout the South was effectively curbing Negro voting and hurting the party. Consequently, legislation was proposed to protect Negro rights by enforcing the 15th amendment to the U.S. Constitution.

Mr. President, do we learn anything 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 that 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 objectives of those who passed 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

two races. The results showed so exactly the opposite that I had hoped that those who proposed this measure would realize that they are not breaking new ground. They are treading the same paths that resulted so disastrously and that resulted possibly in the election of one man as U.S. President, and had put in his place a man who may not have been elected on the basis of actual returns, on the promise that troops would be withdrawn from the South. I refer to the selection of Hayes over Tilden, who was announced as having won the election by one quarter of a million votes, which was a great many votes.

This article shows that Representatives and Senators in those earlier days were 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, writing 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 see duplicated in the States particularly affected by the problems and against which this bill is directed. Continuing to read:

On February 21, 1870, Representative John Bingham, of Ohio, introduced a bill that was supposed to protect voting rights wherever they were being denied. Administration spokesmen testified that intimidation and violence were keeping Negroes from the polls in several States, and that Federal "force" legislation was needed to protect civil rights in States where politicians refused to accept the new status of the Negro and were unlikely to act to protect him.

Digressing for a moment, that sentence could have been uttered to apply completely to the well-intentioned people who sponsor this action at this time—

These proponents of Federal action—

And party politics entered into it—

claimed that a conspiracy in the South was seeking to destroy the Republican Party through the use of violence and terror. Senator Oliver P. Morton, of Indiana, whose appeal was characteristic of the Republican position, called for a law giving the President power to extend 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 to present their arguments. Debate in 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 retreading 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 to read:

The law was described by the Tallahassee 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," the paper stated: it granted no rights not already enjoyed by the Negroes, it interfered in the rights of the States to regulate suffrage, and 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 who are students of this vital question will take the time to read the 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 country as between people of the white and Negro races.

To select two or three quotations helter-skelter from the 15-page pamphlet, here is one that speaks about Gadsden County, to which I have already referred, where the Negro population is still greater than that of the white:

Six individuals were indicted for preventing persons from voting in the Gadsden County election of November 8, 1870. Among these were former Acting Gov. Abraham K. Allison, who, on March 30, 1871, pleaded not guilty. He was convicted on April 3, but a motion was granted for a new trial when it was learned that one of the jurors, David Ellis, was not an American citizen. On April 6, Allison was reindicted 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 and was sentenced to serve 6 months in the Leon County jail and to pay a fine of $550. 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 ironclad oath.

I digress long enough to say that one of the sections of the bill of 1870 had prescribed that a judge could require that the oath be ironclad; that is, that jurors, or prospective juries, would take an oath that they had not participated in what was called the Act of Rebellion, or the Civil War, so that jurors were composed largely of freed slaves and carpetbaggers mentioned in this article.

Continuing reading:

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. How the positions of the two parties and the party leadership have changed on this particular question.

Mr. President, without unduly burdening the RECORD, 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 Enforcement Act 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 the damned Radical Enforcement Act." A few days later, Childs returned with a squad of soldiers but the men that he was seeking could not be found.

I believe I should add that up to and including the 1876 presidential elections, Federal soldiers with fixed bayonets were stationed throughout Southern States at the principal polling places.

I happen to know something about that because I have heard my father—who, as a youth, was a Confederate soldier, badly wounded, and never regained his health—tell of the fact that in the first three presidential elections in which he participated, Negro Federal soldiers stood with fixed bayonets guarding the ballot boxes in the polling places.

I invite attention to these incidents, not in an effort to inflame people into thinking about events which embittered the Nation so greatly—because, so far as I am concerned, in my State we have long outgrown those prejudices, as the RECORD will clearly show—but in order to state for the RECORD what I believe will be the result of this legislation.

We cannot by coercion, by using unconstitutional means, go into States where the feeling is so deep, where the racial barrier is up, where the gulf is so great, and expect that the Federal Government through that kind of coercion, whether through sending troops—as has recently been necessary in the opinion of the Executive—into certain Southern States, whether by sending in examiners and registrars, as the pending bill would provide; whether by the taking over of judicial functions by the Attorney General as the pending bill would provide; whether by the naming—either by the courts or by the Attorney General—of poll watchers to be present while the votes are cast and while they are being tabulated, to be observers named by the Attorney General—by way of giving those observers rights and privileges which have never heretofore been given, even in Reconstruction days, to any individual official of the U.S. Government—we cannot expect, through such actions, to obtain good results. The bitterness and, I fear, the violence which will follow in the States where the problem is so great, will, I believe, make every Senator who supports the pending bill realize later the futility of his actions and the fact that not only have his good objectives not been attained, but tragic consequences of the kind he had not expected have followed.

Mr. President, let me read another short statement appearing in the article:

On April 3, 1871, County Clerk John Quincy Dickinson, reportedly one of the last Republican leaders in west Florida, was killed in Marianna as he was returning from work. A former Union soldier and Freedmen's Bureau agent, he had many bitter enemies because of his activities in connection with the sale of lands for delinquent taxes in Jackson County.

It is unfortunately the case that so-called carpetbaggers in county government, State government, and through many parts of the Southland, acquired great estates through the purchase of land for delinquent taxes, because they

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 sheriffs to deputy marshals, and various other county courthouse officials, were killed in the course of the 2 years' tragic effort to enforce a law which should never have been enacted.

Mr. President, to conclude, 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 troublous days through which we are passing, that 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 order, 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 learn through 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 are now doing.

Mr. President, enactment of the pending bill would be a tragic mistake. There is no question about it. I wish the RECORD to show that 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 intolerably 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 note reference to that. Continuing to read the article about the Ku Klux Klan, here is another paragraph:

President Grant ordered the Secret Service to investigate Ku Klux depredations 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 none of us deplores 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 path has been trod before 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 were members of an armed band which beat to death a Lowndes County, Ga., Negro named Thompson "because he was too good a Negro." Secret Service Chief Hiram Whitley reported that such organizations were trying to keep Negroes and others from exercising their civil rights.

Mr. President, this is not a new step. This is a step that has been taken before by conscientious people in Southern States, many of whom have solved this problem—and they are the States which have the greatest proportion of the Negro people—and they are still in the process of solving it. They are trying to solve it.

As I said the other day, one house of the Alabama Legislature passed a resolution submitting 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 other house of the legislature. But that shows how things are going.

When the 38th State, South Dakota, ratified the 24th amendment to the Constitution, the Georgia Legislature was sitting, and one house of that legislature had approved the ratification only an hour or two before final ratification took place in South Dakota.

Why is it that people are so hurried that they forget the facts of history and forget that human nature is still human nature, and forget that in this great melting pot, where millions of white Americans and nonwhite Americans live together, and until recent days in relative peace and quiet, that they insist on causing this kind of troublemaking, coercive, unconstitutional effort to centralize the Federal effort and to make people do what they ought to do, and what they will eventually do through experience and learning how to get things done peacefully?

Mr. President, I 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 also 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 good results from an act 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 mistaken if they think any good results 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 result of the passage 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 biographies of the four Senators who represented Florida in the first years of Reconstruction.

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

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 nationally but by ourselves, after 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 stripe to enforce the Federal will upon the beaten Southern States and to make citizens there conform to what men of the Stevens type thought they should conform to.

The first Senator 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, these 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.

They may have been very fine men. 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 the freed slaves—for Florida in 1865 and 1866, and settled in Tallahassee. He was a member of the State constitutional convention. He was elected as a Republican to the U.S. Senate—I quote this, because this is such a travesty upon the actual situation which resulted at the end of the war, which had been fought to keep the Union together and to keep all States in the Union—"upon the readmission of Florida," and 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 one 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 no more representative of the people of Florida 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 Lake City, Fla., in 1866. 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 1879. He did not run for reelection. He moved to Port Townsend, Wash., shortly thereafter, and died there.

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, besides an unconstitutional connotation, and that it was wholly against the thinking and desires of the people who lived in Florida and who had brought Florida up to 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 Adonijah Strong Welch. He was born in Connecticut. During the Civil War he served as a field officer in the 2d 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 Floridian and not a representative 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 as soon as the carpetbagger days 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 Gilbertsville, 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 citizens of that great State have contributed vastly and in a permanent way to Florida, because following 1877, Hayes was elevated to the Presidency over the Governor of New York, Governor Tilden. I shall always believe Tilden was really elected President—and I make this statement advisedly, for I cannot determine what the facts are. A distinguished commission of 15, by a majority and minority vote of 8 to 7, determined that Tilden had been defeated and that Hayes had been elected. But one of the factors which played a great part in the determination was the promise of President Hayes to remove 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 areas such as our State was, to take that long to find out that the Reconstruction approach was wrong and that the voting approach taken in 1870 by an act in many respects quite similar to the pending bill was destined to failure, and that it brought 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 troops were withdrawn. Federal observers at the polls were withdrawn. Now we are trying to put some Federal observers back in those several States which, unlike Florida, are 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 come to help us make a great State. We have made a 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.

They 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 a prosperous and a great State. 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 distance 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 found by the imposition 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 out of the picture, to a great extent, one of the three separate branches of government which our Constitution enthroned and expected to keep there, is wrong. Any legislation which seeks to give to one executive officer, the Attorney General in this case, the power by his finding to pass down a decision which is not appealable to the courts, and which controls the voting practices and the voting destinies of millions of people in our Nation in their own States is wrong and is doomed to failure.

Any legislation which gives to the Attorney General and the courts in distant places the right to send in poll watchers to make sure that we do the right thing in certain States of the South—and Florida does not happen to be one of them, Mr. President, for which I am very thankful—is doomed to bitterness, misunderstanding, and the violence which follows. If Senators will stop to think for a moment, they will see what is happening in States where the Federal arm has already gone in and asserted itself through the sending of marshals, soldiers, and Assistant Attorneys General, and through the bringing of every conceivable sort of suit to force people to do what they are going to do only when they realize that it is the right thing to do and that they must do it in order to preserve the American way of living among the people of that State.

Mr. President, it is a horrible mistake that the Congress of the United States is about to make. I do not know whether the courts will uphold the proposed legislation or not. From the very great display of emotion and applause given by members of the Supreme Court who were present at a recent joint session in the House of Representatives, it may well be that the present Court will uphold it. That does not touch the question. The question is whether the people in their minds and hearts will accept this kind of approach, or whether, instead, they will become embittered, driven to violence, and driven to clandestine organizations, such as those which are now appearing.

They 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 reaction. 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 son of a Confederate veteran. 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 resented to their dying day the fact that instead of a peaceful effort being made to bring back together the people of this Nation, 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, and as great a blot upon the records of all 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 them it was unconstitutional. He vetoed the Reconstruction Act and other similar acts.

While he was impeached, the effort to convict him failed by only one vote. Emotionalism and sentiment in this 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 time said, "We are going to 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 that the proposed legislation will 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 resent 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 it be distinctly 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 in 1865 and the years following. 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 RECORD 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 disliked 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 when this bill is passed.

There are not enough people who will listen to that voice of reason, whether it comes from me or from thousands of others, but who instead will, just as was done in Reconstruction days, take the law into their own hands. Everything that has happened in recent months shows that clearly, whether it has happened in Alabama or Mississippi, 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 an indication of the voice of 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 seriously 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 little in taxes, owns little property, has 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 understanding and peace, but 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 hope for.

It is in that spirit that I am stating for the RECORD 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 rest of the Senate was willing to say 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 willing to fight 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 any effort to tell 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.

The PRESIDING OFFICER (Mr. INOUYE in the chair). 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 (Mr. INOUYE in the chair). Without objection, it is so ordered.

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—one of the greatest men I have had 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 halt this headon 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 more than ever 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 S. 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 relentlessly 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 panicky response to this expediency, to the demonstrations and to the emotional hysteria of the day, shows its willingness and even eagerness to yield to the demands of every group or movement that takes to the streets, where 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, and then there are ordinary lies.

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 voting rights?

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 conform to those who say they will obey only those laws 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 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 having it ratified by a simple majority of the members of the Supreme Court of the United States. Under this method proposed by the proponents of S. 1564, the amending process requires ratification by only five men, instead of the legislative bodies or conventions of the people of three-fourths of the States, as prescribed in the Constitution itself. The proponents of this proposal are saying to us, "Now that we have laid the Constitution to rest, we shall have no regard for its own last will and testament, and we shall at our own will decide how to distribute the last vestiges of its remains."

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.

With one fell swoop, 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.

With one fell swoop, the proponents of S. 1564 would amend the Constitution of the United States by nullifying the very provisions of the Constitution that provides for its amending process, article V, by amending the Constitution without the two-thirds vote of both Houses of Congress and the ratification of three-fourths of the States, as required by it.

With one fell swoop, the proponents of S. 1564 would amend the Constitution of the United States by nullifying article VI, which again provides that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial" for the same reason that it nullifies section 2 of article III.

With one fell swoop, the proponents of S. 1564 would amend the Constitution of the United States by nullifying article VIII, which provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted" by punishing the people of a State for 5 years hence for some act that may have taken place 4 years and 11 months ago.

With one fell swoop, the proponents of S. 1564 would amend the Constitution of the United States by nullifying article X, which provides that "the powers not delegated to the United States by 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 set voter 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 2 of article I, that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures" by invading this right and controlling the State's machinery regarding 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 make certain that there would be a proper means for amending the Constitution, but, at the same time, insured that it be so devised that any amendment would clearly reflect the will of an overwhelming majority of the people and not a few at any given time in control of the Government.

In his Farewell Address, George Washington cautioned to resist "the spirit of innovation" upon the principles of the Constitution, "however specious the pretexts." He said that "facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion"; and that in any event, should a "modification of the constitutional powers" be necessary, it should be made "by an amendment in the way which the Constitution designates."

"But let there be no change by usurpation," he warned.

Mr. President, once we have introduced this new method of changing the Constitution—this change by usurpation—into our way of government, the cornerstone and basis of our society of laws will crumble like sand. 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 same thing from happening again and again every time a mob or demonstration presses its demands upon the Congress? What then will protect us from future demagogues on any issue whatever who, through manipulation of mass emotion and hysteria, force the enactment of measures which similarly flaunt our basic constitutional provisions? What then will happen to our constitutional rights—to the Constitution itself—and what then will be the course toward which our Government and our country will be directed?

These are the questions that I ask each and every one of us to seriously and conscientiously ponder. I ask Senators this as an American. I ask Senators this in appreciation of those before and in concern for those ahead. I ask Senators to take a long look at the road ahead and see where all of this may lead us. I would remind the Senate that delay is preferable to error. The easy course today may be appeasement and even surrender to the emotional demands for legislation which clearly repudiates the Constitution; but may I say that we do this at an exorbitant and dangerous cost to the generations of Americans who will come after us and we breach a trust to those who came before us—who gave us our constitutional system—and to those who have given their lives to preserve it. For, when we leave a system of government of laws for a government of men in response to the clamor and expediency of the day, we give open invitation to the dangers and possible destruction of which we have been warned.

Two thousand years before the Virginia Convention of 1788, where this abiding truth was to be more eloquently

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 the law and says this:

> 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, Aristotle declared—unaffected by mass hysteria and emotion, by demonstrations and sit-ins, by political thirst and political power and, above all, by expediency.

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 10th and 17th amendments of the Constitution. Under this reserved power the States have 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 in this instance, what other parts of the Constitution can ever again be regarded as inviolate?

Not only would this bill usurp the constitutional powers 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 Judiciary Committee, a part of the "old Confederacy." I submit, Mr. President, that these are indeed weird standards by those who are supposed to represent all of the people of the United States, and the Attorney General's own testimony puts us on guard as to the real purpose and meaning of the bill before us.

The bill would give one Federal official, the Attorney General, the power of decision in regard to which States may or may not enforce their existing voter qualification laws, and which are to be taken over by Federal registrars. The bill would prevent any State seeking relief from arbitrary enforcement action by a Federal officer from going into any U.S. court, other than the District Court for the District of Columbia. This unprecedented restriction is an insult to the integrity of the Federal judges in the Southern States, and impugns the honor of the entire Federal judicial system. The bill would by legislative fiat determine and declare that the right to vote is being denied in four States because they collect a poll tax as a prerequisite to voting. It would provide that if the constitutionality of poll taxes is sustained by the courts, the Congress shall then be empowered to override the court's decisions and regulate the payment of poll taxes in the four States involved. Provision by provision, the bill goes on in the same harsh, punitive and discriminatory way.

I may say, Mr. President, that in my last speech on the bill I discussed the matter of the poll tax. What an inconsequential, vanishing phenomenon it is today. As I said, in my State of Alabama the poll tax is $1.50. We cannot go back for more than 1 year in the collection of it. The maximum, therefore, is $3. Every cent of the dollar and a half goes to the public schools for the education of the youth of the State of Alabama.

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 fix and regulate voting qualifications in the individual States. It pretends to justify any action by the Congress on the basis of the appropriate legislation clause of the 15th amendment.

In fact, Mr. President, S. 1564 can pretend no such thing. History shows that the 15th amendment does not justify any such contention that Congress has any such power under the 15th amendment. The history of the 15th amendment and the debates and the proceedings in Congress at the time it was adopted make clear beyond the shadow of a doubt that the proponents and sponsors of the amendment had no intention of giving Congress the authority to fix and regulate 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 suffrage by "appropriate legislation." There is an assumption only of the potential right to vote. There is no assumption of a vested right to vote. The potential right to vote can become actual only by a law of the State, or in a territory by a law of Congress. There is no mandate that the actual right shall be conferred in either case. The only mandate is that, in conferring it, the grant must be impartial among all citizens. The plain import of the amendment, therefore, is that when the right to vote is granted, it must be impartially granted; but it is always competent to the State to declare that "when."

As we see, Mr. President, it is abundantly clear that the 15th amendment was not intended to give Congress the power to strike down State literacy tests, to set voter qualifications, or to regulate State poll taxes. A long line of Supreme Court decisions have confirmed that the power to set voter qualifications, by the language of the Constitution, rests with the States and confirm that neither the 14th nor the 15th amendment gave the Congress the power to change this by legislative fiat.

The proponents of S. 1564, however, argue that in some States, literacy tests and other means are used to exclude Negroes from voting in violation of the 15th amendment and, therefore, that this legislation is necessary to protect certain constitutional rights. They argue then that we must destroy the Constitution in order to preserve it.

I contend again, however, that there is a lawful and orderly way to accomplish any desired result through amendment to the Constitution in accordance with the procedurces outlined in article V. I contend again that it is not necessary to destroy the Constitution or any provision of it in order to preserve it, and that if it is, a requiem at this time would be more appropriate than a vote at this time.

In one of my last speeches on the bill I cited not one, not two, not three, not four, not five, but a number of cases which guarantee that a person shall have the right to vote regardless of race or color. It is a matter of going into court and having these statutes enforced.

Fenet, the French statesman, in making a report for the revision of the law of France and the adoption of a civil code, and having in mind the failure of the French Revolution in its effort to take leave of past thought and achievement and to set up a new social and governmental system based upon supposedly new ideas, gave expression to a maximum which should not be forgotten. It recites:

> It is better to preserve what it is not necessary to destroy.

I ask you to think of this maxim for a moment—

> It is better to preserve what it is not necessary to destroy.

For this is the basic proposition that must be resolved in your minds and in your hearts before a vote is cast on the proposal before us. It is better to preserve the freedoms and the liberties the Constitution guarantees us, as long as it is not necessary to destroy it.

It is an endless process, Mr. President, to preserve liberty.

Liberty cannot be forced by the bayonet nor granted by the rash act of a legislature. True liberty is gained through the orderly process and can only be preserved by it. This has always been and always will be.

The overriding issue at stake here is whether we are going to uphold the orderly process, or whether we are going

to succumb to those who teach civil disobedience and call for demonstrations and street scenes to provide it.

The question is 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 continue to live by the Constitution, or whether we are going to abandon it to meet the demands of the hour.

The question is simply whether we are going to nullify and amend the Constitution by statute, or whether we are going to adhere to the provisions of it that provide the orderly way for change.

And this is the question, Mr. President, that each of us must answer before we cast our vote on S. 1564. For this legislation, by its enactment, would nullify and repudiate vital provisions of the Constitution and destroy many of our legal institutions.

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 rededicate ourselves to it and to "pledge our lives, 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 which the Constitution designates. 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 been by the Constitution that it has survived.

It will be by abuse of the Constitution that it dies.

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

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 historic words are the focal point of one of the major issues before Congress—and before the people.

Without question this amendment has not only been ignored but brazenly abused in some areas of our Nation. Its basic guarantees have been willfully denied to the Negro of the South and to other racial groups elsewhere. Efforts to correct this flagrant wrong in State and Federal courts and at local government levels have failed. Now Congress has turned at last to the second paragraph of the 15th amendment: "The Congress shall have power to enforce this article by appropriate legislation."

Our duty is clear. We in Congress must take every necessary step to guarantee the right to vote to every American equally. This is why the voting rights legislation proposed by the President and now before the Senate will be enacted.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER (Mr. BASS in the chair). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming [Mr. MCGEE] on his own time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGEE. Mr. President, I thank the distinguished Senator from Mississippi for yielding to me at this time.

PROBLEMS OF THE DOMINICAN REPUBLIC

Mr. MCGEE. Mr. President, I wish to address myself to a column that was published last evening in The Evening Star. Since the subject is not germane, I ask unanimous consent that I may proceed to speak on the question at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGEE. The column by Mr. Charles Bartlett is entitled "Problems in 'Casting' Dominicans." The burden of Mr. Bartlett's article is that many of the reports of the crisis in Santo Domingo have stemmed from efforts on the part of some making those reports to pick out the "good guys" and the "bad guys" and contrast them with one another, when, as Mr. Bartlett aptly points out, neither are all good or all bad, and one is not clearly distinguishable from another.

It is in the pattern of that complexity that the American people have been asked to formulate their judgments in regard to what is transpiring in the Caribbean. In the conclusion of his column, Mr. Bartlett writes—

> Preconceptions of American clumsiness in Latin affairs persist from the days before 1958 when few of the problems and realities had been recognized. The crisis in Vietnam has encouraged an hypothesis that reporters may be more perceptive than the officials on the scence.
>
> But the lesson of Fidel Castro, on whom many of us erred, was that the United States cannot afford to be mistaken on the nature of the men who seize power in neighboring republics. This lesson should inspire deep patience with the President's wariness in forming a coalition to govern this pulverized country.

Mr. President, there are those of us who can criticize and freely criticize. We ought always to be able to do so in this country, and we can even criticize with the luxury of not being responsible for our criticisms. We can criticize with sincerity, and if we are wrong, there is no major disastrous consequence.

But the President of the United States and those directly responsible to him cannot enjoy that luxury. They must be right, if possible, the first time. That is the essential difference between critics and those who carry the frightful burden of decisionmaking both in the Dominican Republic and in Vietnam, as they seek the wisest possible courses of action that will survive the tests of the future and the reflections of hindsight.

Therefore, I would hope that we could do a great deal more than we have been doing until now to get before the people of our country the real complexities and the contradictions and the befuddlements of the many overlapping and intertwined issues in both of those areas of the world in order better to understand the need for the kinds of decisions that we ultimately make.

The attitude, all too prevalent, that any person who runs casually through those torn countries can make a better judgment and a better decision than someone whose neck is really on the block and who has to bear the consequences of the decision, is one of the failings that we find in our midst at this time. I should like to believe that we could find a way to correct some of the misstatements that have been made or some of the partial statements that are being made at this time.

I have encouraged the Secretary of State to consider accepting questions in a more public way than he has until now from whomever he designates, or whatever segment of our critics would seem appropriate, and to respond to those questions in a better way, more than merely in print—preferably in one of the communications media of the air, on radio, TV, or both—in order that the difficulties involved can be eliminated and the separation of fact from fiction can likewise be more accurately made. Such a course would contribute a great bit in the sense of public information, and thus public understanding, of what is transpiring in both of those areas.

I am firmly convinced, after pursuing the subject as closely as one can from this position, that the President has followed the problem with extremely great patience and insight, and that our policies are beginning to show their real substance and strength. But it will require a little more time than some of the quick reactions that we have been reading about or are being told about would allow for. So I call special attention of the Members of this body to the column by Mr. Bartlett in the Evening Star of yesterday, and I ask unanimous consent that the column be printed intact following my informal remarks.

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

[From the Washington (D.C.) Evening Star May 25, 1965]

PROBLEMS IN "CASTING" DOMINICANS

(By Charles Bartlett)

The roots of the discord between the Johnson administration and segments of the press over the crisis in the Dominican Republic are tangled and deep.

The Government officials in charge of the Dominican nettle do not cloak their anger and dismay at the tendency of some important reporters in Santo Domingo to portray the United States as the suspicious party, the rebels as the heroes, and the junta leaders as the villians in the messy situation.

The anger is goaded by instances in which these reporters appeared to be stretching isolated instances to support a contention that U.S. policy is aimed in fact at crushing

the rebels and installing rightwing authority.

This is a shortcut that some have urged and that President Johnson has doggedly resisted. It is the answer that is no answer but it attracted those whose concern with the larger consequences was dwarfed by the drama on the scene.

This outlook infected many Americans in Santo Domingo, particularly those who had watched American boys fall to snipers. One wrote last week, "If the fools who sit and deliberate what must be done and how wicked intervention is could see their own blood spilling out, they might decide that drastic action is necessary."

Johnson's need to avoid the trap of this emotionalism led him to supplant the diplomats on the scene with John Bartlow Martin and to direct Secretary of Defense Robert S. McNamara to put the U.S. forces under a general "who didn't wear his stars too heavily." The President has reflected an awareness throughout the crisis that he must justify his intervention by installing a broad-based government.

His show of support for Gen. Antonio Imbert Barrera was criticized as a move to impose a strong man. Some insist that he was only diverted from this course by the flurry of press criticism. Imbert performed the useful function of replacing Gen. Wessin y Wessin, and some, including Martin and the papal nuncio, believed he might become a rallying point. When this possibility faded, the President dispatched the Bundy-Vance mission.

In covering these developments and the subsequent moves to establish a coalition weighted toward the rebels, the reporters who flew into Santo Domingo were seriously handicapped. They were largely strangers to the incredibly complex Dominican scene and they could not be kept closely informed on the delicate maneuverings that were underway.

The most insidious myth that confronted them was the idea that the contenders could be divided into good and bad men. All the major figures on both sides have been badly warped by the long dictatorship and they defy any ready classification.

Juan Bosch had the opportunity, for example, to become a heroic figure by asserting his leadership in the chaos created by his followers. But his courage failed him and he remained in Puerto Rico. He must now defend his self-respect by denouncing the United States.

Rafael Fernandez, a Bosch favorite whose death last Wednesday added new bitterness to the crisis, will almost certainly become a martyr. He was a promising and popular individual. But curiously he served as deputy director in the Trujillos' secret police in the period after the dictator's assassination when these police was imposing brutal revenge in many quarters. Later assigned to the Dominican Embassy in Spain, he became involved with a Communist cell. It is difficult to gage such men.

Preconceptions of American clumsiness in Latin affairs persist from the days before 1958 when few of the problems and realities had been recognized. The crisis in Vietnam has encouraged an hypothesis that reporters may be more perceptive than the officials on the scene.

But the lesson of Fidel Castro, on whom many of us erred, was that the United States cannot afford to be mistaken on the nature of the men who seize power in neighboring republics. This lesson should inspire deep patience with the President's wariness in forming a coalition to govern this pulverized country.

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. STENNIS. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 32 minutes remaining.

Mr. STENNIS. I thank the Chair.

I believe it is a fair summary to say that instead of devoting a little time to the application and enforcement of the Civil Rights Act of 1964, which fully covers many fields, including voting rights, the pending bill was put together hurriedly, without caution, because of the pressure of the marchers. It is a bill that was introduced as a matter of political expediency. It has had that tone and tenor all the way through.

Another aspect of the matter relates to the far-reaching provisions of the Civil Rights Act of 1964, which was a revolutionary act. There has not been enough time since its passage for people in many areas of the country to adjust to it and for the rank and file leadership at the various political levels of government really to understand how it applies to them, what their duties are, and what they can do as a practical matter to stand behind the law of the land. Whether the people like the law or not, almost everyone is willing to abide by it.

It is a double tragedy that even though we already have that law, and this rush order, as I have already mentioned, has been given to meet the marchers' demands, even without allowing time to apply the law, the actual provisions of the proposed law invade some of the most sacred and most important and essential parts of the Constitution of the United States.

I come quickly to the part that I believe is most vital; that is, the part that invades 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 voter qualifications, including one on which there should not be any real difference of opinion; that is, a simple literacy test.

I am impressed by the fact that the Senate in 1 week passed a bill with reference to extending the educational processes in the Nation, even in the elementary schools, and only a few weeks later, by a meat-ax method, is considering a bill to abolish literacy tests in large areas of the country, even to the extent of the ability to read and write.

I have also noticed in all that has been said, from the White House, from the Attorney General's office, from the floor of the Senate by the proponents of the measure, and in the press, that nothing has been said about the responsibilities of citizenship with respect to voting. That has not been emphasized. Everything that is emphasized relates to rights—so-called rights. Nothing is said about obligations. Everything is said about rights; nothing is said about responsibilities.

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 underlying principles of self-control and self-improvement.

I believe 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 control, some kind of qualifications established to regulate the voting privilege. It is not a right; it is a privilege. In one of his writings on self-government, the great Woodrow Wilson, a man of strong moral courage and intellectual capacity, and having a spiritual reservoir that lent strength and judgment to his every act, said:

> Self-government is not a mere form of institutions, to be had when desired if only proper pains be taken. It is a form of character. It follows upon the long discipline which gives a people * * * the habit of order and peace and common counsel and a reverence for law which will not fail when they themselves become the makers of law.

Any comment by me upon those marvelous words of wisdom from the pen of that truly great man would be superfluous. I shall only say that he summed up in those words the meaning of self-government. It depends upon a form of character that results from processes of self-denial. That should be the watchword today, rather than the general idea that everyone's salary will be increased, everyone's welfare payments will be increased, and that poverty will be abolished without any attempt at self-help.

The abolishment of qualifications for electors, of literacy tests, and of other requirements that I have mentioned is a myth. It is a myth that will lead us down the road to self-destruction.

The worst feature of the bill is that it undertakes to suspend the Constitution. It does not meet head-on the contention that the qualifications of voters must be valid; that the literacy tests are valid. The courts have recognized their validity. A former Attorney General can be quoted to that effect, and so, I think, can the present Attorney General. The bill does not meet that proposition head-on but seeks to suspend the Constitution of the United States. Under the guise of enforcing one provision, the bill proposes to suspend the Constitution in other particulars. One provision of the Constitution cannot be suspended on the ground of enforcing another. The bill sets the most dangerous of precedents for the future by providing that the Constitution, including the 15th amendment, can be enforced by letting Congress write the remedy. I verily believe we have already written that remedy by the provisions of the Civil Rights Act of 1964.

The operation of the remedy must be through the judicial processes, through the courts. The courts must be kept open. The pending bill literally would close the doors of the courts to a large segment of the citizenry of our country. It is essential that in a republican form of government the courts remain open to the people. We propose, in effect, to close even the Federal court with the exception of this small avenue of remedy which would be available in the courts of the District of Columbia. The District of

Columbia is more than 1,000 miles from the place where the litigation may arise.

I believe that it is absolutely essential to due 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 litigants, 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 States be kept 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 unheard 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 groups with political demands 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, sailing along here under the guise of enforcing the 15th amendment, we launch out into a wholly different territory and argee 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 overrule 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 as it pertains to voting rights. If the amendment pertaining to 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 far-reaching 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 philosophy foreign to many traditional concepts of constitutional government in this Nation. I believe that S. 1564 is unreasonable, unwise, and unnecessary legislation. However, even if one assumes 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, 1953—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 he listed as:

(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 due process of 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 the matter of 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 such a philosophy 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 United States, presupposes the existence of a central government, composed of autonomous political entities, or "States," which have joined together for common purposes. The Central Government is delegated such powers as the States may determine necessary, and the remaining powers, or residual powers, continue to be vested in the States. Within the realm of these delegated and reserved powers, each government is sovereign; the powers of one may not be assumed or denied by the other. The authority of the Central Government is supreme, of course, in areas of common jurisdiction, but there is no Federal supremacy in the absence of authority specifically delegated to the Federal Government.

This is the plan of government set forth in the Constitution of the United States, with the powers of the Central Government clearly defined.

The proposed Voting Rights Act of 1965, now pending in the Senate, violates and casts asunder the doctrine of federalism. Although the Constitution clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voter qualifications, both for the Federal and State elections, S. 1564 would deny to certain States the power to exercise this constitutional authority.

The specific provisions of the Constitution dealing with this power are so 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 the exclusive jurisdiction of the States in this field, but nevertheless advance the argument that the Congress has the power to "suspend" the exercise of that power under the guise of enforcing the 15th amendment. Granted that the Federal Government is delegated certain authority under that amendment to prohibit the denial or abridgment of the right to vote on account of race or color, that provision of the Constitution cannot be given a favored position to the extent of abrogating other valid and equally important provisions.

I know the Milligan case has been cited and explained in this debate before, but it is such a fine, shining light of constitutional government that I pay my great respects to it and the court that announced it 99 years ago this month. The case arose during the Civil War, in the State of Indiana, where a man charged, in effect, with treason was arrested and tried by a military court without a jury, found guilty, and sentenced to be hanged. His lawyer sued out a writ of habeas corpus which reached the Supreme Court of the United States. That court held that even in time of war, even in time of rebellion, when the lifeblood and very existence of the Nation was in doubt, in any area of the Nation where civil courts were still open the man was entitled to be tried by the civil court. He was entitled to a trial by jury, rebellion or not, guilty or not, and the Constitution could not be suspended even in time of war, when the very existence of the Government itself was challenged and in doubt. That case, from that time until now, has been a tower of strength, light, and guidance for the courts and for the Congress. But if we pass this bill and it should be upheld, then that great principle would be placed in the rubbish can, on the dump heap, and trampled upon, until there was no life in it, unless, at some saner time and saner moment it should be revived by some court or some Congress.

Mr. President, may I ask how much time I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes remaining.

Mr. STENNIS. I thank the Chair.

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 Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence.

Let me emphasize, Mr. President, that the Court stated that no provision of the Constitution may be "suspended during any of the great exigencies 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—it could not be 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 whatever term one might want to use, this dangerous, deadly precedent will be here, stirring the Congress and the courts in the future. It is an obliteration of the protective features 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 matter of voter qualifications—certainly, those that are reasonable—and the most reasonable of all is the requirement of a simple literacy test.

To continue with my statement, the same principle applies to any provision of 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. This assault on the powers of the States is a direct violation of our Federal system of government; it is a basic assault on the most delicate of all Federal-State relationships, for if the States are not allowed to regulate and control the election of their public officials, and by indirection establish the qualifications of electors in Federal elections, the States will be reduced to mere nonpolitical 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 functions of any government: the legislative, executive, and judicial. To insure that a grant of limited power does not become absolute power, our Constitution delegates 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 functions. Subject only to 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 of 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 legislative and judicial authority and by delegating to the Federal judiciary certain powers which are inherently executive in nature. Sections 3 and 5, for example, give the Attorney General and the Federal District Court in the District of Columbia the power to veto a State legislative enactment. Never before in the history of this Republic has an executive officer of the Federal Government been given power to either approve or disapprove an act of a State legislature, but this bill would do so. It is just as incomprehensible that a Federal court be given the power to review a State law as a condition precedent to that law becoming effective. No case or controversy would be presented to the court, nor would there be an adversary proceeding, but, under the terms of this bill, a State or political subdivision subject to section 3 or 4 must either ask the Attorney General's permission to change a voting law or it must come all the way to the District of Columbia and ask the Federal district court for permission to enact any new law dealing with voter qualifications or procedures.

I think the pending bill is the greatest slam 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 judiciary and to the legislative branches and vests them in the executive. It closes the doors of the courts in large areas of the country and states that they are not qualified to pass on these cases, when almost every one of these judges was selected by the Department of Justice itself, in large part—certainly approved by it and by the Senate.

This proposed law transgresses the lines between the legislative, the executive, and the judicial, time and time again, with reckless abandon. With all deference to those who wrote it, it reads in places as though a schoolboy had written it insofar as having respect for constitutional provisions and separation of powers are concerned.

It is inconceivable to me, Mr. President, that anyone, and especially anyone with legal training, could propose the enactment of sections 3, 5, and 8(b), which so clearly violate the principles of federalism and the separation of powers outlined by the Constitution of the United States. To do so under the guise of the power of Congress to enact "appropriate legislation" under the 15th amendment is to give that article a position of superiority to other constitutional principles. Certainly, Congress may enact appropriate legislation to enforce the protection afforded by the 15th amendment, but it cannot do so in a manner directly contrary to and inconsistent with other provisions of the Constitution.

One of the most precious concepts of English jurisprudence, Mr. President, is the principle that society should be ruled by a government of law and not of men. As our strongest weapon against communism, we advance and promote the rule of law; to take pride, and justifiably so, that no man should be given power to act arbitrarily or without restraint. Yet the pending bill would grant to the Attorney General of the United States the power to make determinations and to take action not subject to appeal or judicial review.

Section 4(b) specifically provides that a determination by the Attorney General or the Director of the Census under that subsection, or under section 6 "shall be final and effective upon publication in the Federal Register." Both sections mentioned require factual and subjective determinations, but power is given to two individuals to make those determinations, free of any review or restraint. It is no salvation for the constitutionality of this provision to state that the power thus granted will not be abused, for as Chief Justice John Marshall so clearly stated:

> The constitutionality of a measure depends, not on the degree of its exercise, but on its principle. (*The Providence Bank* v. *Billings et al.*, 29 U.S. 514 (1830).)

A government limited only by the discretionary exercise of power by individual holders is not a government of law but a government of men. Under the bill now being considered, the Attorney General is given such power—restrained only by his discretion.

The fourth principle mentioned by Dr. Corwin as a determining factor on the effectiveness of restraint on governmental action was "the no longer prevalent substantive doctrine of due process of law and attendant conceptions of liberty." By this statement, Dr. Corwin meant the increasing disposition on the part of the Supreme Court to invalidate legislation, not on substantive grounds but rather in terms of governmental infringement with the basic liberties protected by the Constitution. In other words, the Court is now disposed to look to the real effect of legislation; if basic liberties are infringed, the statute will be struck down.

I submit, Mr. President, that S. 1564 clearly violates the meaning of the due process of law clause. While the Court has extended the protection of that

clause to embrace many basic liberties, it is now proposed that the Congress take from certain States their unquestioned constitutional authority to prescribe voter qualifications. This action would be taken, not after a judicial determination and a finding of guilt, but on the basis of an arbitrary statistical formula and a factual determination of conditions which had existed in the past. This is a clear denial of due process, which the learned Daniel Webster defined as "a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial." Under section 4 of the bill, there will be no hearing; there will be no inquiry; and there will be no trial. But judgment will be pronounced against certain States upon passage of the bill—a judgment that those States are automatically guilty, not on the basis of present acts but on the basis of facts which existed during the month of November 1964. Not one charge need be brought against those States, nor a scintilla of evidence presented; without trial or hearing or judicial proceeding of any kind, these States would be automatically found guilty. There is no consistency, Mr. President, with such a law and the requirements of due process.

There are many other sections of the bill, in addition to those I have briefly discussed today, that raise serious constitutional questions. Section 9, for example, recites that evidence has been presented to Congress that the poll tax requirements of certain States violate the constitutional right of citizens to vote. On the basis of that evidence, a directed verdict is sought from 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 to the affected States the 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. This constitutes nothing less than 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 opportunity, however, let me summarize my objections to S. 1564 in this manner:

First, it presumes the guilt of certain States, not on the basis of evidence presented in a judicial proceeding that those States are presently violating the 15th amendment, but on the basis of an arbitrary statistical finding of facts which existed in the past; second, on the basis of that presumption, certain constitutional provisions are suspended so as to deny the rights of the States to establish voter qualifications and requirements. First, the presumption is invalid, and second, Congress does not have the authority to suspend any provision of the Constitution at any time for any reason. Herein lie the fatal defects of this proposal.

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, incorporates methods which may be considered "appropriate legislation" under section 2 of the 15th amendment. If it exceeds the grant of authority to Congress under that section, or if it conflicts 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. It violates 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 provide legislative authority not granted by the Constitution. I am reminded of the great wisdom of the Supreme Court when it stated in *A.L.A. Schechter Poultry Corp. et al.* v. *United States*, 295 U.S. 495, 55 S. St. 847, 79 L. Ed. 1570 (1935), that:

> Extraordinary conditions may call for extraordinary remedies. But the argument necessarily stops short of an attempt to justify action which lies outside the sphere of constitutional authority. Extraordinary conditions do not create or enlarge constitutional power. The Constitution established 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 at liberty to transcend the imposed limits because they believe more or different power is necessary.

I urge the Senate to heed these words, Mr. President. Look not at extraordinary conditions which existed in recent weeks, but look to the Constitution.

Mr. HILL. Mr. President, will the Senator from Mississippi yield to me, on my own time?

Mr. STENNIS. I am glad to yield to the Senator from Alabama.

Mr. HILL. I commend the Senator from Mississippi on the fine and able speech he has just made, in the course of which he made reference to the case of Ex parte Milligan.

I have long believed that the speech which Jeremiah S. Black made before the Supreme Court of the United States representing Milligan was the most magnificent speech in all of Anglo-Saxon judicial procedures—and I use the word "Anglo-Saxon" because I include England, Scotland, and Wales along with the United States.

Let me say that magnificent as Mr. Black's speech was, the Senator from Mississippi has assuredly, in his speech today, proved himself worthy in every way to be associated with Jeremiah S. Black, in the latter's speech made on behalf of Ex parte Milligan.

Mr. STENNIS. I thank the Senator from Alabama very much for his most generous words. He is very capable and knowledgeable on this subject. He made an excellent speech today.

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 the fact that neither 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 should 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 follow:

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 took place 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 registration or voting, thereby punishing 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 officials regulated both personal and property rights in the South. The bill can lead us into another "tragic era."

Sixth. Our lines of distinction between legislative, executive, and judicial functions of government are completely obliterated by this confused measure. It is as though our accepted principles in these fields were all thrown together in one ball 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, which 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 in court proceedings and examiners 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 fortunately, but litigants must go to the District of Columbia and shoulder the burden of proof in court.

Eighth. Congress, under the present poll tax provisions of the bill, is attempting to constitute itself a factfinding jury without sufficient evidence before it. It is imploring the Supreme Court to outlaw poll taxes as a prerequisite of voting when the Court has stated already that a State may impose poll taxes as a prerequisite of voting if it so choses. This is unconstitutional both in substance and in procedure. It should be beneath the dignity of Congress to stoop to such a ridiculous level.

Ninth. The bill will foster and promote a denial of the equal protection of the laws. Side by side in at least two States there will be counties in totally unequal status as to literacy tests and other election procedures that have been approved in the Supreme Court.

On this subject I will allot myself additional time and go into more detail.

As originally drawn, it would appear from available statistics that the bill would apply to 6 Southern States, Alaska, and 34 counties in North Carolina. The Judiciary Committee added the 20-percent provisions on line 10 of page 6 which would appear to release Virginia and Alaska as States from the bill because, I understand that Virginia's voting-age Negro population is 18.9 percent of the total voting-age population. At the same time, the bill would cover several cities and counties in Virginia where less than 50 percent of the voting-age population voted last November in the presidential election, and wherein more than 20 percent of the adult population is nonwhite. I simply point this out with no malice whatsoever to the great Commonwealth of Virginia, but merely to show that this bill if enacted into law will not only punish merely a section of the Nation, the South, but it can cause great confusion and inequalities within a single State when one county or city is affected 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 it starts by virtue of mere percentages and the fact that a test or device was maintained. Once the bill becomes applicable by these cold and unjust standards, then 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 a plain reversal of 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 bow down and conform to the most peculiar judicial procedures set forth in the bill. The Judiciary Committee changed the court structure part of the original bill considerably, but it still leaves an unbalanced and hard to understand court procedure authorized by the bill. I question the soundness of these procedures, and I most seriously question tampering with the jurisdiction of a U.S. 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, no declaratory judgments or injunctions 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 20—star print.

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 nondiscriminatory practices in voting for a period of 5 years or resort to the 50-percent 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 point out specifically 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 preventive 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 aggrieved 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 another substitute.

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 field of voting rights was 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 various civil rights organizations 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 agitators, however, seemed to prefer the course of national publicity rather than 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, giving a very powerful and widespread effect to existing laws on voting rights, when S. 1564 was introduced. This bill was introduced on March 18, apparently in the attitude that the Supreme Court decisions allowing a whole sovereign State to be sued to protect the voting rights of Negroes were not sufficient.

These cases give very powerful methods of using 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. 128, 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 District Court's discretion 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 them. I cite them to show that present law can be broadly applied, in a manner that appears constitutional to the Supreme Court, and in such a way that it will not completely tear down 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 statement 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 present bill condemns 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 to determine the qualifications of voters.

In the case of *Lassiter* v. *Northampton County Board of Electors*, 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. In our society where newspapers, periodicals, books and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

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 adopted May 20 allowing 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) on page 7 of the original bill authorized the Civil Service Commission to issue regulations governing examiners hearing cases. It provided that the Commission, after consultation with the Attorney General, shall "instruct examiners concerning the qualifications required for listing."

In other words, under the original bill, the Commission and the Attorney General could determine voter qualifications, which the Constitution says that the States can determine. Outwardly section 6(b) appeared to be only a procedural section, but any intelligent lawyer could readily see that adding the word qualifications in line 22 changed it from merely procedural to substantive, as well, and I thought that it was unconstitutional. I appeared before the Judiciary Committee against this bill, and I told them that this provision was quite flagrantly unconstitutional. They changed the section and deleted the specific language that I opposed. I tried unsuccessfully to have the Senate further amend the bill to make it unmistakably clear that State law must be followed.

The Commission may now instruct examiners under section 8(b) on State laws not inconsistent with the Constitution and the laws of the United States with respect both as to qualifying to vote and as to loss of eligibility. Thus, by administrative action, arbitrary rulings can be made on the constitutionality of State laws. This merely adds to the hopeless confusion of the bill. Under this provision, examiners become judges and the Commission becomes a Supreme Court issuing rules and orders on the constitutionality of State laws. If it be the intent of the bill to appoint judges, it should so state. I want the lawyers of the Nation to join me in noting that administrative officials carrying out regulations are not judges, and they and their superiors should not be clothed with judicial powers. Also, I would like to ask where there are any provisions spelling out what constitutes due process of law in the many matters in the discretion of the Attorney General under this bill. Since the bill is one to enforce the 15th amendment, I am afraid that the drafters forgot about due process of law under the 5th and 14th amendments. Future litigation will probably show what I am talking about in this instance.

Another section showing that the rights of a State cease when the examiners move in is section 5, page 7. Here a State would be relatively helpless even as to the power of its State legislature. If any new law on voting, substantive or procedural, is enacted after the examiners move in, it cannot go into full effect until it is approved in the District Court for the District of Columbia unless the Attorney General, after being consulted, enters no objection. This, to me, is outrageous. The Federal judiciary of one single jurisdiction and 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 and 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 bodily, if he had 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. Montesquieu and John Locke would probably throw up their hands in disgust in trying to understand wherein the proposal would fit into the doctrine of separation of powers as between the legislative, executive, and judicial branches of Government. I asked the Judiciary Committee to delete this section. They modified it slightly instead. Senator ERVIN of North Carolina and I both tried in vain to amend the bill by eliminating this unjust review of a change in State law.

The Judiciary Committee added a provision on page 6, line 16, of the bill, 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 merely 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 discrimination. 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 balloting 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 passed 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 in State affairs. In a purely local or State election, Congress, in this bill, is presuming 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 refer to an article in the March 1963 edition of the "Yale Law Journal" by the noted editors entitled "The Federal Referee Plan and Alteration of State Voting Standards," especially at page 777 and the footnotes and cases cited. There, able legal scholars raised questions concerning what Congress had even done by that time, and they stated:

> Although Congress may have some power to affect voting qualifications in Federal elections, as to State elections only the right to be exempt from discrimination comes from the Federal Constitution.

This bill is not a bill to exempt persons from discrimination. It is a bill to punish States and subdivisions without proof of discrimination.

The whole theory of this bill contradicts the concept that under the Constitution of the United States as stated clearly in article I, section 2, the States reserved the power to establish the qualifications of voters. This concept has been approved time and again by the Supreme Court. In the case of *McPherson* v. *Blacker*, 146 U.S. 1, at page 35, 1892, opinion by Mr. Justice Fuller, the Supreme Court stated this doctrine in unmistakable terms.

The McPherson case was decided in 1892. Forty-five years later the Supreme Court reiterated this doctrine in a case which I have already cited on this floor in the poll tax debate but which is so much in point against this whole bill that I cite it again—*Breedlove* v. *Suttles*, 302 U.S. 277, 1937 at page 283:

> Privilege of voting is not derived from the United States and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate (citing six previous Supreme Court decisions).

The language of the Breedlove case is diametrically opposed to the whole purpose of this bill and to its many unconstitutional and unusual provisions.

I have also mentioned before another case decided in the Supreme Court only a little over 2 months ago, but its language is also so appropriate for general opposition to this bill that I reiterate it. In *Carrington* v. *Rash*, 380 U.S. 89, March 1, 1965, Mr. Justice Stewart, in the majority opinion, stated:

> Texas has unquestioned power to impose reasonable residence restrictions on the availability of the ballot. There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, "the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised."

The above quotation brings the long-standing position of the Supreme Court up to date. In view of this, it is most difficult for me to understand how and why Congress, in a wave of mass demonstration emotionalism, feels that it can arrogate unto itself something that was never taken away from the States in the first place and attempt to use it in so abusive a manner.

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 point of this bill 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 had a uniform voting qualification been in it or had any arbitrary control over the power of State legislatures been given 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 superseded 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" a provision to ban discrimination based on "nativity, property, and education."

When this provision reached the House of Representatives a rollcall vote ensued and on February 15, 1869, the House refused by a vote of 133 to 37 to accept this version—Congressional Globe, 40th Congress, 3d session, February 15, 1869, page 1226. In turn the Senate receded from its amendment, and the debates in the Senate show that it was aware that it was yielding to the House on this point, particularly as to "education"—Globe, page 1639.

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 this Nation 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 anticlimatic. If the final result of the Senate's work on this bill was ever in question since its 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 at hand.

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

The Senator from South Carolina may proceed.

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 of the substance of the debate, so that 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 to pass the bill, or to hope to 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 Senator from South Carolina may proceed.

Mr. THURMOND. Mr. President, it is not unlikely, however, that bills of similar import will again, in the future, ride to the Congress on a tidal wave of emotion or simulated crisis. In such an event, it is just barely possible that some may recall the tragic experience which will inevitably flow from passage of this bill, and heed the warnings which here fall on deaf ears.

The question now before the Senate is not merely an issue of good laws and bad laws, which is usually the crux of legislative decisions. Bad laws are passed

by all legislatures from time to time, and—in our time, more than most. The Congress has passed laws which were bad because they were impractical; laws which were bad because they were inequitable; laws which were bad because they were extravagant. Congress has even proposed constitutional amendments which were bad laws, and some of them have been adopted.

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.

Ultimate sovereignty, insofar as earthly matters are concerned, rightly rests with the people. This fact was recognized when our forefathers freed themselves from the rule of the English Crown. Thereafter, in a comprehensive exercise of their sovereignty, the people, acting through their several States, chartered a central government and reposed in it certain specified powers. 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 usurpative of the sovereignty of the people.

Moreover, the Constitution is the sole source for differentiation between a government of laws 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 pass good laws as well as 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 a government of 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 complicity of the Supreme Court, does have the power to ignore or suspend the Constitution.

The contest on 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 issues on the other. There 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 through passage of S. 1564 has been sustained repeatedly by the Court.

The Congress has no authority under the Constitution to abrogate the equal status of 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 statehood 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 powers reserved exclusively to the States under the Constitution. The Constitution grants Congress no veto power over acts of State legislatures.

Undeniably, however, these are the powers which Congress purports to exercise in 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 statistically 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 prerequisite to voting, thereby denying 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 enforcement 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 not just putting 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 which would follow from the passage of this bill would perisist throughout the life of this legislation, and beyond. So far reaching is the impact of this proposal, that its effect could probably 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 comfortably fulfilled.

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 real test of the rule of law comes from its ability to withstand the strains and pressures on the high end of the spectrum.

If, therefore, it is 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 inadequacy in a government of laws.

If there is need for the Congress to have the power to pass legislative judgment 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 fact be sustained, there is 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 article V of the Constitution, itself; 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. In a Senate which was formerly, but lamentably, no longer, the most deliberative body in the world, they have imposed cloture 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 other House, known for its dispatch, could even get the bill reported from committee.

One would presume—with far more validity than have the presumptions incorporated in the bill before us—that the basis of all political power in the United

States resides in the people, themselves, as does sovereignty. It would follow, therefore, that the political power displayed by the proponents of the proposed 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 S. 1564 have the requisite political strength to amend the Constitution of the United States to authorize Congress to exercise the power which it now clearly disposes to usurp.

Admittedly, amending the Constitution 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 cloture 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 portions of two others for punishment and demotion, 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 politicians should strike while the iron is hot. It gives one cause to wonder, however, how many recall Lord Acton's observation that "power tends to corrupt; absolute power tends to corrupt absolutely."

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 rescue 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 Constitution and 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 shovels of emotion under piles of expediency, in the year of our Lord, 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 can expect from the 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 even 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 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 parts of two other States without notice, without an opportunity to be heard, without evidence, and without a trial. By an artificial and deceptive triggering process, it declares that 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 this artificial and deceptive formula of violating the 15th amendment upon the pretext that the election officials in them use literacy tests to deny citizens the right to vote on the basis of their race or color. 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 1,000 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, demands 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 when its chief law officer comes before a committee of Congress and 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 bound by 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 wilfully 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 areas of the country without substantial delay in a manner consistent with constitutional principles and the essentials of fairplay. 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 hour, the power which those provisions 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 well be deemed an affront to 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 every decision handed down by the Supreme Court on this subject, from the day George Washington took his first oath of office as President of the United States to 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. I say this because 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. This is true because 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 electors of members of the most numerous branch of the State legislature. It would have been impossible for the Founding Fathers and those who drafted and ratified the 17th amendment to have selected clearer words 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 prescribe who shall vote for Senators and Representatives in Congress within their borders by prescribing the qualifications of those eligible to vote for members of the most numerous branches of their respective legislatures.

The pending measure would ignore those plain words of the 2d section of article I and the 17th amendment and deprive seven States of the power which these plain words vest in them to determine the persons eligible to vote for Senators and Representatives in Congress.

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 powers of newly admitted 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 constitutional 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.

Hence, 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 in a more glaring manner the attitude which this bill expresses toward 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 any 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 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 that the 15th amendment—the amendment which provides that no State shall deny or abridge the right of any citizen to vote on account of race or color—invalidated that provision.

The challenge in the New York court and also in the Federal court raised the question of whether the provision of the constitution of the State of New York which required literacy in the English language as a prerequisite for voting violated the 14th amendment to the Constitution of the United States. Both of those courts declared that nothing in the 15th amendment invalidated the provision of the New York constitution which required literacy in the English language as a prerequisite for voting.

As was expressly pointed out in those judicial decisions, a Puerto Rican who is literate in Spanish but not in English is not denied the right to vote by the New York constitution on account of his race or color but, on the contrary, is denied the right to vote by the New York constitution on account of his illiteracy in English. Consequently, they rightly held that the 15th amendment had no application whatever to the New York constitution.

Both decisions held that the 14th amendment to the Constitution of the United States did not invalidate the requirement of the New York constitution that a person be literate in English to qualify for the right to vote in New York. Such holdings were eminently sound. The equal-protection-of-the-laws clause of the 14th amendment does not apply to any State law which applies in like manner to all persons in like circumstances. The New York constitution applies in like manner to all persons illiterate in the English language.

During the debate on that amendment, I called attention to the decision of the Supreme Court of New York, 221 N.Y.S. 2d 262, the decision of the 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 Appeals of New York is reported in 7 N.Y. 2d 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 of doubt, that New York State has the power to require literacy in English as a prerequisite of 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 that 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 in the bill.

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 legislatures of the States on the other. Under the decisions of the Supreme Court of the United States construing that separation of governmental powers, it has been held what ought to be self-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 by the Constitution.

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 the qualifications for voting, including a literacy test, and that they have the constitutional power under section 4 of article I of the Constitution to designate the procedures for voting in Federal elections in the absence of express congressional legislation on the subject, the bill before the Senate provides that in seven States legislative acts adopted by those States in the plain exercise of their constitutional power cannot be made effective until they are approved by an executive officer of the Federal Government, the Attorney General of the United States, or by a Federal court sitting in the District of Columbia.

This offends the Constitution, because it robs those States of their undoubted power to pass laws and make them immediately effective.

It is also an offense to the constitutional principle that the powers of the Federal Government itself are divided among the Congress, the President, and the Federal courts.

I say this because the bill would vest in the Attorney General what is in essence judicial power.

If Congress can vest power in the Attorney General to pass on the validity of an act of a State legislature before it can become effective in one case, it can vest that power in the Attorney General in all cases. If Congress can vest that power in the Attorney General in respect to 7 States, it can vest that power in the

Attorney General with respect to all 50 States.

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 cannot abolish by congressional act 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 Alabama by the Constitution, it can suspend any power vested in Kentucky by the Constitution. If Congress can suspend any power vested in Mississippi by the Constitution, it can suspend any power vested in the State of Michigan by the Constitution. If Congress can suspend power vested in North Carolina by the Constitution, it can suspend power vested in all 50 States 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 a judge, I have spent the major 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, the administration of justice to be 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 intention 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 them virtually identical jurisdiction in all other instances, 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 repeal 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 wrongdoing without notice, without evidence, without an opportunity to be heard, and without a judicial trial.

The pending bill scarcely pays lipservice to the judicial process. It says to each State and to each political subdivision condemned by the triggering device: "You are condemned without notice. You are condemned without evidence. You are condemned without an opportunity to be heard. You are condemned 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 condemned State or political subdivision: "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 your location, be it 250 or 1,000 miles distant, to the District Court of the District of Columbia, and exonerate yourself from your congressional 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 violations.

"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, 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 the absence of a quorum.

The PRESIDING OFFICER (Mr. RIBICOFF 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, it is so ordered.

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:

On page 22, line 22, 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 appropriate for the making of the determination 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 refusal to request such 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. LONG]. 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, which vests the fundamental administration of the various aspects of it in the Attorney General of the United States.

However, it does give very complete and effective court sanction. It provides for two types of petition to the Attorney General, one asking for a termination of procedures which are the general purpose of the bill, and also seeking the necessary survey or census which will qualify a subdivision for the purpose of starting a suit. It gives complete authority to the court in order that that be done.

Therefore, the structure of the administration of the bill is preserved, and the substance which is sought by the amendment of the Senator from Louisiana is effected.

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

I appreciate the fact that the Senator from Michigan has offered the amendment. It was necessary to do so in order to perfect the modification of my amendment that the Senator had offered yesterday. The idea is that the Attorney General ordinarily would have his finding 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 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 25 percent triggering mechanism.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment in the nature of a substitute, as amended, No. 124, offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

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. JAVITS. 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 given 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, and 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 equally applicable to a sales tax or excise tax, in exactly the same way? Would not those also be regarded as 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.

Mr. RUSSELL of South Carolina. Assuming 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 Senator 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 now know. We are destroying it under the whiplash of Martin Luther King and others of that ilk.

ARTICLE I, SECTION 2, OF THE CONSTITUTION EXPRESSLY RESERVES UNTO THE STATES THE EXCLUSIVE AUTHORITY TO PRESCRIBE VOTING QUALIFICATIONS, SAVE ONLY AS LIMITED BY THE PROHIBITION OF THE 15TH, 19TH, AND 24TH AMENDMENTS

Mr. President, the exclusive right to prescribe voting qualifications was expressly reserved unto the States by article I, section 2, of the Constitution, wherein it states:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The clear, cogent, unambiguous language thereof is neither subject to misunderstanding nor susceptible to misinterpretation by fairminded men. It was clearly comprehended by its authors and has been accepted for 177 years since the ratification of our Constitution as an absolute reservation unto the States of the power to prescribe voter qualifications, save only as limited by the subsequent adoption 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 deliberations related thereto by the Constitutional Convention of 1787; 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 precedence.

Mr. President, I would like to take this occasion to enlighten my friends and colleagues as to the clear meaning, force and effect of article I, section 2, of our National Constitution. In doing so I should like to discuss, among other things, its historical origin and subsequent history, the legal precedences related thereto, and its connection with related sections of the Constitution.

It is an established canon of constitutional construction that no one provision of the Constitution is to be separated from all the others, 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 of the Bill of Rights. Now I know that the presence of 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 X states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I submit that upon thoughtful consideration of the plain language of article I, section 10, there are several facts that became immediately and patently obvious on its face. I would draw your special attention to the fact that it is quite apparent that it is not in any sense a grant of power to the Congress of the United States or to anyone else, but simply a prerequisite set forth in the Constitution for the creation of a new government. It is a requirement that the "House of Representatives shall be composed of Members chosen every second year." Certainly that was no relinquishment of power from the States, nor a delegation of power to the United States, nor a prohibition, but a simple command. In addition to the foregoing command, section 2 vested, in those persons in each State who qualified to vote for members of the most numerous branch of their State legislature, a right to vote for Members of Congress. This was clearly not a delegation of power by the States, because the States never had the power to vote in the first place, and the inhabitants of the States never had the right to vote for Members of Congress for the simple reason that there was no Congress in existence. No, it was not a delegation of power but a direct provision for the establishment of a new government which vested a right in a defined class of persons to vote for Members of Congress, or those qualified under State law to vote for members of the most numerous branch of their State legislatures. It is likewise clear that section 2 contains an implied prohibition on the States against establishing qualifications for the electors of members of their own legislatures which are different from those which they established for electors for Members of Congress and vice versa. This is an implied restriction upon the powers of the States and in no sense a delegation nor a grant of power.

Now, Mr. President, this brings us to the question as to what powers, if any, are vested in the Congress of the United States in relation to article I, section 2. While it is perfectly obvious that section 2 contains no specific grant of power to the Federal Government whatsoever, I would concede that under the necessary and proper clause of article I, section 8, the Congress is vested with the implied authority to assure that the States elect Members of Congress every second year; that those persons qualified to vote for members of the most numerous branch of the respective State legislatures are given the right and opportunity to vote for Members of Congress, and that the States make the same provisions for qualifications of electors of Members of Congress as they do for the electors of the most numerous branch of their respective legislatures. While I never underestimate the ingenuity of the proponent of this type legislation when it comes to misconstruing the clear meaning of the Constitution, I assume that there are none so bold or confused as to seriously contend that the implied powers vested in the Congress by the necessary and proper clause of section 8 of article I include the power to prescribe to the States who they should qualify to vote for the members of their respective legislatures.

The historically accepted and legally established fact that the authors of our National Constitution intended article I, section 2, as an absolute reservation unto the States of the exclusive power to prescribe voting qualifications is not only patently obvious on its face, but is thoroughly corroborated by the situation existing prior to the convening of the

Convention; 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 is the polestar 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 national suffrage for the election 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 Government should determine the qualifications of electors of representatives was an issue which was squarely placed before the delegates and argued at length on the floor of debate. The contest 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 prescribe 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 another "objection against the clause, as 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 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 defeated, with seven States voting to retain the sentence; Delaware to strike it; Maryland being divided, and Georgia absent. It is, therefore, an uncontroverted historical fact that it was the unanimous understanding of the delegates to the convention 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.

As stated in *Transportation Co. v. Wheeling*, 99 U.S. 280:

> Support to that view is also derived from one of the members of the Federalists, which has ever been regarded as entitled to weight in any discussion as to the true intent and meaning of the provisions of our fundamental law.

We find in 16 Am. Jur. 2d., Constitutional Law, section 89, that:

> It is an accepted principle that in the interpretation of the Constitution of the United States recourse may be had to the Federalists, since the papers included in that work were the handiwork of three eminent statesmen, two of whom had been members of the Convention which framed the Constitution.

In issue No. 52 of the Federalist Papers, the States were given assurance that they would continue to exercise exclusive authority to establish voting qualifications:

> 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.
>
> The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself.

A review of the debates in the ratifying convention of the respective States bears out the universal acceptance of this interpretation and are entitled to great weight by every principle of constitutional construction.

In the Massachusetts convention there was a "doubting Thomas." Dr. John Taylor, from the town of Douglass, who feared that section 4 might give Congress power to prescribe a property qualification for voters in the sum of 100 pounds. He inquired of Rufus King whether this could not be done to keep Members of Congress in office. Mr. King was one of the more distinguished statesmen of that period, a leading member of the Federal Convention. Answering, he said:

> The idea of the honorable gentleman from Douglass transcends my understanding; for the power of control given by this section extends to the manner of election, not the qualifications of the electors.

In the Pennsylvania convention James Wilson, a leader in the Federal Convention, said:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no electors of them: if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

This negatives any idea that Congress could, under section 4, deal with qualifications.

With respect to section 4, Mr. Wilson says:

> If the Congress had it not in their power to make regulations, what might be the consequences? Some States might make no regulations at all on the subject. And shall the existence of the House of Representatives, the immediate representation of the people in Congress, depend upon the will and pleasure of the State governments? * * * We find, on examining this paragraph (sec. 4) that it contains nothing more than the maxims of self-preservation.

In the Virginia convention, Wilson Nicholas, one of the delegates, said:

> If, therefore, by the proposed plan, it is left uncertain in whom the right of suffrage is to rest, or if it has placed that right in improper hands, I shall admit that it is a radical defect; but in this plan there is a fixed rule for determining the qualifications of electors, and that rule the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed. A qualification that gives a right to elect representatives for the State legislatures, given, also, by this Constitution, a right to choose Representatives for the General Government.

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 a right to vote for a representative to 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 violation of the 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 under article I, section 2, to prescribe the voting qualifications, but audaciously suggest that the term "qualification" was not intended by the authors of our Constitution to include the payment of a poll tax or other tax as 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 State 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 on a constitution or any clause or part thereof, a court may look to the history of the times and examine the state of things existing when the constitution was framed and adopted, in order to ascertain the prior law, the mischief, and the remedy.

Each delegation had before them the the provisions of their own State constitutions requiring the payment of poll taxes and property taxes as a prerequisite qualification to the right to vote for members of the most numerous branch of their respective legislatures. They had before them the fact that the New

Hampshire constitution, of 1784, had a requirement for the payment of a poll tax and that the constitution of Massachusetts, adopted in 1780, required the possession of a freehold estate as a prerequisite to suffrage. They had the constitution of 1777 of New York State which required that a man must be either a freeholder or a taxpayer of New York or Albany in order to vote. They had the constitution of New Jersey of 1776, which required that a man possess an estate of 50 pounds as a qualification for voting.

They had the constitution of Pennsylvania of 1776, requiring that a voter for the legislature must be a taxpayer; the constitution of Maryland, which required that a voter of the State legislature must be a freeholder of 50 acres or the possessor of 50 pounds; the constitution of North Carolina of 1776, requiring that a voter for the most numerous branch of that State legislature be a freeholder or a taxpayer, and they also had the constitutions of South Carolina and Georgia, which had similar requirements for voting.

If there remained any doubt whatsoever as to whether the term "qualification" as used in article I, section 2, encompasses the requirement of the payment of taxes as a prerequisite to voting, it was forever resolved in the affirmative by the adoption of the 17th amendment in 1912. The 17th amendment, providing for the popular election of U.S. Senators used the identical language of article I, section 2:

> The electors in each State should have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The above-quoted language of the 17th amendment was adopted after more than a century of experience with the suffrage provisions contained in the Constitution and also after there had been ample time to observe the operations of the newer poll taxes which were imposed in the Southern States between 1875 and 1908.

Continuing from the ridiculous to the absurd, past proponents of anti-poll-tax legislation have repeatedly advanced the astounding proposition that the Congress is specifically delegated the power to regulate State voting qualifications by the terms of article I, section 4, wherein it states:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Not only does this unusual theory fly in the face of the plain and patent meaning of article I, but even the most partisan view of the deliberations of the Constitutional Convention, ratification debates, and the subsequent legal precedence relating thereto, can produce one shred of fact to recommend it.

The words "times," "places," and "manner" cannot be remotely associated or confused with the plain meaning of 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 Douglass transcends my understanding; 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 most manifest violation of the 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 are these 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, 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 government, 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 dissolution.
>
> And, considering the State governments and General Government as distinct bodies, acting in different and independent 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 dissolved. But if they be regulated properly by 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 thrust 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 of the United States of America 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 precedence.

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 own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for these eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says 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 663.)

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 for interferring by physical attack with the exercise of the right to vote of certain qualified voters in an election of a Member 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 the protective shield of 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. *Munford,* CCED Va., 16 Fed. Rep. 223 (1883). 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 in any way to imply an authority of the National Congress to regulate State qualifications for voting.

THE POWER VESTED IN CONGRESS TO ENACT APPROPRIATE LEGISLATION PURSUANT TO THE PROVISION OF THE 15TH AMENDMENT IS NARROWLY CONFINED TO THE NEGATIVE AUTHORITY TO PROHIBIT DISCRIMINATORY STATE ACTION AS CONTRADISTINGUISHED FROM 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

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 regulatory power 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 thereof 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 several 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 reserved to the States by article I, section 2 of the Constitution.

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

> We are 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 in time of peace; and except for 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.

Contrariwise, 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 prohibitions 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 *Ownby* v. *Morgan*, 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 Storey, 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 inequalities and all the injustice that might exist in the suffrage laws of the several States. There was no thought or purpose of regulating by amendment, or of conferring 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 States* 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 States* 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 *United States* v. *Reese, et al.*, 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 1875 has affirmed what the clear language of the 15th amendment indicates; that the "power to enforce this article by appropriate legislation" simply confers upon Congress 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, 1892 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 define the method of affecting the object. Ibid., page 27.

* * * * *

> In short, the appointment and mode of appointment of electors belong 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 laws 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 confided to 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 36.

As stated in *Pope* v. *Williams*, 193 U.S. 621 (1903):

> 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 a citizen of that State 1 year prior to registration, the Court stated that:

> The Federal Constitution does not confer the right of suffrage upon any one, and the condition under which that right is to 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. 328.

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 *Trudeau* v. *Barnes*, 65 F. Second, 563, 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 1959, in the case of Lassiter against Northhampton County Board of Elections. 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 view of 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, *Pope* v. *Williams*, 193 U.S. 621, 633; *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 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the electors 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, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic*, 313 U.S. 299, 315. While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number 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 Y.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 a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) 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 standards designed to promote 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 newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. Cf. *Franklin* v. *Harper*, 205 Ga. 779, 55 S.E. 2d 221, appeal dismissed 339 U.S. 946. It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith*, 159 Mass. 413–414, 34 N.E. 521. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

What better example could be given of the negative application of the 15th amendment than that found in the case of *Guinn* v. *United States*, 238 U.S. 347, 1915, and *Myers* v. *Anderson*, 238 U.S. 368, 1915, both cited by the Attorney General before the Senate Judiciary Committee. In the Guinn case, the Court held that the grandfather clause attached to the literacy test provision of the Oklahoma constitution was violative of the prohibitions of the 15th amendment. Discussing the effect of the 15th amendment, Chief Justice White said that:

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.

And:

It is true also that the amendment does not change, modify, or deprive the States of their free power as to suffrage except of course as to the subject with which the amendment deals and to the extent that obedience to its command is necessary.

The Court further held that only the offending portion of an invalid constitutional provision would be struck down when severable from the remaining part. The same basic principles were involved in the Myers case which was decided on the same day. The Attorney General correctly stated the decisions of these cases when he told the House Judiciary Committee:

The "grandfather clauses" of Oklahoma and Maryland were, of course, voting qualifications. Yet they had to bow before the 15th amendment (transcript, p. 39).

They had to "bow to" the 15th amendment rather than be "supplanted by" some Federal regulation.

The negative application of the 15th amendment is further demonstrated in the cases *Smith* v. *Allwright*, 321 U.S. 649 (1944) outlawing the Texas White Primary Law, and *Terry* v. *Adams*, 345 U.S. 461 (1953), invalidating discrimination against Negroes practiced by the Jaybird Democratic Association, a club consisting of all white voters in a Texas county which operated independently of State laws.

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) discriminatorily, Congress may, by statute, divest that State of its constitutional power of determining the conditions upon which the right of suffrage may be exercised; may substitute its own conditions, and may do all of that retroactively.

The Constitution gives the Congress no such power over any State of this Union, North or South, East or West, Republican of Democrat (transcript I, p. 257).

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 upon which it stands.

THE DECLARATORY JUDGMENT SUITS PROVIDED FOR UNDER SECTION 4(A) AND SECTIONS 5 OF THE BILL ARE NOT JUSTICIABLE CAUSES UNDER ARTICLE III SECTION 2 OF THE CONSTITUTION AND THE STATES ARE LIKEWISE PRECLUDED FROM BRINGING A CAUSE OF ACTION IN THEIR OWN BEHALF OR AS PARENS PATRIAE TO CHALLENGE THE CONSTITUTIONALITY OF THE ACT OR TO ENJOIN THE ENFORCEMENT THEREOF

In the case of *Muskrat* v. *United States*, 219 U.S. 346 (1911), quoting Miller on the Constitution, judicial power as used in article III, section 2, was defined as "the power of the court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a 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 established and guaranteed existence 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 exercise of the judicial power, 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 prayers for relief, call for the judgment of the court 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 corporate existence as a State, with all its constitutional powers and privileges. No case of private rights or private property infringed, or in danger of actual or threatened infringement, is presented by the bill, in a judicial form, for the judgment of the court.

Also see *Mississippi* v. *Johnson*, 4 Wall. 475 (1867).

The rule of the Stanton 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 by the Constitution—an attempted exercise of the power of local self-government reserved to the States by the 10th amendment"; and further alleged "that the plaintiff's rights and powers as a sovereign State and the rights of its citizens have been invaded and usurped—its constitutional rights are infringed by the passage thereof."

On the basis of the foregoing allegations Massachusetts sought to enjoin the administration of the act in its own behalf and as parens patriae for its citizens. The Supreme Court refused to accept jurisdiction 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 parens patriae to protect citizens of the United States from the operation of a Federal law.

Concerning the right of a State to sue in its own behalf to protect its political rights, the Court said:

In that aspect of the case we are called upon to adjudicate, not rights of person or property, not rights of dominion over physical domain, not quasi-sovereign rights actually invaded or threatened, but abstract questions of political power, of sovereignty, of government.

Dealing with the right of a State to bring suit as parens patriae for its citizens, the Court stated:

It cannot be conceded that a State, as parens patriae, may institute judicial proceedings to protect citizens of the United States from the operation of the statutes thereof. While the State, under some circumstances, may sue in that capacity for the protection of its citizens (*Missouri* v. *Illinois*, 180 U.S. 208, 241), it is no part of its duty or power to enforce their rights in respect of their relations with the Federal Government. In that field it is the United States, and not the State, which represents them as parens patriae, when such representations become appropriate; and to the former, and not to the latter, they must look for such protective measures as flow from that status.

Also see *New Jersey* v. *Sargent*, 269 U.S. 328 (1926), and *Arizona* v. *California*, 283 U.S. 423 (1931).

Thus, by a clever and diabolical scheme, the pretended judicial remedy held out in section 4(a) and section 5 is

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 the 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 Americans against a policy of vengeance toward the South but rather counseled "let us judge not, that we not be judged," and directed this warning to the advocates of a harsh reconstruction of the South: "Blood cannot restore blood, and government should not act for revenge." No, Lincoln was too big to join the rabble-rousing demagogs 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.

I remind those who sponsor this legislation 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. I point out that it was the founding father of the Democratic Party, Thomas Jefferson, who said:

> If a nation expects to be both ignorant and free, in a state of civilization, it expects what never was and never will be.

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 State legislature to vote for the Bland Silver bill, which was extremely popular in my State. But after studying the issue he decided that the best interests of the Nation would not be served by this legislation. In announcing his vote on this same Senate floor, he said:

> Between these resolutions and my convictions there is a great gulf. I cannot pass it * * *. Upon the youth of my State whom it has been my privilege to assist in education I have always endeavored to impress the belief that truth was better than falsehood, honesty better than policy, courage better than cowardice. Today my lesson confronts me. Today I must be true or false, honest or cunning, faithful or unfaithful to my people.

Carrying his campaign for reelection to a hostile electorate he fearlessly stated:

> I prize the confidence of the people of Mississippi, but I never made popularity the standard of my action. I profoundly respect public opinion, but I believe that there is a conscious rectitude of purpose, a sustaining power which will support a man of ordinary firmness under any circumstances whatsoever.
>
> * * * * *
>
> The liberty of this country and its great interests will never be secure 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 with the words of Lincoln:

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

I yield the floor.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Michigan is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. 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 leaves the Chamber—I see that he is about to go—I should like to say a word in his presence. I had hoped that I could precede him and not follow him, because, considering the historic role which he 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 might precede the remarks of the distinguished Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I pay tribute to the fact that the Senator from Illinois [Mr. DIRKSEN] 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 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, having it passed. I am pleased to voice on behalf, I know, of every Senator on this side, whether or not he voted for cloture, the satisfaction which we all take in the historic service rendered by our leader in a field so uniquely apposite to the origins of our party and to its greatest figure in all history.

Mr. DIRKSEN. I thank my colleague.

Mr. JAVITS. Mr. President, I have expressed the desire to speak at this time, because I believe it is necessary, in the final hours of debate on the amendment in the nature of a substitute, 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 so that the courts, when they come to pass upon these questions, may have before them, as vividly as possible, the very essential basis upon which, in my view, we 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 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 Acts of 1957, 1960, and 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 courts or the essentiality of their function. It is merely the adoption by the Congress of a means apposite to its purpose and to the purpose required by the 15th amendment, because there is one endemic fact in this situation which is not mentioned too often, and that is that the denial of the right to vote is irremediable.

If the courts remember nothing else, I hope they will remember that. The denial of the right to vote is irremediable. Therefore, the duty of Congress is not only to secure the right to vote for every citizen, but also to secure it consistent with constitutional means at the earliest possible moment, because once lost, the individual no longer has the right to determine whether A, B, or C shall rule him, or if a constitutional amendment is involved, what constitutional provision shall bind him in a particular State. Having once lost that right, that elected official rules just the same, and that constitutional amendment, or any other subject of a referendum, is the law just the same, binding him as it binds everyone else. But he has irremediably lost his right to say anything about it.

It is upon that ground that I base my deep conviction that what we have done in the bill, which I hope very much the Senate will now pass, is constitutional.

Mr. President, by way of summarizing—because it is important to summarize some of the factual bases upon which

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 and punishing States or subdivisions of States for the sins of their fellows.

In the first place, that argument impliedly admits that there are sins and deprivations 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—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.

As the minority leader has well said, 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 spend 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 the final analysis, are a summary 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, 32 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 completely 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 how 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 individual counties 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 entitled "Voting in Mississippi," 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, none 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, 72 percent of the white citizens 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 wage of white persons, 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 or 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 month in which he was born, his application to register is 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:

> The Senate shall consist of Members chosen every 4 years by the qualified electors of the several districts.

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 inhered in segregated schools resulting in a median education level of the sixth grade for Negroes in Mississippi, as compared with an 11th 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 kept those schools 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 burnings, the beatings; and quite apart from them, the denial of surplus food to Negroes who persist in their attempt to register, as in Humphreys 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 circumlocutions engaged in since the passage of the 1957 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 constitutional rights of Americans. This is the responsibility of all of us. It is no less my responsibility than it is that of any Senator who may oppose the legislation, or of any group; 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 liberalism that they register whites. Why do you bother with them?"

We bother with them just as we may have to bother with New York; just as my distinguished junior colleague from New York [Mr. KENNEDY] and I felt 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 educatior. 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 does not absolve the registrars in county A. This is still our responsibility.

If it takes some trouble for the good counties 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 joined by many other Senators—I hope a majority, in standing on the floor of the Senate and proposing perhaps another law, until our goal is achieved. But do it we will, and do it we must. 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, 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 Senator in charge of the bill. These were offered as technical and clarifying amendments. The first group was strictly technical and clarifying, and to those I had no objection.

Not having seen the amendments up to that time, I was in no position to determine whether some of them went further, and were actually amendments of substance. On further examination, I discovered that in the second group there were at least two amendments that I thought were substantial in character.

The first of these is reported on 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, "tests and devices." That would 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, in order to defend its case.

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 State.

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 that is reposed upon the State or subdivision.

Inasmuch as the matter was not closed by a motion to reconsider and a further motion to table the reconsidering 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 House proceedings, a Member of the House 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 manager of the bill [Mr. HART]. He is 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 measure, but more 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 Founding Fathers, and apparently they did a great and noble work, but we know also that the Constitution is a very interesting mixture of compromises. The New England shipping interests had one interest, and the Southern States at that time had quite another interest. In the one case they wanted to be sure that the very fruitful and productive shipping enterprise would not suffer; 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 House should be selected on the basis of population and that every State, large and small, should have two Senators, and could not be denied its Senatorial representation without its consent.

The second compromise was with respect to the "importation of persons." It is a rather interesting commentary that the Constitution of the United States does not use the word "slave." It does not use the word "slavery." It does not use the words "slavery as an institution." It does not use the word "enslavement." Consequently, they wrote into the Constitution, as a matter of compromise, that the "importation of persons" should not be prohibited until the year 1808, but that Congress could levy a capitation tax not to exceed $10. That left the institution of slavery free to proliferate for another 20 years before the country had to come to grips with the institution itself, and with those who wished to expand it into every State of the Union.

When the Constitution-makers met, there were approximately 700,000 slaves in the Colonies. Of course, that represented quite an interest. I presume that the outlook in those days was considerably different from the attitude we profess today. But the compromise was settled, and for another 20 years the aristocracy of slavery could continue and, at long last, was left for another generation to deal with the problem.

We did deal with it finally, because in the efforts to expand it, and in the efforts on the part of others to eliminate it, there finally came secession. After secession came conflict. As Lincoln so nobly stated, in his second inaugural:

> While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would make war rather than let the Nation survive; and the other would accept war rather than let it perish. And the war came.

It was not until victory had been achieved in 1865 that it finally became possible to implement the Emancipation Proclamation and to put upon the statute books the 13th amendment, which brought slavery to an end as an institution in this country.

But, it was not enough. It became clearly discernible, shortly thereafter, that the rights of nonwhite citizens were being denied in many cases. They could not appear in town. They could not serve on juries. They could not vote. There were many other things they could not do. Out of those difficulties came the 14th amendment. Two notable provisions are therein contained. The first is the equal protection of the laws, and the second is the dual citizenship which that amendment confers upon every citizen. Regardless of color, regardless of where he lives, every American citizen has a twofold citizenship capacity. First, he is a citizen of the State wherein he resides. Second, he is a citizen of the United States.

But apparently the 14th amendment was not adequate to the situation and, therefore, in 1868, there was proposed the 15th amendment, which was finally approved in 1870. That amendment provided 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 assured to our 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 country, particularly in certain States, amassing 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

1957. 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 this unsolved 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, 1787?

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

They could not roll around in orbit. They were human beings. They had souls. They had character. They were expected to surrender their young men for military duty. They were expected to pay taxes. The Federal tax collector recognizes no color when it comes to collecting money from the citizens for the support of the Government. Consequently, it became something of an incandescent issue—and it will remain so, Mr. President, until it is accurately, adequately, and sufficiently solved.

That is the problem now before the Senate this very afternoon, to go ahead at long last, if possible, to find the ultimate solution for an unsolved, residual problem which the Constitution makers handed down to us when they said the "importation of persons" must cease. But, they gave no guidelines as to what to do about them when they were here.

Mr. President, it has taken 100 years to catch up with the problem. We must keep up with it, if we are to carry out still another provision in the Constitution.

The Constitution makers did not idly pen 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 insure domestic tranquillity."

Accordingly, when they started in the Preamble, they said:

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

That makes it the responsibility of Congress. Whether "domestic tranquillity" 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 Union 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 anyway."

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 ours.

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 majority leader and I managed, after 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 9th day of April, a bill, and were ready to proceed then to have the Senate work its will and impress 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 assembled. We had the help of very able people, people skilled in this field. We addressed the subject with as much patience as we could summon and still have regard for the deadline when we were to come back to this Chamber and say, "This is the handiwork that we have produced."

This subject has engaged 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 cloture on the consideration of the 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 the bill will 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 there will come a good, practicable, enforcible, and equitable measure. That is the thing for which we have been striving.

Mr. President, this Chamber has rung for a month and a half 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 and the laws of the United States. 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. How often has it 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?

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

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 his viewpoint. He had held up his hand and taken 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 also 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 at long 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."

Perhaps 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 nations?

That is rooted in the golden tapestry of the history of this Republic.

Now we have a further opportunity, not surpassed 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 country.

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 unsolved, 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 Emancipator and Stephen Douglas were finishing their seventh debate, at Alton, Ill., I believe, Abraham Lincoln said:

Now that this is over, our voices may be muffled, and we will pass off the scene. But I hope it might be said of me that I made a few telling remarks in the cause of civil liberties.

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

Mr. DIRKSEN. I yield myself 2 additional minutes.

I could not think of anything pleasanter than to have some humble citizen meet me in the street and say to me, "You made some telling marks in the cause of civil liberty in your time and generation." That would be enough for me.

I yield the floor.

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

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

Mr. MANSFIELD. First, I commend the distinguished minority leader for the remarks which he has made and for the many contributions which were his in the drawing up of the proposed legislation which has been finally presented to this body. He deserves great credit. There are those whom he will meet in the street who will say to him with great accuracy, "What you have wrought has been worth while and what you have wrought has been in the best interests of the Republic."

Mr. President, a very fine editorial appeared in the Missoulian on April 22, 1965, praising the distinguished minority leader for his statesmanlike work on behalf of the pending voting rights bill. While recognizing fully the indispensable role of partisan politics in our system of government, the editors of the Missoulian noted that the ability to rise above partisanship on issues of great national consequence was the quality which distinguished our great public servants. They rightly praise Senator DIRKSEN, who has on so many occasions put the good of his country before all else.

Mr. President, I ask unanimous consent that the editorial referred to be inserted in the RECORD at this point.

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

[From the Missoulian, Apr. 22, 1965]

DIRKSEN'S CRITICS ARE OFF BASE

Some Republicans in and around Washington criticize Senator EVERETT M. DIRKSEN, Republican, of Illinois, for his collaboration with the administration on the voting rights bill.

These critics charge that DIRKSEN by cooperating with the administration on the Civil Rights Act last year and by assisting in the draft of the voting rights bill is stripping the Republicans of every issue.

What DIRKSEN's critics seem to forget is that in both instances the Illinois Senator was right. Although highly sensible to the necessity and values of intelligent scrutiny of the dominant party's activities, DIRKSEN, like many another enlightened lawmaker before him, places right above rank partisanship.

Too many of our legislators, both State and national, put party first, Main Street second and the general good last. We have witnessed far too much of that in both Washington and Helena.

The party system is necessary and basically good; but, like many another good, partisanship can be carried to the extreme. When it militates against the general welfare and when it is practiced for its own sake, partisanship ceases to be a virtue.

There's nothing wrong either with keeping an eye on and an ear tuned to Main Street. Any legislator who neglects to do so won't be in office long.

But the lawmaker has a dual function: He represents the county, district or State which elected him and he must legislate for the State or Nation as a whole. Too many lawmakers, unfortunately, put the pork barrel ahead of the general welfare.

We don't condemn legislators for party loyalty or for taking care of the needs of their constitutents, but right and the general good must take precedence over party and pork.

Mr. MANSFIELD. Mr. President, I call for the yeas and nays 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 close 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. ELLENDER] will speak at greater length; others may wish to do so. It would appear at this time that there is a fairly good possibility of a vote on the amendment in the nature of a substitute, as amended, in the vicinity of 3 o'clock today.

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

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

THE RIGHT TO VOTE

Mr. SALTONSTALL. Mr. President, three times since 1956 Congress has enacted laws designed to guarantee the right to vote. I voted for all of these bills. Now we find that further measures are necessary to do the job. This time Congress intends to make sure it is done.

To insure action, the Senate invoked cloture on civil rights for the second time in its history. I voted for cloture, as I always have on civil rights measures. As a cosponsor of the administration's voting rights bill, I intend to vote to pass this bill.

The major differences in this year's measure and the laws enacted in 1957, 1960, and 1964 are that the present proposal provides administrative as well as judicial machinery to prevent vote discrimination, and applies to all elections. Under existing voting laws, prevention or correction of vote discrimination lies with the courts. Herein is the difficulty. The court procedures have proved lengthy, cumbersome, and, unfortunately, in some instances have themselves been used to thwart the objective of the laws. Of prime importance is the fact that many elections have passed since 1957 in which citizens seeking the right to vote through court action have been prevented from doing so because their cases have not been finally decided in time.

My purpose here is to review briefly the present Federal voting laws and the new measure now before Congress.

Article I of the Constitution leaves to the States the responsibility of setting qualifications of their citizens to vote, restricted only by the specific prohibitions in several amendments to the Constitution. The 14th amendment guarantees the equal protection of the laws to all citizens; the 15th amendment prohibits the denial of the right to vote because of race, color, or previous condition of servitude, and gives Congress power to enforce this right through appropriate legislation.

Prior to 1957 Congress enacted several laws to enforce and insure numerous civil rights, particularly the right to vote. Under these statutes, an individual who was unlawfully deprived of his right to vote could file suit in the courts to secure that right.

In 1957, Congress acted further to authorize the U.S. Attorney General to seek Federal district court orders to prevent discriminatory denials of the right to vote, and also sought to protect that right from interference through intimidation, threats, or coercion by officials or any other person. The law also provided for an Assistant Attorney General for Civil Rights in the Justice Department and established the U.S. Civil Rights Commission to investigate voting discrimination.

By 1960, experience indicated that additional voting legislation was needed. The Justice Department had encountered extreme difficulty in obtaining information necessary to develop cases under existing legislation, and, in fact, between 1957 and 1959 had filed only one voting rights case. In the 1960 law, Congress required that Federal voting records be kept for 22 months and be

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 vote 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 referees 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 presumes literacy unless found otherwise by the courts; and 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 by the courts.

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

Congress has held out unlimited opportunity to State and local officials to correct voting abuses. It rested initial 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 of voting discrimination.

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, so that by August 1964 Negro registration was only 2.2 percent, or 64 Negroes.

When the Attorney General filed a voting suit in Dallas County, Ala.—where Selma is located—64 percent of voting age whites but only 1 percent of the Negoes were registered. After 4 years of litigation only 383 of about 15,000 voting age Negroes were registered. It took 13 months for that voting case to come to trial, and the first court-ordered relief, which proved ineffective, came 2½ years later.

Thus today we are still faced with lengthy and costly court procedures to tackle the multitude of State voting requirements devised specifically to perpetuate voting discrimination.

The greatest discrimination, as indicated by Federal voting statistics showing low, and in certain instances nonexistent, Negro voting participation, is found in areas where complicated literacy tests and other devices are required and where considerable latitude is given to local registrars in administering the tests. Hence, the voting legislation now before Congress goes to the heart of this problem.

The bill before the Senate suspends literacy tests and other devices under certain circumstances and provides for Federal examiners to register voters in States or political subdivisions which come within the following criteria:

First. Where the Attorney General determines—maintained on November 1, 1964—any test or device as qualification for voting and in which less than 50 percent of voting age residents were registered or voted in the presidential election last November. In addition more than 20 percent of the population in such areas must be nonwhite.

Or, second, where the Director of the Census, in a survey requested by the Attorney General, finds that less than 25 percent of any race is registered.

The automatic coverage of literacy test areas will apply immediately to Alabama, Georgia, Louisiana, Mississippi, South Carolina, and some parts of North Carolina and Virginia. The second criteria will cover particular areas of some States which do not use literacy tests.

The bill further provides, however, that any State automatically covered which contends that its requirements are not being, and will not be, used 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 consent to the exemption, but in such cases the court will retain jurisdiction of the case for 5 years to make sure that there is no future discrimination. Subdivisions within a covered State which have more than 50 percent of the nonwhite population registered can request the District of Columbia court to terminate Federal listing procedures in that specific area. The bill, therefore, attempts to look to the present and future, rather than to the past.

The bill also provides that whenever the Attorney General files a voting discrimination suit under any law, the court shall appoint Federal examiners in the area involved for as long as it determines is necessary to end the discrimination. In such cases, the court can also suspend use of literacy tests if they find them used to discriminate.

The Federal examiners may accept applications from persons who are not registered and who, where the Attorney General so requires, have tried but been prevented from registering by local officials within the previous 90 days. In determining whether a person is eligible, the examiner will apply all State requirements which are not inconsistent with the Constitution and Federal laws. If a covered State wishes to change its requirements from those existing on November 1, 1964, it must get approval from the District of Columbia District Court. Here again, the Attorney General can consent to the changes if their purpose or effect will not be to discriminate.

A Federal registration can be challenged by local officials under certain conditions, and the challenge will be heard by a Federal hearing officer. The hearing officer's decision can be contested in the appropriate Federal appeals court. The challenged party, however, will be permitted to vote pending final decision in the case.

When the Attorney General receives complaints up to 20 days before an election that federally registered persons have not been placed on the voting lists, he shall seek a court order to require local officials to enroll these voters. The Senate adopted an amendment, which I supported, authorizing the Attorney General to appoint Federal poll watchers in covered areas to insure that everyone eligible to vote is permitted to do so and that their votes are properly counted. Also, when a registered voter contends within 24 hours after an election that he was not allowed to vote, provision is made for the courts to permit the person to cast his vote and have that vote counted in the election totals.

Both civil and criminal penalties are provided. They cover anyone who attempts to intimidate, threaten or coerce anyone from voting, local officials who fail to enroll federally registered persons on the voting lists or fail to permit them to vote or count their votes, or obstruct in any way officials from carrying out their duties under this act. Criminal penalties are provided against anyone altering or destroying voting records or conspiring to violate or interfere with this law.

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 poll tax was abolished for Federal elections by a constitutional amendment passed by Congress in 1962. I supported this action.

The administration's bill did not contain a poll tax section. The Attorney General testified that he did not believe he had sufficient evidence to prove that the poll tax itself violated the 15th amendment and recommended against including an outright ban of the tax in this bill. The Senate Judiciary Committee, however, adopted a simple amendment abolishing the poll tax as a prerequisite to voting. A substitute bill 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 requirement violated the 14th and 15th amendments, and 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 had 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. But 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 voting rights bill, 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 this most basic right.

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 seen to it that everyone entitled to vote would be able to do so. We were too optimistic. We are determined to correct the situation. The right to vote is fundamental and it must be guaranteed.

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

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 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 defend the Constitution of our Nation. And we can rightly congratulate ourselves on the placing of another milestone in the path toward equality and human dignity.

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 devotion to the ideals of their Nation and to the brotherhood of man. One of these Americans whose conscience sent him to demonstrate by his presence a conviction that no right could be abridged for one American without depriving all Americans of their birthright was from the State of Wyoming. His ashes rest there now. The Reverend James Reeb was one who gave his life for this cause. He was but one of many. These lives were a testament to a faith in a nation and a faith in humanity. And so is this bill.

That these lives must be sacrificed, that this bill must be enacted is a sad commentary upon the state of the Nation. Yet it is at the same time a cause for increased pride that there are Americans willing to so be a witness for their convictions and that the machinery devised to create a government of the people can still function to move us toward that goal.

As President Johnson noted when he spoke to us on March 15, the battle will not be over when this bill is passed. We have provided a new tool for the building of a united nation. Now that tool must be applied—with similar instruments for justice—to the job at hand. The work will be long and hard. 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 100th anniversary of the end of a great 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. The man who led the Nation in 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 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 have set the record straight, have cut through the snarls of evasion and subterfuge to give some of our citizens the rights previously denied them. And with these rights they can acquire for themselves—through the democratic process that has made us strong—the benefits of full membership in the Great Society of Americans. With this fundamental right—equal representation—there has been removed a debilitating limit upon their opportunity.

But we in the Senate, in the Congress, and across America will have to stand up and be counted again and again. 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. SIMPSON. Mr. President, we will soon be voting upon a major piece of legislation which will affect the voting procedures and customs of these United States. It is disheartening to realize that this type of legislation would need be considered by the Congress of the United States, for this is a republican form of government based upon the right of every eligible and qualified citizen to vote. That right is inherent in our form of government. It is protected in our Constitution and it should not be denied anyone.

Time and time again legislation has been before the Congress which is proposed with the view toward bringing the right to vote to all citizens. I am ashamed, and all Americans should be ashamed, that this right has not been one of those cherished rights guaranteed to all citizens, regardless of race or color.

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 had 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 reality which cannot reasonably 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 register, to vote, and to have that vote counted.

The question that exists once we have determined 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 says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.
>
> SEC. 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 Bowman 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. It follows that 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 exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation.

No statute confined to enforcing the 15th amendment exemption from racial discrimination and voting has ever been voided 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 judicial 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 laws or practices erecting voting qualifications do not run afoul of the 15th amendment or the provisions of the Constitution, they stand undisturbed. But when State power is abused, it is subject to Federal action by Congress, as well as by the courts under the 15th amendment. That was expressly affirmed in the Lassiter 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"—360 U.S. 51.

Congress is now considering legislation which has come to us in several different forms at various times. In my judgment, 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 grant to all 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 deny or abridge 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. In my judgment, when 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 bill. We have improved the bill 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 of no value unless it is counted.

I concede to the critics that this is a tough bill. It is one which will bring results. Unfortunately, however, it is a bill which is needed because some of our States and their officials have abused the rights of American citizens and have discriminated against American citizens solely because of their race and color. If this bill seems harsh, it is only harsh on those who have violated the spirit, purpose, and the intentions of this free country. For those who have not discriminated and for those who have not held prejudices, it will bring them the assurance that all citizens will have an equal right to vote. This bill is geared to stop the discrimination against our Negro American citizens, and it is for that purpose that I support the legislation.

Mr. ELLENDER. Mr. President, as the Senate debate on the pending bill continues in a limited way, I desire to reemphasize, once again, my opposition to this unneeded, uncalled for, unconstitutional measure. I wish to review the basis on which this bill was conceived, prepared, and guided to this stage of its enactment.

I believe that every public official, and particularly every U.S. Senator, should adhere to a philosophy of government that is deeply rooted in the concepts of Anglo-American law and justice.

The cornerstone of our Republic is, of necessity, the Constitution. This living document is the culmination of over 700 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 organic charter is the plumbline against which every act of the Government must be measured. Legislation should be carefully examined in all its particulars, 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 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 and, further, I reject the argument that we may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure with the idea of passing the responsibility on to the judiciary violates his oath of office.

I have no doubt that legislation such as this voting rights bill, which will doubtless be enacted into law, will mark another step toward the demise of representative government. If the Senate rushes headlong into the passage of unconstitutional legislation merely because the President demands it, can representative government endure? When a large group of U.S. Senators permit their names to be used as cosponsors of a bill which does violence to the organic law of this country, without first carefully studying that bill, I believe that representative government is in a moribund state, awaiting only its own burial.

We can have responsible government and respect for recommendations of the President without being subservient. When a case in law is brought to court, the first question in interpreting the law is, "What was the intent of Congress?" In other words, what did Congress think about the subject? In the present case, all that can be said will be that the Congress has not thought at all. Many Senators have rubberstamped a vicious proposal merely to please the President and an entourage of demagogs which prevailed upon him to take the lead.

Under the cover of legislative protection for voting rights, we have witnessed the spectacle of the President of the greatest Nation on earth turning our assembled leaders into an incited throng.

We have witnessed the Justices of the Supreme Court, the arbiters of the highest tribunal in our land, giving their handclap approval to a proposal before it is enacted.

We have heard the President tell of his dreams for power and how this power would be used by him. In a highly emotional address, we heard him say:

> I will let you in on a little secret: now that I have this power, I intend to use it.

And we have seen this power used to force passage of the bill now before the Senate.

Under the guise of enforcing the 15th amendment to the U.S. Constitution, we have witnessed the adoption into this bill of extraneous matter, calculated to affect the political balance of one of our great eastern cities. We have seen the U.S. Senate rushing to enact a bill, which would actually affect only some six member States, in clear violation of all our cherished legal principles.

And all this has been done in the name of democracy.

Regretfully, I can excuse the ignorance of demonstrators whom we have recently seen and heard chanting in the streets, "Freedom and democracy now," but I cannot excuse Members of Congress for their participation in shredding the very marrow of our Republic. Do Senators really believe that they can support unconstitutional and punitive legislation, directed at a few Southern States, without ultimately losing the political freedom of their own States?

There is carved on the facade of the New Senate Office Building the words:

> The Senate is the living symbol of our Union of States.

There is also carved within the Senate Chamber, above the niche which frames the desk of our presiding officer, the motto: "E Pluribus Unum"—"Out of Many, One," referring to the Union of the States. With the passage of this bill, which affects only six Southern States, and 34 counties in another, that motto will be dead. Not since Reconstruction has the Senate permitted this Union to be so perverted and subjected to such a diabolical attack.

There are those who claim that Congress has abdicated its responsibility as the Nation's legislator. There is much merit to that view. If Congress is relegated to the position of merely acting as go-between for the Members' constituents and the bureaucracy, there is no one to blame but the Members themselves. They are saying here today on this bill that they do not accept the responsibility for determining the constitutionality of the measure, and they are also saying that they do not accept the responsibility of knowing what they endorse. For myself, I do not propose to

let the President do the thinking for 180 million Americans. For a man who so often pleads "Come, let us reason together," he shows a strange determination to force his will upon all the rest of us.

If the United States were a tight little island with a homogeneous population, we could perhaps have government by edict, or Cabinet decision, but this is not the case. This is a Union of States, a Nation of continental proportions within which we have brought together many diverse religious, ethnic, and social groups. We must accommodate all these 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 retained their sovereign rights 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, I repeat, was built 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 right of local self-government to a large degree.

The demagogs 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 ordered out military forces of this Nation to conduct a pointless and disgusting march? I say "pointless" because the demonstration was to achieve voter registration which, in fact, was well underway. I may further ask, why was not the power of the Presidency used to mediate and conciliate instead of intimidate by the use of military force?

I have called upon the people of my State—all 4 million of them—to obey the laws of this Nation, including the distasteful Civil Rights Act of 1964. I did this without becoming nervous over the political consequences, and I do not understand why those in this Government 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, street demonstration, and civil disobedience. The principle of redress of grievances has never been so distorted. Can there be respect for law and order when local authority is usurped by U.S. military forces, when our legislatures are suspended in the passage of legislation, when our military is ordered to chaperon a howling, chanting mob in the pursuit of excitement?

It is true that many Negroes have not always had all the advantages of some whites in this country. But we are doing the Negro a great disservice by leading him to believe that all his difficulties are the white man's fault, and that the passage of a few obnoxious pieces of legislation will remedy the problems and evils which beset him. We constantly hear the chant "freedom," but never a murmur about "responsibility"; we hear incessant demands for jobs, but not a word about "capability"; we hear demands for equality, but not one word about the requisites of citizenship.

Mr. President, as I have often stated, this bill violates every sacred legal principle cherished by the American people. It violates the Magna Carta; it violates the petition of rights; it violates the Declaration of Independence; it violates the Constitution of the United States, as well as the Bill of Rights.

As I previously stated, it violates the principles so eloquently enunciated in the Declaration of Independence. There is a striking and shocking similarity between the evils contained in this bill and those charges which were made against King George III in the Declaration. I call the Senate's attention to those specific charges:

> For suspending our own legislatures * * *.
>
> He has called together legislative bodies at places unusual uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.
>
> He has made judges dependent on his will alone * * *.
>
> He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained.
>
> For depriving us, in many cases, of the benefits of trial by jury.
>
> For transporting us beyond the seas to be tried for pretended offenses.

Every evil with which that 18th century tyrant was charged is embodied in the voting rights bill in one form or another. Many Senators are familiar with the provisions of this bill that prohibit legislatures from passing any law on the subject of voting rights when that State is covered by the proposed measure. The State legislatures cannot exercise their constitutional power to count and qualify their citizens in the exercise of the franchise. The Federal Government will be in effect suspending the State legislatures in those few States affected by the pending legislation. State officials will be required to come to Washington to be tried for the conduct of their State offices by alien judges. These State officials will not have the benefit of trial by jury, nor will other individuals who are prosecuted for violations of this act be granted jury trials. The State officials will be hailed before these unfamiliar judges in Washington—a place "unusual, uncomfortable and distant from the depository of their public records." As I said, the parallel is shocking, to say the least.

I repeat, trial by jury has been abandoned; the right to trial in the local community put in jeopardy. The right of people to enact some laws through their own legislatures has been suspended, the right of State officials to enforce local laws superseded. The right of trial in duly constituted courts has given way to special courts set up in Washington, D.C., which are weighted in favor of the Government.

The grievances that our people have today against their Government are beginning to compare with the complaints of those who sought redress at Runnymede and Bunker Hill.

They are taxed beyond endurance for the support of the shiftless in this country, and for foreign governments alien to our democratic principles. The rights of private property have been abridged in the name of equality; the freedom of choice and privacy have been invaded by the Federal Government in the name of "equal protection" and "due process." Our Government has no right to interfere with the citizens of this country beyond providing and insuring an equal opportunity to all Americans. The Government has no right, under the Constitution or any other legal concept, to force American citizens into the role of sterile sameness; conversely, "equal opportunity" does not mean preferred treatment. There is no doubt that this bill now being rushed to passage in this Chamber would accord preferred treatment to Negroes who happen to live in certain Southern 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 the reaffirmation 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, ostensibly because the 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 absurd formula was proposed for the sole purpose of punishing these few Southern States because of their apathy in the last presidential election.

(At this point Mr. MONTOYA 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 enchanted, to put it 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 chose.

Many more people in my State voted in the Governor's election, which preceded the Presidential election by several months. When the people of a State are offered only two choices, 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

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 rubberstamp the 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 political 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," "perversion," and "punitive."

These comments have come from many who have been longtime friends of the civil rights movement. We have exactly the same 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 coverage 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, regardless of whether these laws have ever been enforced, or will ever be enforced. It is an old northern custom in Congress to respond to every complaint by the Negro with sectional and punitive legislation directed solely at the South. Thaddeus 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 preventing citizens from voting 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 cite one 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 the amendment was first pronounced in *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 other inferior Federal courts has reaffirmed this interpretation.

Now it is claimed by the Attorney General that he recognizes the right of States to qualify their voters, but that 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. The pretext which the Attorney General urges or uses is that in the Supreme Court decision of Louisiana against United States, decided on March 8, 1965, 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 issuance of an injunction to prohibit the State of Louisiana from applying its new voter qualification test, or, in the alternative, to reregister all voters on an equal basis, utilizing that test.

In other words, the Court did not suspend anything; it enjoined, 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 these parishes were reregistered on an equal and impartial basis.

If the administration's sole purpose is to rid all States of racial discrimination in elections, all it need do is to appoint referees or examiners to fairly and impartially administer State literacy tests all over the United States. This plainly 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 a voting machine booth and 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 order to give an opportunity for all of our people to vote, Louisiana has a requirement that no person may remain in the voting machine booth longer than 3 minutes. When there are long slates of candidates and many constitutional amendments to be voted, and perhaps water and sewerage bonds to pass upon, even the literate voter must act with haste and good judgment. 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 laws such 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 U.S. Government 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 State is taxed 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.

To go back a little, I hope Senators will not forget that this peaceful little community was posing no threat to anyone. The justifiable complaints which were filed in Federal Court were quickly adjudicated on the basis of evidence, and those complainants 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 arose, however, 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 demagogs, on the State of Alabama and this 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 Zeal 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, and he quotes King as saying:

> 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 know that this question of what is justice and what is injustice has been, and continues to be, a most profound mystery. Mr. Krock is quite right when he says that this attitude of King's is "the road to anarchy." We 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 transcendental 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 a deviation from constitutional 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 by 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 heritage and 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 weights more heavily on us than the duty we 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 cosponsor 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 sections of our country citizens, 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 to the point. It states, in its entirety:

> 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 1869. 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 insure 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 maintained 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 able 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 active military service and their dependents 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.

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 to the Judiciary 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.

Early press stories indicated that but 48.7 percent of Alaskans of voting age took part in the last election. This figure, however, did not take into account the more than 30,000 military personnel, to say nothing of their dependents, living in my State. With these persons excluded from the calculations, there is now no doubt of any kind 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 because fewer than 20 percent of its population is of nonwhite racial origin. The Bureau estimates that but 18.6 percent of Alaska's voting age population is nonwhite.

It is clear. 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. Alaskans worked and strove 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.

Mr. TOWER. Mr. President, the moral issue of voting rights, regardless of race or color, is indeed indisputable.

The Constitution of the United States is quite clear upon the matter. The citizen's right to vote shall not be denied or abridged by the United States or any State "on account of race, color, or previous condition of servitude." This principle, the Constitution makes clear, is to be enforced by appropriate legislation.

And that is what we should be doing here. Whenever American citizens, of any race or any color go forward at registration time, or on election day, they should be treated alike. If they are not, justice demands that we do what is necessary to see that certain persons, in certain areas, do not do injustice. It is, of course, the constitutional duty of our Federal Government to see that voting rights are not abridged anywhere, not in just a few States and a few counties. The measuring of justice by percentages, and percentage limitations, Mr. President, in my opinion, does violence to such justice.

What is needed, then, is not voting rights legislation to mete out punishment for past sins; that is legislation which looks backward. What is needed is forward-looking legislation, legislation designed to eliminate any future discriminatory practices. In my opinion, it is most regrettable that the bill is aimed toward past discrimination, instead of being aimed at prevention of existing and future abuses. Federal examiners should, of course, be appointed to register citizens where discrimination is shown to exist, and to administer voter qualifications in a nondiscriminatory manner.

Mr. President, the mathematical guilt formula to be so unjustly hung upon several States and counties, is arrived through the highly questionable assumption that literacy tests and lower voter participation always means discrimination. Other objective, basic assumptions that lack of participation in certain elections may be due to a strong one-party system, voter apathy toward one or more candidates, or even bad weather, are completely ignored.

Proponents of the pending measure contend the several States and counties affected under the bill, since in very general terms this is where a tendency toward voter discrimination has occurred in past years, demonstrates that the bill hits at the heart of the problem.

The guilt formula approach, as I have stated previously, is arbitrary, and itself most discriminatory. Grave constitutional questions are brought forth by this bill. Clearly, its guilt formula is not appropriate to further the implementation of the 15th amendment. Clearly, it is not constitutional to ban States that do not discriminate from using a literacy test as a requirement for voting. Clearly, the elimination of such constitutional voting requirements in some States and political subdivisions, with like requirements remaining intact in others, declared innocent by the arbitrary percentage formula of the bill, is bad logic and bad law. It is apparent, Mr. President, that the sheer momentum of this measure has brushed aside any serious consideration of constitutional arguments.

And what of the precedent for the future. Such precedent concerns not only those States to be found guilty by this bill, but all States. As I have once before noted, if this Congress can now legislate to punish one section of the country, to abolish admittedly constitutional State laws, then a subsequent Congress can do likewise to other parts of the country, and to other States, and to other provisions of our Constitution.

Mr. President, it is my feeling that it is incumbent upon us here in the Senate, in pursuance of our sworn duties, to see that constitutional provisions guaranteeing equal protection of the laws are carried out to the fullest extent possible.

Whenever a case arises, 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 enforced and equitably 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.

The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Montana [Mr. MANSFIELD] and the Senator 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. BIBLE], 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. CANNON] is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], and the Senator from Idaho [Mr. CHURCH], would each vote "yea."

On this vote, the Senator from Nevada [Mr. BIBLE] 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. 95 Leg.]

YEAS—78

Aiken	Fong	McGee
Allott	Gore	McGovern
Anderson	Gruening	McIntyre
Bartlett	Harris	McNamara
Bass	Hart	Metcalf
Bayh	Hartke	Miller
Bennett	Hayden	Mondale
Boggs	Hickenlooper	Monroney
Brewster	Hruska	Montoya
Burdick	Inouye	Morse
Carlson	Jackson	Morton
Case	Javits	Moss
Clark	Jordan, Idaho	Mundt
Cooper	Kennedy, Mass.	Murphy
Cotton	Kennedy, N.Y.	Muskie
Curtis	Kuchel	Nelson
Dirksen	Lausche	Neuberger
Dodd	Long, Mo.	Pastore
Dominick	Magnuson	Pearson
Douglas	Mansfield	Pell
Fannin	McCarthy	Prouty

Proxmire	Simpson	Williams, N.J.
Randolph	Smith	Williams, Del.
Ribicoff	Symington	Yarborough
Saltonstall	Tower	Young, N. Dak.
Scott	Tydings	Young, Ohio

NAYS—18

Byrd, Va.	Holland	Russell, Ga.
Eastland	Jordan, N.C.	Smathers
Ellender	Long, La.	Sparkman
Ervin	McClellan	Stennis
Fulbright	Robertson	Talmadge
Hill	Russell, S.C.	Thurmond

NOT VOTING—4

Bible	Cannon	Church
Byrd, W. Va.		

So the Mansfield-Dirksen substitute, as amended and modified, for the committee substitute for the bill was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the Mansfield-Dirksen substitute, as amended and modified, for the committee substitute for the bill, was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment in the nature of a substitute for the bill, as amended by the Mansfield-Dirksen substitute.

The committee amendment in the nature of a substitute for the bill, as amended by the Mansfield-Dirksen substitute was agreed to.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. MANSFIELD. Mr. President, we are about to vote on final passage of what will be the Voting Rights Act of 1965. The Senate has labored for many weeks considering this most difficult legislation and I believe has admirably met its obligations in drafting a bill which should meet a pressing domestic need. The issues in this case have been, as in all cases in this area of legislation, highly sensitive. The problems in this bill have been particularly difficult because of the constitutional questions raised by many in this body.

I cannot permit a vote on this bill until I first give credit to those who most justly deserve it. I pay special tribute to the distinguished minority leader, Mr. DIRKSEN—without him we would not have a bill. Mr. President, it is fortunate indeed that this body is graced with such an able minority leader—one whose constructive cooperation in this vital area of our duties is so freely given. His contributions are a matter of public record and speak more eloquently than any words from me.

I pay a similar high tribute to the junior Senator from Michigan [Mr. HART] who has rendered a singular service not only to the Senate but to the country by the manner in which he has directed and managed this legislation these past weeks. He has not only contributed a keen legal mind in untangling and resolving the difficult and technical problems that have arisen but has also demonstrated again the calmness of manner and sensitivity of feeling that all of us in this body have come to know him by. In spite of his strong convictions in favor of the bill, he never forgot that those opposed felt equally as strongly and he respected their feelings, their viewpoints, and their arguments, as he directed this bill to passage.

In addition, the able assistance of many other Senators has contributed to making this bill the effective piece of legislation it is. In particular the distinguished Senator from New York [Mr. JAVITS], the distinguished Senator from Massachusetts [Mr. KENNEDY], and the distinguished Senator from Maryland [Mr. TYDINGS] should be cited for particular commendation.

I believe also that those who opposed the bill so effectively, the distinguished Senator from Louisiana [Mr. ELLENDER], the distinguished Senator from Georgia [Mr. TALMADGE], the distinguished Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], the distinguished Senator from North Carolina [Mr. ERVIN], the distinguished Senators from Alabama [Mr. HILL and Mr. SPARKMAN], and other Senators who were so constructive in their opposition, are likewise entitled to commendation.

In conclusion, I owe thanks to the Senate as a whole for the contributions all viewpoints have given to molding the many refinements of this bill. It is my hope and belief that this legislation will meet the needs of the country as a whole and redeem the promises of the Constitution to all citizens.

Mr. President, I urge the adoption of the pending measure.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. HOLLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. I announce that the Senator from Nevada [Mr. BIBLE], 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. CANNON] is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. BIBLE] and the Senator from Idaho [Mr. CHURCH] would each vote "yea."

On this vote, the Senator from West Virginia [Mr. BYRD] is paired with the Senator from Nevada [Mr. CANNON]. If present and voting, the Senator from West Virginia would vote "nay," and the Senator from Nevada would vote "yea."

The result was announced—yeas 77, nays 19, as follows:

[No. 96 Leg.]

YEAS—77

Aiken	Bartlett	Bennett
Allott	Bass	Boggs
Anderson	Bayh	Brewster
Burdick	Javits	Murphy
Carlson	Jordan, Idaho	Muskie
Case	Kennedy, Mass.	Nelson
Clark	Kennedy, N.Y.	Neuberger
Cooper	Kuchel	Pastore
Cotton	Lausche	Pearson
Curtis	Long, Mo.	Pell
Dirksen	Magnuson	Prouty
Dodd	Mansfield	Proxmire
Dominick	McCarthy	Randolph
Douglas	McGee	Ribicoff
Fannin	McGovern	Saltonstall
Fong	McIntyre	Scott
Gore	McNamara	Simpson
Gruening	Metcalf	Smith
Harris	Miller	Symington
Hart	Mondale	Tydings
Hartke	Monroney	Williams, N.J.
Hayden	Montoya	Williams, Del.
Hickenlooper	Morse	Yarborough
Hruska	Morton	Young, N. Dak.
Inouye	Moss	Young, Ohio
Jackson	Mundt	

NAYS—19

Byrd, Va.	Jordan, N.C.	Sparkman
Eastland	Long, La.	Stennis
Ellender	McClellan	Talmadge
Ervin	Robertson	Thurmond
Fulbright	Russell, S.C.	Tower
Hill	Russell, Ga.	
Holland	Smathers	

NOT VOTING—4

Bible	Cannon	Church
Byrd, W. Va.		

So the bill (S. 1564) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of examiners by the Civil Service Commission in accordance with section 6 to serve for such period of time and in such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided,* That the court need not authorize the appointment of examiners if any incidents of denial or abridgment of the right to vote on account of race or color (1) have been limited in number and have been promptly 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 recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for purposes of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such definite and limited period as it deems necessary.

(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 occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate 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 submitted to the Attorney General. If the Attorney General files objection with the court within sixty days after such qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to him, such qualification, prerequisite, standard, practice, or procedure shall not be enforced 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; except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection 4(b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that the effects of denial or abridgment, if any, of the right to vote on account of race or color have been effectively corrected by State or local action and that there is no reasonable cause to believe that any test or device sought to be used by such State or subdivision will be used for the purpose or will have the effect of denying or abridging the right to vote on account of race or color: *Provided*, That a final judgment heretofore or hereafter rendered by any court of the United States, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of any such plaintiff, may be introduced in any such declaratory judgment action brought within five years of such final judgment as prima facie evidence of the facts found by the court, except that notwithstanding this provision the judgment shall retain whatever legal effect it would have under exising law.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or will have the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device is being used for the purpose of denying or abridging the right to vote on account of race or color, he may consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State 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 (A) that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964, and (B) that according to the 1960 census, more than 20 per centum of the persons of voting age were nonwhite; or, (3), notwithstanding the foregoing (1) and (2), the Director of the Census determines, by a survey made upon the request of the Attorney General that the total number of persons of any race or color who are registered to vote in any State or political subdivision is less than 25 per centum of the total number of all persons of such race or color of voting age residing in such State or political subdivision.

A determination or certification of the Attorney General or of the Director of the Census under this subsection or under section 6 or section 13 shall be final and effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in 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 have been promptly 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 recurrence in the future.

(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such 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 enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure, unless such qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission. Neither the Attorney General's failure to object nor a declaratory judgment entered under this section 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 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever the Attorney General certifies (a) that a court has authorized the appointment of examiners pursuant to the provisions of section 3(a); or (b) unless a declaratory judgment has been rendered under section 4(a), with respect to any political subdivision named in, or included within the scope of determinations made under section 4(b) that (1) he has received complaints in writing from twenty 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 (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be fairly attributable to violations of the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners, who shall to the extent practicable be residents of such State, in such subdivision as it may deem appropriate to prepare and maintain, by examining applicants pursuant to section 7, lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 8(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 1181), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as provided by section 8(b) and in addition shall contain allegations that the applicant is not registered to vote, and such additional allegations, including an allegation that within ninety days preceding his application the applicant has been denied under color of law the opportunity to register or to vote or has been found not qualified to vote by

a person acting under color of law, as the Attorney General may require.

(b) Any person whom the examiner finds, in accordance with instructions received under section 8(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 8(a) and shall not be the basis for a prosecution under section 11 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection beginning on the last business day of the month and on the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from the examiner's list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted by the examiner to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on the examiner's list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on the examiner's list shall be removed therefrom by an examiner if (1) such person has been successfully challenged 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 shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate within ten days after the listing of the challenged person is made available for public inspection, and if supported (1) by the affidavit of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within 15 days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the moving party, but no decision of a hearing officer shall be overturned unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places and procedures and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger, the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In a case of contumacy or refusal to obey a subpena, any district court of the United States or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 9. (a) In view of the evidence presented to the Congress that the constitutional right of citizens of the United States to vote is denied or abridged in certain States by the requirement of the payment of a poll tax as a condition of voting, Congress declares that the constitutional right of citizens of the United States to vote is denied or abridged in such States by the requirement of the payment of a poll tax as a condition of voting. To assure that such right is not denied or abridged in violation of the Constitution, the Attorney General shall forthwith institute in such States in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, or substitute therefor enacted after November 1, 1964, which, as a condition of voting, has the purpose or effect of denying or abridging the right to vote.

(b) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof and to cause the case to be in every way expedited.

(c) During the pendency of such actions, and thereafter if the courts declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4 (b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 10. (a) Whenever the Attorney General receives at least twenty days prior to any election a complaint in writing signed by twenty or more persons of voting age who are residents of a political subdivision alleging that persons who have been listed in accordance with the provisions of section 7 have not been placed upon the official voting lists by the appropriate local or State election officials he shall institute an action to require that such persons be placed on the official voting lists and be permitted to vote. Such action shall be filed in the appropriate district court which shall have jurisdiction thereof and upon request of the Attorney General shall be determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code and any appeal shall lie to the Supreme Court. The relief in such action shall, upon request of the Attorney General, include the appointment by the court of such persons as may be necessary to observe, at such places as the court may order, whether persons entitled to vote are permitted to vote and have their votes counted and the court may in its discretion impound all ballots cast in such election until such time as all persons whom the court has ordered permitted to vote, and who are refused or denied the opportunity to vote, have the opportunity to vote on election day or the day following. The remedy provided by this section shall not preclude any other remedy available under State or Federal law.

(b) Whenever an examiner is serving under this Act in any political subdivision, the Attorney General may assign one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Persons assigned by the Attorney General pursuant to this subsection shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit to vote any person who is entitled to vote under any provision of this Act, or fail or refuse to count such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person from voting or attempting to vote or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person from exercising any powers or duties under section 3(a), 6, 8, 10, or 12(e).

SEC. 12. (a) Whoever shall willfully and knowingly deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, 9, or 10 or who shall willfully and knowingly violate section 11, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) fraudulently destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot cast in such election, or (2) fraudulently alters any record of voting in such election made by a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or willfully and knowingly interferes

with any right secured by section 2, 3, 4, 5, 7, 9, 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 there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons 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) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the United States attorney for the judicial district if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the United States attorney may not later than seventy-two hours after the closing of the polls file with the district court an application for an order providing for the casting or counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (d) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by the examiner for such subdivision have been placed on the appropriate voting registration roll, (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision; and (b), with respect to examiners appointed pursuant to section 3 (a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) and to petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination 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 refusal to request such survey or census to be arbitrary or unreasonable.

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SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1955).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 8 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order of temporary or permanent injuction against the execution or enforcement of any provision of this Act. The right to intervene in any action brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their appropriate officials.

(c) (1) The terms "vote" or "voting" shall include all actions necesary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to elections held for the selection of presidential electors, Members of the United States Senate, and Members of the United States House of Representatives.

(e) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided,* That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 18. No examiners shall be appointed pursuant to section 6 as a result of a determination made pursuant to clause (3) of section 4(b) until thirty days prior to the first primary election or general election in calendar year 1966, within the territory of any State which has adopted any amendment to its State constitution, or enacted any law, subsequent to November 1, 1964, and prior to March 1, 1965, under which all persons desiring to vote in any election held in such State are required to reregister.

Mr. HART. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the able was agreed to.

Mr. HART. Mr. President, I call up an amendment to the title of the bill.

The VICE PRESIDENT. The clerk will state the title as proposed to be amended.

The LEGISLATIVE CLERK. On page 1, it is proposed to amend the title so as to read——

The VICE PRESIDENT. The question is on agreeing to the amendment of the title. [Putting the question.]

Mr. COTTON. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. COTTON. Mr. President, all through this vote, various individuals have been running up and down the aisles. I could not hear the recapitulation of the list of Senators voting, and I could not hear the motion of the Senator from Michigan, which was voted on, and I still do not know what it was. Probably it was not significant, but it seems to me the dignity of the Senate requires, on a vote which has followed 5 weeks of labor, that we have quiet in the Senate so that we may hear, and that Senators and others be quiet so we can hear.

The VICE PRESIDENT. The Senator's point is well taken. The clerk will read the title as proposed to be amended.

The LEGISLATIVE CLERK. On page 1, it is proposed to amend the title so as to read, "A bill to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes."

The VICE PRESIDENT. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

TRIBUTES TO SENATORS IN CONNECTION WITH VOTING RIGHTS BILL

Mr. DIRKSEN. Mr. President, if we may have order, I am sure Senators will be interested in a query I wish to make of the majority leader.

Mr. JAVITS. Mr. President——

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. DIRKSEN. First, I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, before the Senate proceeds to other business, with respect to the passage of the voting rights bill, which has just occurred, may I, as one of his colleagues, pay high

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 learning as a lawyer, but with the 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 the 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 received from the distinguished majority and minority leaders.

Let me also express our appreciation to the chairman of the Judiciary Committee, the distinguished Senator from Mississippi [Mr. EASTLAND], who conducted the committee's work, not only during the open hearings but also in executive session when we were considering amendments to the bill, in a most judicious manner despite his different feelings and understandings of the issues before us. Also to the other members of the Committee on the Judiciary who stood in opposition to many of the points which were raised and voted on during the past few weeks, I wish to state our regard and appreciation. As a member of that committee, I, for one, found their efforts only to be constructive, pertinent, and relevant. I believe that this is a great example of the functioning and the working of the Senate, and I sincerely believe the Members of this body deserve the appreciation of all.

Mr. BASS. Mr. President, I rise to pay tribute to the Senator from Michigan [Mr. HART] for the excellent way in which he handled the legislation which has just been passed.

I know of no period in my service in Congress when I have observed any Member of Congress handle important and controversial legislation with the intellectual approach, the ease of manner, and with such ability as the Senator from Michigan has manifested in this instance.

The manner of his performance set the tempo of the entire debate, which has been one of intellectual discussion of important legislation. His mild manner and friendly tone in handling the legislation has been a blessing to the entire Senate and made it much easier for all Senators to work and cooperate in debating and passing the legislation.

I know that even Senators who opposed the legislation will join me in appreciation of the excellent manner in which the Senator from Michigan has handled himself and the legislation which was before us.

Mr. TYDINGS. Mr. President, as a junior member on the Judiciary Committee during the period when this legislation was brought before the committee, during debate on the floor, and in my brief participation during this "baptism of fire" to observe the workings 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], during the entire time of consideration of the bill, both in committee and on the floor of the Senate, was an outstanding leader.

I should also like to take this opportunity to commend the junior Senator from Massachusetts [Mr. KENNEDY] for his tenacious and untiring efforts in behalf of this legislation.

Let me also 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, the Senator from Mississippi [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.

During debate on the floor of the Senate, the distinguished senior Senator from North Carolina [Mr. ERVIN], I felt, was admirable in his fairness during debate, as were the distinguished senior Senator from Florida [Mr. HOLLAND], and the distinguished senior Senator from Louisiana [Mr. ELLENDER].

Mr. President, I consider it a great opportunity to serve in the Senate, and to observe the process of legislation in its highest form and in its highest traditions being molded and brought to fruition, aimed always, in my judgment, toward the special interests of all the people of our great Nation.

Mr. CLARK. Mr. President, I join my colleagues from Massachusetts, Tennessee, and Maryland, in their commendation of the junior 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 minded than the Senator from Michigan, but there is no Member of this body who goes through his set duties with such complete unselfishness, 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 say that I believe 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].

I wish to pay tribute to the patient, tolerant, considerate, scholarly, and wise contributions made by the Senator from North Carolina [Mr. ERVIN]. I thought he did a remarkable job. I wish to express my indebtedness to him, and also to the chairman of the Judiciary Committee, the senior Senator from Mississippi [Mr. EASTLAND], the majority whip, the Senator from Louisiana [Mr. LONG], and other Senators.

Whether some of us are able to be pleased with the vote after the long debate—and I am not—I am certainly pleased with the fact that the debate was carried on with the courtesy, cordiality, and understanding which I believe should always characterize these vigorous debates in the Senate.

Mr. MCNAMARA. Mr. President, my colleague from Michigan, 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 offered.

And through it all, his tone and manner were gentlemanly and understanding.

But the greatest tribute to Senator HART is yet to come.

This will be when the Voting Rights Act of 1965 becomes law and when its provisions go to work to insure the constitutional right of every citizen—the right to vote—freely and without discrimination.

Mr. MUSKIE. Mr. President, the Senate and the country are indebted to the President, the Attorney General, and several of our colleagues for the historic action the Senate has just taken in approving the voting rights bill.

I would like to pay a personal tribute to the floor manager of the bill, the junior Senator from Michigan [Mr. HART].

We are colleagues of the so-called class of 1958. I have appreciated his qualities of heart and mind for more than a decade. I have known him to be a thoughtful, intelligent, articulate man of sincerity and compassion. Over the past 5 weeks he has revealed these qualities to the Senate and the country in a way which establishes him firmly as an outstanding Senator. I am proud to know him and to follow him in the course he has led so well these past weeks.

EQUAL VOTING RIGHTS

Mr. MAGNUSON. Mr. President, the people of the State of Washington share with the great majority of Americans a jealous regard for their own right to vote. They are no longer willing to tolerate the denial of this right to any of their fellow citizens.

As we complete the historic process of insuring universal sufferage to all Americans through the passage of the voting rights bill, I should like to place in the record three items which symbolize the

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 items is a newspaper 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 over the voting rights 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 eliminate the right to vote, for any people 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."

Be it further resolved, That we stand for lawful demonstrations if they be for protest against violence, injustice, prejudice, or American values: Now, therefore, be it

Resolved, That we urge you, 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:
JEANNE KOCH, *Secretary.*

MOUNT VERNON, WASH.,
April 13, 1965.

DEAR SENATOR MAGNUSON: You have been sent previously the voting rights petition referred to in the enclosed article. I thought you would be interested to see the publicity it generated in the local paper.

Yours very truly,
JANET THIESSEN.

[From the Skagit Valley Herald, Apr. 8, 1965]

"VOTING RIGHTS" PLEAS IN MAIL

Petitions carrying well over 400 signatures are on their way to Washington, D.C., as an expression of the Skagit Valley'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 are collecting money for the James Reed Fund. The fund will help the family of the clergyman killed in Alabama and also will aid other families of civil 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 the 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,
Seattle, Wash., April 7, 1965.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Enclosed herewith is copy of resolution of Seattle City Council, relating to the right to vote, which you will find self-explanatory.

With best personal wishes.

Very truly yours,
C. G. ERLANDSON,
City Comptroller.

RESOLUTION 20205

Whereas the right to vote under reasonable and easily met regulation is essential to citizenship 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. The 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 protect the right of every individual to vote; be it further

Resolved, That the Federal Government be urged, after reasonable notice to any local government within the United States that the essentials of self-determination are being abridged, to step in if those abridgements are not correct within a reasonable time, not to govern but to enforce the right of self-government; be it further

Resolved, That copies of this resolution be sent to President Lyndon B. Johnson, U.S. Senators WARREN G. MAGNUSON and HENRY M. JACKSON, and U.S. Representatives THOMAS M. PELLY, LLOYD MEEDS, JULIA B. HANSEN, CATHERINE MAY, THOMAS S. FOLEY, FLOYD D. HICKS, and BROCK ADAMS.

Adopted by the city council this 5th day of April 1965, and signed by me in open session in authentication of its adoption this 5th day of April 1965.

CHARLES M. CARROLL,
President pro tempore of the City Council.

Filed by me this 5th day of April 1965:
Attest:

C. G. ERLANDSON,
City Comptroller and City Clerk.

I concur in the above resolution:
By ——— ———,
Deputy.
CLARENCE F. MASSART,
Acting Mayor.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to make inquiry of the majority leader concerning the program for the remainder of the week, and also for the forepart of the coming week, before Senators leave the Chamber.

Mr. MANSFIELD. Mr. President, in response to the question just raised by the distinguished minority leader, the order of business at the moment is the Interior appropriation bill, H.R. 6767. It is anticipated, with luck—and I do mean luck—that it will be followed by H.R. 7717, the NASA reorganization bill, or S. 1648, the public works bill.

Upon completion of those two measures, it is anticipated that the foreign aid bill will be laid before the Senate and made the pending order of business so far as major legislation is concerned.

Mr. DIRKSEN. I thank the Senator from Montana.

H.R. 806, TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Commitee on Commerce be discharged from further 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 permit 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 76. The House, being alert in its duties as usual, picked up the error, which was discovered, I believe, by some good House lawyers. It should be corrected to 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 proceed to consider Calendar No. 159, H.R. 6767, the Interior Department appropriation bill.

The VICE PRESIDENT. The bill will be stated by title.

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 against legislation in an appropriation bill be waived.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Without objection, it is so ordered.

The committee 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 "$52,080,000".

On page 5, line 18, after the word "shops", to strike out "$105,761,000" and insert "$106,448,000: *Provided,* That not to exceed $85,000 of this appropriation shall be made available to the San Carlos Apache Indian Tribe for maintenance of law and order."

On page 6, line 5, 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 "$32,855,000" and insert "$36,296,000"; 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 further,* That not to exceed $558,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1, for construction of an addition to the Dunseith Public School: *Provided further,* That not to exceed $450,000 shall be for assistance to the Tularosa, New Mexico, School District No. 4, for construction of junior high school and high school facilities."

On page 7, line 11, after the figures "203", to strike out "$16,900,000" and insert "$17,605,000".

On page 10, line 15, after the word "Commission", to strike out "$32,228,000" and insert "$32,546,00".

On page 11, line 9, after the word "rights", to strike out "$26,077,000" and insert "$26,368,000".

On page 12, line 4, after the word "offices", to strike out "$2,450,000" and insert "$2,465,000".

On page 12, line 7, after the word "exceed", to strike out "ninety-four passenger motor vehicles" and insert "one hundred and twelve passenger motor vehicles of which ninety-four shall be".

On page 12, line 20, after the word "including", to strike out "$1,400,000" and insert "$1,440,000"; on page 13, line 3, after the word "exceed", to strike out "$99,000,000" and insert "$79,576,350"; in line 5, after the word "exceed", to strike out "$21,600,000" and insert "$23,098,500"; at the beginning of line 7, to strike out the word "and"; in the same line, after the word "exceed", to strike out "$12,000,000" and insert "$19,785,150"; in line 8, after the word "Service", to insert "and (4) not to exceed $1,100,000 shall be available to the Bureau of Sport Fisheries and Wildlife:"; in line 13, after the word "through", to strike out "(3)" and insert "(4)", and in line 14, after the word "proportionately", to insert a colon and the following additional proviso:

"*Provided further,* That no part of this appropriation shall be used for the condemnation of any land for Grand Teton National Park in the State of Wyoming."

On page 17, line 21, after the word "earthquake", to strike out "$3,000,000" and insert "$5,200,000".

On page 18, line 17, after the word "activities", to strike out "$71,100,000" and insert "$72,480,870".

On page 20, line 8, after the word "substitutes", to strike out "$31,541,000" and insert "$31,891,000".

On page 22, line 1, after "(74 Stat. 337)", to strike out "$6,945,000" and insert "$7,595,000".

On page 22, line 25, after the word "law", to strike out "$21,218,000" and insert "$22,268,000".

On page 23, at the beginning of line 16, to strike out "$1,905,000" and insert "$2,080,000".

On page 23, line 22, after the word "expended", to insert a colon and the following proviso:

"*Provided,* That in addition, any unobligated balance as of June 30, 1965, of the amount appropriated under this head in the Supplemental Appropriation Act, 1965, shall be transferred to and merged with this appropriation."

On page 24, line 7, after "(78 Stat. 197)", to strike out "$4,000,000" and insert "$5,600,000"; in line 8, after the word "exceed", to strike out "$150,000" and insert "$300,000"; in line 9, after the word "and", to strike out "$100,000" and insert "$400,000", and in line 11, after the word "of", to strike out "$3,750,000" and insert "$4,900,000".

On page 25, line 16, after the word "Refuge", to strike out "$35,324,300" and insert "$36,814,300".

On page 25, line 22, after the word "therein", to strike out "$5,115,500" and insert "$7,943,700: *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 "$4,425,000" and insert "$4,487,000".

On page 28, line 25, after the word "only", to strike out "$4,450,000" and insert "$4,454,400".

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 "$160,671,000" and insert "$163,833,000".

On page 32, line 7, after the word "law", to strike out "$32,939,000" and insert "$38,777,000".

On page 33, line 14, after the word "amended", to strike out "$10,000" and insert "$20,000"; and at the beginning of line 20, to strike out "$70,000" and insert "$80,000".

On page 34, line 16, after the word "exceed", to strike out "one hundred and one" and insert "one hundred 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. 2004a)", to strike out "$9,000,000" and insert "$14,450,000".

On page 38, line 17, after "(5 U.S.C. 2131)", to strike out "$800,000" and insert "$888,000".

On page 39, line 25, after the word "publications", to strike out "$18,468,000" and insert "$19,211,000".

On page 40, line 9, after the word "until", to strike out "expended:" and insert "expended and"; and in line 10, after the word "States", to strike out "institutions." and insert "institutions:".

On page 42, line 12, to strike out "$25,000" and insert "$35,000."

On page 42, after line 12, to insert:

"VETERANS' ADMINISTRATION

"Construction, Corregidor-Bataan 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. 426), $1,400,000, to remain available until expended."

On page 42, line 24, after "$25,000," to insert a comma and "to be available from January 1, 1965."

At the top of page 43, to insert:

"TRANSITIONAL GRANTS TO ALASKA

"For grants to the State of Alaska as authorized by section 44 of the Alaska Omnibus Act (75 Stat. 151), as amended, $6,500,000."

On page 43, after line 4, to insert:

"FEDERAL DEVELOPMENT PLANNING COMMITTEES FOR ALASKA

"Salaries and expenses

"For necessary expenses of the Federal Development Planning Committees for Alaska, established by Executive Order 11182 of October 2, 1964, including hire of passenger motor vehicles, services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $174,000."

Mr. HOLLAND. Mr. President, if the Senator from Arizona will yield, I should like to ask him a question. I have been called from the Chamber. I have one question that I should like to ask him, if he will be tolerant at this time.

Mr. HAYDEN. I yield.

Mr. HOLLAND. Am I correct in my understanding that the sum placed in the budget for the acquisition of lands in the Everglades National Park in an amount of $1,125,000, I believe, which was deleted in the House action, was replaced in the bill by the Senate committee and is now in the pending measure?

Mr. HAYDEN. The Senator is correct.

Mr. HOLLAND. I thank the distinguished Senator. I hope that at last our unrelenting friends in the House may realize that the State of Florida has performed its full obligation and has transferred its 850,000 acres, has given $2 million for the rounding out of the acreage, and that up to now not 1 dime has appeared in the general appropriation bill for the Department of the Interior to carry out the commitment of Congress and of the National Government for the supplying of the additional $2 million to acquire lands within the park.

I thank the Senator for his diligence in this matter.

Mr. HAYDEN. Mr. President, the committee, as indicated on page 1 of the report, considered budget estimates in the amount of $1,241,549,500, including indefinite appropriations of receipts, for

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 Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Bureau of Reclamation.

The committee recommends definite appropriations of $1,092,518,770. This is $46,652,470 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 allowances:

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 for which was received after the House of Representatives considered this bill; payment to the Alaska Railroad revolving fund, $2,200,000, which will provide the full authorized amount for earthquake damage repair; 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, $9,010,000; 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?

Mr. HAYDEN. Yes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCLELLAN. My colleague from Arkansas has an amendment which he desires to offer. He will be on the floor shortly. He has an amendment that is important to our State which he wishes to offer, in which I join with him. There are a number of things in the bill that are very important to my State. I appreciate the cooperation that we have received from the committee, and that which the distinguished chairman, Senator HAYDEN, is now giving to my colleague and me.

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

Mr. McCLELLAN. I yield.

Mr. JAVITS. Mr. President, I thank the Senator from Arkansas for yielding to me. I note that there is contained in the bill a provision which is apparently unchallenged. It is the same as the budget estimate and the House allowance. The committee recommends $4 million for the preservation of the Fire Island National Seashore.

This is one of the most extraordinary beautiful and extended beaches in the possession of the United States, off the coast of New York, the most congested of all areas in our country. I am very grateful to the chairman of the committee for letting us get started with its development. It will be a blessing not only to the 35 million people who live along the seashore between Washington and Boston, but also to the millions of people who live in New York and its suburbs, who so urgently need its preservation for recreation.

Former Senator Keating and I worked very hard to bring this about. Although he is no longer a Member of the Senate, I know it will be gratifying to him to learn that this is being so very well implemented and started at once. It will also be pleasing to my colleague from New York [Mr. KENNEDY].

Mr. McCLELLAN. Mr. President, I yield to my colleague from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to offer an amendment on page 10, line 15, to change the figure of "$32,546,000" to "$32,596,000". The $50,000 would be used as planning money for a little park and garden below Greers Ferry Dam, which has recently been completed, and which was dedicated by our late President Kennedy shortly before he died. The amount has been discussed with the Bureau of the Budget and the Department of the Interior. The Budget Bureau has prepared a letter addressed to the committee chairman, which he will receive tomorrow or the next day, approving the inclusion of that amount in the bill.

Mr. HAYDEN. I have been so advised.

Mr. FULBRIGHT. 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 "$32,596,000".

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. HAYDEN. 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 Arizona [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 scenic 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 subcommittee for recognizing the need for this facility in Oklahoma. Funds for the establishment of this project have been requested on many occasions, and my distinguished colleague [Mr. MONRONEY] 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 committee in providing funds 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. PROXMIRE. 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 being faced by the Great Lakes' declining fishing industry. As Senators will note from the chart that I have placed in the rear of the Chamber, a continuation of the present serious drop in income from commercial fishing on 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 setting aside $400,000 for an accelerated development program. The full committee took the highly unusual step of adding an additional $30,000 to this amount in recognition of the appalling 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 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 acquatic 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

drawn up the estimated cost of the vessel has inflated from $425,000 to $550,000. Without an early appropriation of funds the cost of constructing the vessel will increase still further. Without any appropriation of funds the $20,000 spent on planning will have been thrown to the wind.

Countless other areas of study could be profitably pursued if funds were available. For example, there is a great need for the measurement and description of the effects of accumulations of various chemicals, nutrients, and pesticides on the basic productivity and fish producing capacity of the Great Lakes. I could go on and detail the need for the development of more effective and economical fishing methods, detailed economic analyses of present production, processing, marketing, and distribution costs, development of institutional markets, and so forth. But I think that it is obvious to all who have looked at the chart in the rear that much more work must be done if the Great Lakes fishing industry is to be saved. I hope Congress will appropriate additional funds for that work next year.

I would now like to turn briefly to the $150,000 included in this bill by the Appropriations Committee for research and recreation management in the boundary waters canoe area. As a sponsor of the amendment which added this amount to the bill, it was my understanding that $75,000 of this amount was to be used for wilderness research, aimed specifically at the problem of maintaining natural communities of forest cover. The committee report allocates this $75,000 for recreation research. I assume that this term is meant to cover wilderness research. However, I wanted to make the record clear during floor discussion of the Interior appropriations bill that this money was intended for wilderness research. If there is any doubt on this matter, I hope it can be cleared up in the conference report.

I thank the distinguished chairman of the Appropriations Committee for his great help to the Great Lakes area.

Mr. HAYDEN. I thank the Senator.

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

Mr. HAYDEN. I yield.

Mr. BARTLETT. I thank the chairman. I wish to point out briefly, in respect to the Great Lakes fisheries, that the committee added to the bill $430,000. All of us believe that revitalization of that once great fishery is essential, and the appropriation will start that work well along its way.

The committee also approved an appropriation of $300,000 for disaster research under Federal aid for fishery research and development, in addition to $100,000 voted by the House for oyster disease research in the four mid-Atlantic States.

Words of commendation have been spoken for the chairman of the committee. I wish to agree with what has been stated and to enlarge upon it.

I should like to utter words of praise. I am a member of the subcommittee. Day after day the senior Senator from Arizona [Mr. HAYDEN] was in attendance at those hearings. He never failed. The hearings were long, thorough, complete, and exhaustive. He demonstrated a surprising knowledge of every issue that came before the committee. He dealt fairly and equitably not only with the entire West, with which the bill deals chiefly, but also in behalf of the entire Nation. We all owe him a great debt of gratitude.

Mr. HAYDEN. I thank the Senator.

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

Mr. HAYDEN. I yield.

Mr. GRUENING. I associate myself with the remarks of my senior colleague from Alaska, and voice my appreciation and gratitude to the chairman and the other members of the full committee and the subcommittee. We know the importance to Alaska of appropriations for the Department of the Interior. Alaska is a young State which was left behind during the 50-year interval between the time the State of the chairman was admitted in 1912 and the happy event which took place in 1958. During that perid 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 hydropower, took place. During that period, Alaska was a stepchild in the family of the United States and was often omitted and neglected.

Those of us who have been sent to the Congress to represent the State of Alaska are conscious of the fact that we have a great deal of catching up to do. We greatly appreciate 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 seen exhibited, we may achieve that goal.

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

Mr. HAYDEN. I yield.

Mr. CARLSON. I wish to express my sincere thanks and appreciation for the inclusion of an item of $329,000 in the appropriation bill for the Fort Larned National Historic Site located in Kansas. The project was authorized by Congress last year, and it is the first Federal national historic site established in our State.

The item of $329,000 will be helpful in extending that program, based upon 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 21 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. MORTON], 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 have been quite 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 to providing of funds for coal research in Kentucky.

Mr. President, I am very glad that the committee included among the forest research 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 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 so well, 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 it is fair to state I first urged, the Berea station is rapidly becoming a center of experience and knowledge which can contribute a great deal to the efforts toward reclaiming, restoring, and utilizing these hill lands which have been stripped for coal, and for which special 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.

I thank the chairman of the committee for the kind treatment that he accorded us.

Mr. HAYDEN. I appreciate the courtesy of the Senator from Kentucky.

Mr. MOSS. Mr. President, I express appreciation to the chairman of the Committee on Appropriations for his consideration of many of the problems that confront us in the Western public lands States, especially those that are served mostly by the appropriations provided in the bill.

I am happy to observe that the Senate Committee on Appropriations has seen fit to increase the appropriation to provide watershed and range management research funds for the Forestry Sciences Laboratory in Logan, Utah, and to pro-

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 the Springville 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 Mr. Jerome Zukosky, 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 our schools and some to our 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.

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

MEAT SCANDAL'S ENORMITY UNFOLDS

(By Jerome Zukosky)

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 Jamaica, 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 1964, was taken over and operated 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, much of it produced by animal food factories, went into the hot dog, bologna, and salami which that factory—and others that have so far not been named—turned out 24 hours a day, 5 days a week all during 1964.

SUMMATION

Frank H. Connelly, a slim 30-year-old assistant district attorney heading the investigation, swore out an affidavit late last month for Supreme Court Justice Irwin H. Davidson that sums up briefly what investigators have so far adduced in their effort "to determine whether there has been in existence a conspiracy to sell for human consumption falsely labeled meat from diseased animals including horses and from animals which died from causes other than slaughter."

The evidence so far, Mr. Connelly swore, "indicates that from the latter part of 1963 to the end of 1964 quantities of such meat, falsely labeled as Government inspected boneless beef, were sold to various meat processing concerns * * * one of which was Merkel, Inc.," which "received large quantities of such meat at weekly intervals." Mr. Connelly swore that the meat "was used in the sausage products" made by Merkel during the entire period.

"Through the use of such meat, which was purchased at prices considerably below the prevailing prices for boneless beef and through commercial bribery and bribery of public officers said Merkel, Inc. was able to achieve a position of dominance in the sale of sausage products in the New York area," Mr. Connelly said in the affidavit. According to information supplied by Merkel officials to a business service, Merkel sales had risen to about $25 million a year from about $12 million a year when the former owner, a New Orleans firm, sold the plant, largely on credit, to the Lokietz-Goldman group.

REASONS

Four wholesalers supplied the meat; both 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 unanimously chosen Merkel products in competitive bidding for the sausage orders. None of the wholesalers has 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., Inc., one of the city's largest purveyors of meats, poultry, game, butter, and eggs. "If I had to do it over 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 90-year old wholesaler in Manhattan. He said Merkel operated one of the largest plants here that was federally inspected, a requirement of the board of education, 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 schools. And 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 their suspicisons that Merkel 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 without chemical analysis to know what went into the franks.

MYSTERY

One mystery in the case is how, allegedly for more than 1 year, the seven Federal inspectors at the Merkel plant managed to miss the tainted meat, which investigators said contained not only horsemeat but inedible organs of cows.

"That is a good question," said Clarence H. Pals, a veterinarian and director of the meat inspection service of the Department of Agriculture, reached by telephone in Washington. Dr. Pals said his agency's inspection of the "boneless beef" seized in December at the Merkel plant showed it to be full of horsemeat that contained such filth as hairs and a manure-type soil and came from animals that had not been inspected before or after death for possible disease. The meat, however, had been frozen "and we were not able to recover any organisms," Dr. Pals said.

Federal regulations, Dr. Pals said, prohibit the use of uninspected horsemeat for human food and prohibit the use of any horsemeat at all with other meats.

Two of the Federal inspectors at the plant have been indicted on State charges of obstructing justice; all seven have refused to waive immunity before the grand jury and have not been asked to testify, but only the two indicted inspectors have been suspended by the Department of Agriculture, whose conduct in the case has been sharply criticized by District Attorney Hogan.

How the tainted meat flowed to and out of the Merkel plant is the subject of continuing Federal and local investigations and presentation of evidence before grand juries here. In addition, the FBI is understood to be investigating the shipment of 185,000 pounds of canned hams last December from the Merkel plant to the Brooklyn Army Terminal for use of the Armed Forces; the hams were rejected because of excessive water in them, an investigator said.

INDICTMENTS

Mr. Connelly charged in his affidavit that the source of Merkel's supply of diseased meat was Charles Anselmo, a meatbroker in the Gansovoert market who lives in Dobbs Ferry, N.Y. Described by Federal authorities as a loan shark and bookie, Anselmo was accused by a Federal grand jury of forging Federal meat inspection tags for boxes of boneless beef shipped to Merkel and was also indicted by the local grand jury for conspiring with Norman Lokietz, president of Merkel and also indicted to use the mislabelled meat. Mr. Lokietz has also been indicted on perjury charges, as have his son Sheldon and Samuel Boldman, Merkel's vice president and a principal owner along with Mr. Lokietz of the Merkel operation. All the defendants have pleaded innocent to the charges.

Where did the meat come from?

During 1964 on a regular basis and for cash, a Wisconsin mink rancher and mink food manufacturer named Orlan Lea delivered meat to Anselmo, Mr. Connelly alleged. Mr. Lea appeared for 2 hours last week before the local grand jury and spent more time before the Federal jury. From August 1963 to December 1964, a Utica animal food packer conspired with Anselmo to ship meat from diseased animals, the local grand jury charged in a second and separate indictment of Anselmo. And last week, Federal authorities indicated yet another "animal" food producer, this one in northern New Jersey, also shipped to Anselmo meat unfit for humans and revoked the firm's Federal meat inspection license.

Assistant U.S. Attorney Neil Peck, in charge of the Federal investigation here, said the "inquiry is nationwide." Further Federal developments in the case are expected this week.

So far, four meatbuyers—for First National Stores, Shop-Rite supermarkets, and

Food Fair stores—have refused to waive immunity for the local grand jury and have not testified. A meatbuyer for Dan's Supreme Supermarkets, Inc., a Hempstead-headquartered firm, has been indicted by Mr. Hogan on charges of perjury; the grand jury, the indictment said, was trying to find out whether Norman Lokietz paid bribes to get his products onto store shelves. Mr. Lokietz was again indicted last week, for bribing a meatbuyer for the A. & P. chain, whose officials—including, it is understood, those at the very top of the company—first led District Attorney Hogan to the meat case early last year.

The officials came to Mr. Hogan with suspicions of meatbuying practices in their firm. Among many suppliers that were checked out as part of a rather routine investigation was the Merkel firm.

Mr. WILLIAMS of Delaware. Mr. President, according to the article the bulk of this horsemeat distributed in the New York area was through Merkel, Inc., whose chief supplier of this meat was a Mr. Charles Anselmo, a meat broker living in Dobbs Ferry, N.Y.

The article quotes Mr. Frank H. Connelly, the assistant district attorney heading this investigation, as describing Mr. Anselmo as a loan shark and bookie.

Allegedly during 1964 "on a regular basis" and "for cash" a Wisconsin mink rancher and mink food manufacturer named Mr. Orlan Lea was delivering this horsemeat to Mr. Anselmo.

I ask unanimous consent to have printed at this point in the RECORD an advertisement that had been placed in the Wisconsin newspapers by Mr. Lea, the mink rancher who was alleged to have shipped some of this meat to Mr. Anselmo. Ultimately some of the horsemeat was sold for human consumption.

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

Farmers: We pay for dead or disabled cows and horses suitable for mink feed. If dead, call at once and receive highest prices. Prompt service 7 days a week. Lea Bros., Mink Ranch, Alma Center, Wis.

Mr. WILLIAMS of Delaware. Mr. President, it appears that seven Federal meat inspectors were at the Merkel plant throughout 1964, the year in which this mislabeled horsemeat was being distributed to the consumers. As the writer of the newspaper article points out, it is a great mystery how for more than 1 year these seven Federal meat inspectors failed to detect the difference between horse meat and good beef.

These seven inspectors refused to waive their immunity when asked to testify before the grand jury during the investigation. Two of the Federal inspectors have been indicted under State charges of obstructing justice, and those two inspectors were removed from the Federal payroll.

But the other five inspectors, who refused to waive immunity, are still on the Federal payroll and inspecting meat as though nothing had happened.

New York is not the only area where horsemeat was being sold for human consumption. Reports are that it has also been distributed in parts of Pennsylvania and Ohio. The irony of the situation is that instead of vigorously denouncing this illegal practice, officials of the Department keep trying to play it down. When the question was raised that some of the illegal meat may have been mule or burro meat imported from Mexico, the Department issued a vigorous denial by pointing out that it was only horsemeat.

Mr. President, I ask unanimous consent that the letter of Mr. George L. Mehren, Assistant Secretary of Agriculture, dated April 30, 1965, be printed at this point in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 30, 1965.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: In your recent letter you referred to a newspaper article by Mr. Thomas W. Talbot, dated February 17, 1965, and set forth quotations from that article. The article concerned a case which arose in the State of Pennsylvania involving distribution of falsely labeled meat, which was represented as boneless beef.

An extensive investigation of this matter has been completed, and after review by the General Counsel's Office was forwarded to the Department of Justice on March 12 for institution of appropriate action. Pending the completion of such action as may be instituted by the Department of Justice, you will appreciate that we are not in a position to discuss the details developed in the course of this investigation. Nevertheless, I feel free to state that there are a number of substantial misstatements of fact in the quoted article. For example, a statement that most of the meat involved was mule meat or burro meat is without foundation. In fact, a few spot check laboratory tests have been run and in each instance confirmed the fact that the meat in question was horse meat.

The statute applicable is the so-called Horse Meat Act which is set forth at page 198 of the compilation of regulations governing meat inspection which is enclosed for your information and which sets forth the Meat Inspection Act beginning at page 186 thereof.

If there is any further assistance or information which we are in a position to furnish, please feel free to call upon us.

Sincerely yours,

GEORGE L. MEHREN,
Assistant Secretary.

Mr. WILLIAMS of Delaware. Mr. President, I have always been a strong supporter of our meat inspection. I was a cosponsor with Senator AIKEN and former Senator HUMPHREY of the bill which extended the Federal inspection service to poultry. Our meat inspection service was established for the purpose of guaranteeing to the American housewife that all meat sold for human consumption would be of good quality from healthy animals. There can be no excuse for the fact that for a period of over a year these seven inspectors in the Merkle plant did not discover the difference between a horse and a cow.

To accept this as an excusable accident would mean that our whole red meat inspection service is a farce, and under those conditions the housewife has no protection and the farmers' market for good beef is gone.

However, that is not the case. Our red meat inspection service will work if the inspectors are honest and qualified men. Someone is responsible for this fiasco wherein horsemeat was illegally marked and sold as boneless beef, and it is the responsibility of the Congress as well as the Department to find out who. Congress has a responsibility to determine whether our meat inspection laws as presently written are adequate to protect the American consumer.

For this reason I am joining the Senator from Ohio [Mr. LAUSCHE] in submitting a resolution, the purpose of which is to authorize the Committee on Agriculture and Forestry to conduct an investigation to determine the extent of the illegal sale of this horsemeat and to place the responsibility for the failure of our meat inspection service.

This investigation by the Agriculture Committee can and should be conducted in a manner that will not interfere with any action that the Department of Justice may be taking.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 109) authorizing a complete study and investigation with respect to inspection, shipment, sale, and distribution for human consumption of meat and meat products, was referred to the Committee on Agriculture and Forestry, as follows:

S. RES. 109

Resolved, That the Committee on Agriculture, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation with respect to the inspection, shipment, sale, and distribution for human consumption of meat and meat products, for the purpose of determining—

(1) whether such meat and meat products have included meat from diseased animals, animals dying from causes other than slaughter, or falsely labeled horsemeat, or any contaminated, adulterated, or unwholesome meat or meat otherwise unfit for human consumption;

(2) whether such shipment, sale, or distribution has involved violations of the Federal Meat Inspection Act or any other Federal laws;

(3) whether such laws have been properly and adequately enforced and, in particular, whether any such shipment, sale, or distribution has involved illegal or improper activities on the part of officers or employees of the Government; and

(4) whether amendments to such laws or other legislation is necessary or desirable for the purpose of protecting the health and welfare of consumers of meat and meat products.

SEC. 2. The Committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1966.

SEC. 3. For the purposes of this resolution the committee, through January 31, 1966, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,100 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and

the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 4. Expenses of the commitee, under this resolution, which shall not exceed $———, 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.

There being no objection, the article was ordered to be printed in the RECORD, 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 from Mexico, Federal officials said today, after confiscating 70 tons in Baltimore.

Dr. Harold H. Pas of the Meat Inspection Division said in Washington that shipments also have turned up in Ohio and Pennsylvania.

He said there still were "many loose ends" in the investigation before a report is made to the Justice Department for possible prosecution.

"One thing is certain," Pas said of the meat, "it is not going to be distributed as food—unless it is fed to dogs."

Dr. Otto Schrag, director of meat inspection in Baltimore, 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 sausage.

"If it is horsemeat," said Pas, "there will be court action taken."

Conviction for false labeling and stamping of meat is subject to 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 matter to be investigated 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 show 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 dominance in the sale of sausage products in the New York area, Merkel, Inc., through this practice was able to increase its sales from a level of $18 million to a level of $25 million in 1 year. Manifestly, when 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 fallen 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 PRESIDING 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. However, I believe that it can be traced down and the responsibility placed exactly where it belongs.

INVESTIGATION OF ROBERT G. BAKER—WHITEWASH 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 last Monday, May 17, I invited members of the Committee on Rules and Administration to come to the floor of the Senate and spell out any criticism or any charges or allegations they might wish to make.

I asked the committee members to repeat the charges in my presence and in the presence of the full Senate. Unfortunately most of them decided—I shall not say to run—but they were not here. The few committee members who were present sat silent and refused to answer.

Since that time I have obtained a copy of this so-called secret report. I have read it very carefully. It is a most fascinating document, one in which I believe Senators will be interested. Since there seems to be a reluctance to discuss the report by those to whom it has been attributed, out of my thoughtfulness for them, I shall take it upon myself to review it for them. However, I promised certain Senators who wanted to be present when I discussed the report that there would be a quorum call before doing so.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 97 Leg.]

Allott	Harris	Murphy
Anderson	Hart	Muskie
Bartlett	Hartke	Pastore
Bass	Hayden	Pell
Bennett	Hill	Prouty
Boggs	Jackson	Randolph
Carlson	Jordan, Idaho	Saltonstall
Clark	Kuchel	Scott
Cooper	Mansfield	Smith
Curtis	McClellan	Sparkman
Dominick	McNamara	Stennis
Ellender	Mondale	Symington
Ervin	Montoya	Williams, Del.
Fannin	Morton	Young, N. Dak.
Gruening	Moss	

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. BREWSTER, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CASE, Mr. COTTON, Mr. DIRKSEN, Mr. DODD, Mr. DOUGLAS, Mr. EASTLAND, Mr. FONG, Mr. FULBRIGHT, Mr. GORE, Mr. HICKENLOOPER, Mr. HOLLAND, Mr. HRUSKA, Mr. INOUYE, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New

York, Mr. LONG of Missouri, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONRONEY, Mr. MUNDT, Mrs. NEUBERGER, Mr. PEARSON, Mr. PROXMIRE, 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——

Mr. MANSFIELD. Mr. President, may we have order?

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 yeas and nays were 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 describing himself as the spokesman for the Democratic members of the committee.

While thus far not one single Democratic member of the committee has had the courage to accept the responsibility for *this attack*, only one has had the decency to repudiate the allegations. When the Democratic members failed to repudiate the report which had been conveniently leaked to the press, on Monday, May 17, I publicly challenged them to come to the floor of the Senate on the following day, Tuesday, May 18, and in my presence and in the presence of the full Senate either to support the attack in their own names or else to repudiate it.

Never before in the history of the Senate can I recall where a Member of the Senate refused to accept such a challenge.

Rather than accept the challenge they either ran out or sat silent through the 2 hours during which I entreated them to stand up like men and repeat the criticism, if any, to my face or to have the common decency to repudiate the attack upon my integrity which was being carried on in their names. Instead they just sat silent and refused to answer.

Mr. President, I respect the right of any U.S. Senator to keep silent when he is challenged to back up remarks that have been attributed to him just as I respect the constitutional right of a witness before a congressional committee to take the fifth amendment. In both instances the same inference is drawn; the inference is clear.

On Monday, this week, still not hearing anything from any member of the committee, I met with the majority and minority leaders and suggested they be given one more opportunity either to repeat and accept the responsibility for these allegations which have been leaked to the press in their names by a staff member or to repudiate them.

I regret very much that we have been unable to get any answer. At this point I wish to thank both the majority and minority leaders, who are now in the Chamber, for their cooperation in trying to help clear up this controversy in a manner calculated to save the necessity of the steps that I am taking here.

The irony of the situation is that even today not one Democratic member of the committee can be quoted as having uttered one single word of criticism of me personally. They have been careful on this point. All of these allegations have been appearing in the papers through the leak to the press by a hatchet man who refers to himself as the spokesman for the Democratic members of the committee.

Why has this been done by six Senators who under normal conditions would like to be considered honorable men? Why is the administration so determined to discredit me for having exposed the influence-peddling activities of Bobby Baker and his associates?

The answer is very simple. They are desperate. The decision has been made by the hierarchy of the Great Society that JOHN WILLIAMS has got to be stopped—discredited and destroyed if necessary—before the Baker investigation embarrasses this Great Society any more or before the case reaches any higher.

Why would they take such desperate measures at this time?

They are determined to save Bobby Baker from legal prosecution at all costs. As part of the plan they will make one last effort now to divert attention from Bobby Baker's escapades by launching a personal attack against the one who first exposed his activities.

How would this help clear Baker?

Very simple. The grand jury which is considering the Baker case is now in session, and the plan is that by filling the press with serious charges against the character of some of the witnesses who appear before the committee and who testified against Baker and then by launching a personal attack upon me, they hope to raise questions in the minds of the jurors and raise enough doubt about the credibility of some of the evidence to minimize the seriousness of the charges against Baker.

The decision has been made. Baker is to be cleared at all costs.

Oh, yes, they are going to issue a public spanking for Bobby Baker. This is to impress the public, but at the same time this public spanking is being administered we find the White House in a sanctimonious attitude making a grandstand play in launching a new code of ethics for Government officials.

But codes of ethics mean nothing as long as the administration itself continues to condone and defend the influence-peddling as practiced by Bobby Baker right here under the dome of the U.S. 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, which is entirely dependent upon contracts with plants operating on Government defense contracts is flourishing as never before. The defense contractors, reading the handwriting on the wall, not only are continuing their connections with Baker but are welcoming the chance of expanding their business with Baker to show the 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 eligible 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. Bonn, Chief, Operations Division, Security Office, Department 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 was ordered to be printed in the RECORD, as follows:

HEADQUARTERS, WESTERN CONTRACT MANAGEMENT REGION, U.S. AIR FORCE, MIRA LOMA AIR FORCE STATION,

Mira Loma, Calif., July 20, 1964.

Serv-U Corp.
Englewood, Calif.

GENTLEMEN: Reference is made to the request by a procuring activity of one of the military departments that your organization be given, with respect to your facility located at 717 South Hindry Avenue, Englewood, Calif., a security clearance authorizing the receipt and use, by each facility, of classified information required in connection with precontract negotiations or contract performance. Reference is also made to your executed Department of Defense Security Agreement (DD Form 441).

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 Secretaries 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. It does not obligate any procuring activity of any of the military departments to do business with or enter into any contract with your organization.

This is not a notification that your plant either has or has not sufficient protective measures for safeguarding classified information necessary for the performance of a classified contract. Such a determination will 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

clearance may not be used for advertising or promotional purposes.

Sincerely yours,

ROBERT E. BONN,
Chief, Operations Division,
Security Office.

By direction of the Secretary of the Air Force.

Copy to: RWEOC/Mr. Stacy

Mr. WILLIAMS of Delaware. Mr. President, what has happened to the old-fashioned slogan: "Honesty is the best policy"? How can this administration possibly defend a Senate employee who, in the brief span of 4 years, while serving as secretary to the majority in the U.S. Senate and drawing a salary of $19,000, used his position to pyramid his net worth from $114,944 in January 1959, to $2,166,886 on February 1, 1963, an increase in his net worth of more than $2 million in only 4 years?

That was all accomplished while drawing a Government salary of around $19,000 a year and during a period of negligible income tax payments.

I now have a copy of this so-called secret document from which these allegations have been leaked to the press. It is a most interesting document. Frankly, the correspondence which some of the majority members of the committee had with this staff member while he was in North Carolina writing the report is even more interesting.

First, let me say that while the report makes no specific charges against me personally—and I have read it carefully—it does by numerous innuendoes and by guilt-by-association tactics represent one of the most damnable attempts at character assassination ever witnessed in the Senate.

A reading of the report makes it clear that back of all of this controversy is a diabolically clever plan to divert the attention of the American people from the real issue of this investigation; namely, what kind of influence-peddling were Bobby Baker and his associates carrying out in his office under the dome of the Capitol?

By directing attention to the controversy between the Democratic members of the committee and myself they hope to sweep the Bobby Baker case under the proverbial political rug. If they succeed it will represent one of the greatest hoaxes ever perpetrated on the American people. I am determined that it shall not succeed.

I have the report. Over the next several days I shall expose this brazen attempt for exactly what it is; namely, another batch of political whitewash.

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 they 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 beginning next week I shall take this report apart, section by section, and analyze it for the Senate. I will show it up for what it truly is; namely, another whitewash job.

It is a sad day in America when we see men in high posts in our Government defending the influence peddling activities of men like Bobby Baker, and at the same time launching a vicious attack upon those who exposed his corrupt influence peddling activities.

I can now understand how private citizens throughout the Nation would be reluctant to step forward to expose a corrupt public official.

If a Member of the Senate cannot fight back what hope is there to stop this kind of moral decay in our country?

I have great respect for our form of government and for the majority of the people, Democrats and Republicans, whether they are in or out of the Senate. But when a corrupt public official is protected by the administration in power it represents a reflection on all public officials. In this case the integrity of the U.S. Senate itself is on trial, not JOHN WILLIAMS.

If this procedure and these tactics that were evidenced in the last week and as contained in this report, represent the moral and ethical standards of this Great Society then God help America.

Today I shall confine my remarks to only a few paragraphs of the report. First I shall read from the fourth paragraph of part I of the report. I shall take the time later to discuss the report in greater detail. I shall not do it all now, but I do wish to show how ridiculous some of these so-called leaked charges are when analyzed.

Much has been said about the first page of the report wherein it is stated that:

> Contrary to * * * statements by Senator JOHN J. WILLIAMS——

and so forth and so forth, giving the intimation and interpretation throughout the country that my statements had been erroneous or, to put it in plain language, that I was a liar. I find that in the leaking of the report they did not leak the true language. In fact, I find that I have company in being called a liar. One group that it so designated along with me includes most of the public press.

I read the exact language of this fourth paragraph on page 1 of the report:

> At this point it is to be noted that contrary to stories appearing in the public press and statements by Senator JOHN J. WILLIAMS and others, the commmittee's decision to terminate hearings for taking testimony and to make its first report to the Senate was made upon condition that the committee could still hear pertinent evidence, if any, thereafter discovered.

Here they are insisting that when other Members of the Senate and I recognized the final report, which was filed on July 8, 1964, as having concluded their operations, every one except the Committee on Rules and Administration was wrong, apparently. Other Members of the Senate accepted it as the final report; the press carried it as such; but we are now being told that the committee had no intention of stopping the Baker investigation last July. How ridiculous.

What is the record? On July 8, 1964, the committee filed its final report.

I ask unanimous consent that the statement by the chairman of the committee, the Senator from North Carolina [Mr. JORDAN], who is conveniently absent from the Senate again this afternoon as he was the other day, be printed in the RECORD at this point.

This statement accompanied the report of the committee.

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

JULY 8, 1964.

Mr. JORDAN, of North Carolina, from the Committee on Rules and Administration, submitted the following:

The Committee on Rules and Administration, which, pursuant to Senate Resolution 212, agreed to October 10, 1963 (as supplemented by Senate Resolution 221, agreed to November 1, 1963, Senate Resolution 291, agreed to February 10, 1964, and Senate Resolution 319, agreed to April 29, 1964), was authorized and directed to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, having concluded such study, submit the following report to the Senate thereon together w'th recommendations.

I repeat the last lines of this letter: "having concluded such study, submit the following report to the Senate thereon together with recommendations."

Clearly, this was their final report.

A couple weeks later, or on July 27——

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. What the Senator says is absolutely factual.

A statement in the report is as follows:

> At this point it is to be noted that, contrary to the stories appearing in the public press, statements by Senator JOHN J. WILLIAMS and others, the committee's decision to terminate the hearings for taking testimony and to make its first report to the Senate was made on condition that the committee would still hear pertinent evidence if any thereafter were discovered.

That is untrue; it is incorrect; it is not borne out by the record. The facts are as they have been stated by the distinguished Senator from Delaware.

I remember the situation very vividly. A meeting was held by the Committee on Rules and Administration. The majority members decided to close the investigation. We ended with a considerable row on the floor of the Senate a few days later. As evidence that the majority intended to close the hearing, the chairman of the committee had prepared a release stating that the hearings were being closed, and even stated how the vote came out. I obtained a copy of that release. I placed it in the CONGRESSIONAL RECORD. I propose to insert it in the RECORD again today.

The record fully bears out that the intent of the majority was to end the investigation.

It is also true that prior to that time, in vote after vote, they had refused to

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 distinguished Senator is correct, that his 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 public; and, worst of all, the report states in plain language that the statements made by Senator JOHN J. WILLIAMS were not correct. I believe that those statements should be retracted. Up to the present hour they have not been.

Mr. WILLIAMS of Delaware. The point is that they claim in this report that they had not closed the first hearings of the committee last July. 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 editors, 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 because 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 and which appears in this new report is absolutely false, and the Democratic members of the committee know it.

The Senate even voted on July 27 as to the acceptance of their recommendations. At that time the Senator from Kentucky [Mr. COOPER] offered a substitute for the committee's proposal which would have established a Select Committee to handle future investigations. That substitute was debated by the Senate and adopted. So we were voting and acting on a final report.

Later, on September 1, 1964, I outlined the fact that there had been an overpayment on the stadium performance bond insurance by around $35,000 and produced a check to prove it. After my disclosure that I had the check the majority leader, the Senator from Montana [Mr. MANSFIELD] on September 10, 1964, offered Senate Resolution 367, which reopened the investigation and authorized the committee to resume an investigation into these allegations and any others that might be presented to them. The Senate even gave them more money to conduct the investigation. So there was absolutely no question but that they had closed one phase of the investigation and reopened another.

So the record is clear—it is the majority members of the committee who are in error, not JOHN WILLIAMS.

To be kind, in recognizing how they could have become so confused and recognizing how much foot dragging had been done in performing the investigation, it could be that they truthfully had such a slow pace in making these disclosures that they did not even recognize the fact when they stopped on July 8. There was scarcely any change in their pace.

Anyway, the Senate officially recognized that the committee had closed its investigation. Every Senator, including the majority leader and the minority leader, recognized that fact. If there is any question about it, I should like to yield to either one of them or to any other Member of the Senate, because I know that that was what was done. Let us settle this point now.

The report by the chairman last July 8 had stated that having concluded their work under these resolutions, they were submitting their report and recommendations.

That is from the statement of the chairman of the committee accompanying the report. This shows the utter ridiculousness of this report.

Mr. President, I cite a couple of other errors in this report. As I have said, I shall not try to go through the entire report today, but I wish to go over to page 36. Really, this is a most fascinating report. As one who likes to read mysteries, I get quite a kick out of reading it. I intend, that in the days to come, someone else will get a kick, likewise. I 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 "goof":

> Let it be said in 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 unfortunate that the committee did not examine him before it filed its first report on July 8, 1964.

I pause in reading the report to say that that is the understatement of the year.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. The records of the committee will show that a motion was made to call Mr. McCloskey prior to that time, and that all the majority members voted against the motion and all the minority members voted for it.

Mr. WILLIAMS of Delaware. That is true, and in this particular statement they are now saying that they made a mistake when they did not call him—and what a mistake.

Mr. CURTIS. And what a mistake.

Mr. WILLIAMS of Delaware. They got caught.

Mr. CURTIS. Certainly they were caught.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Before the first investigation closed, the committee discussed the question of calling Mr. McCloskey. On that day I gave the reasons why I believed he should be called. I believed that we should not only obtain his version of the facts that were then before the committee, such as the alleged payment of money to Baker, but also we should find out if there were any other questions which would come within the scope of the investigation about which he would have knowledge.

There was quite a discussion. I stated many reasons why I thought he should be called at that time, and moved that he be called. Nevertheless, it was voted that he should not be called.

Mr. WILLIAMS of Delaware. That is true. I am well aware of the fact that the minority members tried to get the committee to call Mr. McCloskey, but the majority members were not going to embarrass Mr. 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-McCloskey controversy, it is that this committee had no knowledge or even intimation from any source that Reynolds 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 check, that there was any question as to an overpayment. That is not true.

Let us now examine that record to find out what the fact is.

When 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. CURTIS] had just pointed out how, during that investigation, repeated attempts had been made to have Mr. McCloskey 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 prior to my speech on September 1. 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 it may have raised other questions. Some of the canceled checks were in the committee hearings and I have them before me.
>
> The committee has also the canceled check by which Bobby Baker got his $4,000. 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 as payment for this stadium insurance. I think it would be very important to have that information.
>
> Mr. JORDAN of North Carolina. 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.

He paid Hutchinson, Rivinus & Co., who handled the insurance for Reynolds, $63,599.72. That left a difference for his commission of $10,031.56. Out of that $10,031.56 he wrote a check for $4,000 to Bobby Baker and two checks to Mr. McLeod, one for $1,000 and one for $500.

While it may be merely 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 that 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 to be this afternoon he left. 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. Every member 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 intimation of an overpayment by Mr. McCloskey is not true. The record clearly shows otherwise. For months 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 when this same question arose back in March 1964.

I quote from the committee hearings of March 23, 1964, as appears in part 25, page 2131. Here a staff member of the committee, Mr. Meehan, told 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 McLendon, chief counsel to the committee, made this statement to the committee:

> 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 is $73,000, and that of this amount $10,000 was a commission to go to Reynolds and Baker, as he understood that.

Here Mr. McLendon 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.

It was not until September 1 that I made this disclosure on the floor of the Senate supported by the $109,205.60 check, and afterward, on September 10, 1964, the majority leader submitted his resolution. That resolution, Senate Resolution 367, directed the committee to go back and do its job all over again and to reopen the hearings.

I point this out to show the continuity and to refute entirely the contention that there is any truth whatever in the claim made in this report that the committee had no hint or intimation that a question had been raised about the $73,000 check. That 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. McLendon, never asked Reynolds the amount he billed 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 Don Reynolds, and that he would be recalled in open session. But that proposal was voted down. However, an examination of the record which has been made shows that the question propounded by Mr. McLendon 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. McLendon—to avoid asking how much McCloskey paid or the amount for which he was billed. It was after that testimony was presented behind closed doors that Mr. Meehan and Mr. McLendon 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?

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 should like to quote from the report 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. Mr. President, 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. The purpose was, 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 resolution 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 to the advantage of those who were not really interested in an all-out investigation to leak derogatory statements in the press about witnesses or about the senior Senator from Delaware, this was unhesitatingly done.

The committee veered around from the beginning. In the case of Reynolds, for example, there seemed to be a time when the committee was most anxious to have him testify in open hearings. Later they did not want to have him testify in open hearings. Therefore, we had a highly anomalous situation in which one witness would come in and testify if his testimony served the purpose of the majority. Then they would want an open hearing following the executive hearing. However, if the testimony of the witness did not serve the purpose of the majority, or proved embarrassing in some respects, there would be a decision, "Let us not have an open session." There was no consistency. There was no determination to say, "We shall examine all the witnesses in private hearings, in closed session. Then we shall examine all the witnesses publicly."

Instead of that, the committee picked and chose and decided which witnesses it would hear publicly and which witnesses it would not like to hear publicly. 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 investigation. Finally, in the last draft of the 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 dramatis personae, 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 more evidence, had the motion of 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 Senators on the other side may regret their unwarranted and shameful attack on the senior Senator from Delaware. I am inclined to speculate 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 successful one, to eliminate all references to 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 pious 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 not 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 deals with things as they happened, 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 note 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, at long last, decide to pull up their collective socks and present a straightforward factual report? Will they recommend real reflection? Will they really publicly do something effective in the interest of the Senate and of the people? Will they exert any pressure to see that the majority and minority parties agree to set up a Senate Committee on Ethics, or Ethics and Standards, and see that Members of the Senate serve on it?

I conclude in the tradition of the soap operas: "Continued until the next meeting of the Rules Committee. Wait and see."

Mr. WILLIAMS of Delaware. I thank the Senator. I thank him for his effort to have the remarks referred to stricken. I had been hoping he would have been successful in his efforts because I do not enjoy being forced to defend my record. But it is like taking a dip in the ocean. It is cold at first, but once one gets in he enjoys the swim. Now that I have gotten in I am going to enjoy tearing this report apart and showing what a sham it is. When I am through I shall have shown who was telling the truth and who was not.

I want to go back to the discussion of the $109,000 invoice Don Reynolds sent to McCloskey & Co. The committee makes a great point of the fact that when I made my speech in September 1964—the first one—I did not put the invoice in the RECORD, but I did release the check. I did not realize that the committee was interested in this point until I read this report. I believe it was about the 10th or 11th of September that I put the invoice in the RECORD. According to this report there is something mysterious about this delay. The report devotes five pages to questioning where WILLIAMS obtained the invoice and why he did not put it in the CONGRESSIONAL RECORD before. According to the committee report this is the biggest mystery of all. Apparently they can hardly wait to get the answer. Well, I have the answer, but first I want to read from this report to show how much emphasis the 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 copy to Senator WILLIAMS or the Senator forgot to put it in the CONGRESSIONAL RECORD of September 1, 1964—

Here the committee refers to Mr. Reynolds as being afraid or me as having forgotten to put it in the 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 he did not have the slightest idea where it came from.

Oh, the majority emphasizes 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 they refused to investigate. 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, then 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 there were 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 did not put in the CONGRESSIONAL RECORD 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 point is. I read further from another part of the report:

It was not until September 10, 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-

ator WILLIAMS obtained a copy of the invoice, but it is significant that he produced it only after McCloskey made the public statement that he paid Reynolds the exact amount of Reynolds' invoice, no more and no less.

Having all the resources of the FBI and the Rules Committee investigating staff, the committee should not have found it so difficult to learn from where I obtained the invoice. Frankly, if only they had called me I would have told them; or they could have read the CONGRESSIONAL RECORD, and they would have found that it came from the newspapers. It was printed on the reverse side of the financial page of the Philadelphia papers. I am sure it appeared in most other newspapers throughout the country. So the committee would have saved much money if it had asked me, or perhaps if it had read the newspaper accounts they would have seen it. If the committee members had read the CONGRESSIONAL RECORD they would have found out from where I got the invoice, because I also put Mr. McCloskey's statement commenting on the check in the CONGRESSIONAL RECORD.

There was no mystery about this invoice or its source. Besides what if there had been—what difference would that make? Or is the committee more interested in the source of my information than in the documents themselves.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. Is there anything of which the Senator is aware which would have stopped the committee or the FBI or any individual from asking McCloskey and getting him to tell the truth about the invoice?

Mr. WILLIAMS of Delaware. Certainly not.

Mr. SCOTT. But there was no obstacle preventing him from telling the whole truth.

Mr. WILLIAMS of Delaware. Nor was there any reason why he should not have been called as a witness.

Any committee that had a quarter of a million dollars with which to investigate should have been able to find out some answers themselves. Here is the original newspaper article. Yet the committee took five pages to build up a great mystery as to how I located a document that had appeared in nearly every newspaper in the country. This is typical of the rest of the investigation this committee has done. They have been busier trying to build a defense for the accused than in getting the facts.

Mr. SCOTT. The question might be asked, Why did not the minority of the committee find out? I suggest to the Senate that the minority's counsel and the minority's investigator were under the orders of the majority and its group of investigators and task force; and the minority were permitted to investigate only those things assigned to them by the majority. Therefore, the minority had no opportunity to go into it. The whole committee had to take the statement of the majority of the committee and the majority staff that Mr. McCloskey had been talked to on the telephone.

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 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 RECORD—or better still, 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 would ever consider holding 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 alibiing page after page about "If it only had known 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. I cannot believe that the majority on the committee would let itself in for this ridiculous series of mistakes, in backing and filling, and changing the rules in the middle of the game, unless some mastermind were guiding them.

I must admit that I do not know who the mastermind is, but it does require stringpulling. It does take some kind of——

Mr. WILLIAMS of Delaware. Arm twisting.

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 horsesense, which every Senator possesses 100 percent, or at least 50 percent.

I admit that I am really very much puzzled as to how any committee ever got itself into this kind of mess, and why the committee cannot find some way to get out of the mess. But, so long as they wish to stay in the mess, as Senators we are left to seek to puzzle out the solution.

To me, the whole situation is like a man milking a cow. He believes that he is through and takes the pail away, when he notices that the cow is not through, so he rushes back with the pail. I do not know how long we in the minority are going to have to lay down an extra pail and rush back, after we believe that the cow has finished "giving down," as the saying goes.

Mr. WILLIAMS of Delaware. I thank the Senator from Pennsylvania.

Mr. President, there is much more in this report that is interesting upon which I need to comment.

For example, much is made of the $109,000 check, and the date and source of its being obtained. Based on this report the committee insists they had neither a hint nor an intimation of any overpayment prior to my September 1, 1964 speech. I will show the inaccuracies of this claim.

All of the accusations and insinuations I am going to answer. It is not enough merely to say they are not true. I am going to document with dates and exhibits to prove my statement. I will document the record point by point as we proceed because it is very important to me that we not leave these innuendoes hanging.

Likewise, if later the majority members of the committee recover their nerve enough to face me on the floor of the Senate I will be here waiting—and I can assure them I will not remain silent to their questions or comments.

Yes, if there are many other phases of the report which need full, frank, and complete discussion, I assure all Senators that they are going to get exactly that in the days ahead. As one Member of the Senate who has tried to keep this investigation on the proper track, I am determined that it is not going to be whitewashed while I remain silent. In fact, I do not believe that the Baker case could be covered up even if they wish to do so. I do not believe there is a rug in Washington big enough to cover it up.

Therefore, I shall conclude tonight and only say—I will be back later. I realize the hour is late, and I wish to give the Senate an opportunity to proceed with its business. 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.

INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATIONS, 1966

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.

The PRESIDING OFFICER. 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 quorum call 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 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 would note that this bill includes a total of $19 million for soil and watershed management on the public lands of the West. This sum will provide impetus to a vitally important program of halting the erosion of our soil and the waste 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 $188,000 for construction at the Saratoga Fish Hatchery and $60,000 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 which will allow us to continue our predator control program on a realistic basis and to proceed with other development programs for additional recreational and agricultural benefits throughout the public lands of Wyoming. And, Mr. President, I should note that the State of Wyoming is almost one-half federally owned.

Particularly I wish to note that this budget contains the initial appropriation for the development of the Big Horn Canyon National Recreation Area, which will provide unlimited recreational opportunities in an extremely scenic area where the high plains meet the mountains. 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 positive, 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 funds to acquire 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 purchased now, in all probability there will not be another chance. I do 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 lay aside the pending business and turn to Calendar No. 232 and consider three items in sequence. They have been cleared on both sides and are ready for action.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

HIRING OR RENTING PROPERTY FROM EMPLOYEES OF THE FOREST SERVICE

The Senate proceeded to consider the bill (S. 1689) to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931, which had been reported from the Committee on Agriculture and Forestry with an amendment on page 1, line 8, after the word "thereby", to insert a colon and *"Provided,* That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed $20,000 in any one year."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of the Act of March 4, 1913, as amended by the Act of January 31, 1931 (16 U.S.C. 502), is amended to read as follows: "(a) To hire or rent property from employees of the Forest Service for the use of that Service, whenever the public interest will be promoted thereby: *Provided,* That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed $20,000 in any one year."

Mr. HICKENLOOPER. Mr. President, what is the subject matter of the bill? I cannot fathom it from the numbers being read.

Mr. MANSFIELD. The subject matter of the bill is to remove the existing prohibition against renting such property for use by the Forest Service by an employee from whom it is rented, and to increase the maximum rental.

Mr. HICKENLOOPER. I thank the Senator from Montana for his explanation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 243), explaining the purposes of the bill.

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

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1689), to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502), having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill, with the committee amendment, would amend the law authorizing the Forest Service to rent property needed by it from its employees whenever the public interest will be promoted thereby so as to—

(1) Remove the existing prohibition against renting such property for use by the employee from whom it is rented, and

(2) Increase the maximum total rentals which may be paid to all permanent employees in any one year from $3,000 to $20,000.

This legislation was requested by the Department of Agriculture. In certain situations, such as those where there is only occasional need for the property, it is to the advantage of the Government to rent property from its employees. At isolated posts, the employee who is to use the property may be the only one who has such property available for rent, and may also be the only employee available to perform the work for which the property is to be used. In addition, some property, such as horses, may be safe only if used by owner, or may be of such type that the owner is unwilling to rent it for use of another. The $3,000 limitation on the amount to be paid all permanent employees in any year was established in 1931 and is no longer adequate.

The bill, as introduced, would have removed the $3,000 limitation completely. The committee has recommended an amendment to increase the limit to $20,000 rather than remove it.

VALIDATE CERTAIN PAYMENTS MADE TO EMPLOYEES OF THE FOREST SERVICE

The bill (H.R. 6691) to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 244), explaining the purposes of the bill.

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

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 6691), to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill would validate overpayments made through mistakes to southwestern firefighter crewmembers in 1961, 1962, and 1963.

Overpayments were made in 1,421 cases totaling $32,472. The average overpayment is $22.85, but actual overpayments range from $3.10 to $99.84. A great many of the persons to whom overpayments were made were Indians identified only by name, tribe, and crew number. Collection would be difficult and costly; and the Forest Service estimates that it would be unlikely that more than 10 percent of the overpayment could be recovered. The Forest Service has now established a uniform wage rate, changed travel instructions, and required the use of a simple uniform system of job titles; and the Comptroller General has advised that he will evaluate the adequacy of the control measures in future reviews.

The overpayments were as follows:

(1) $27,844.53 was overpaid to 1,004 firefighters in 1961 because Arizona wage rates were inadvertently paid to firefighters from New Mexico (instead of New Mexico wage rates which were 20 cents lower). Firefighters from both States worked, slept, and ate together and were mistakenly paid from the same wage rate tables.

(2) $3,211.07 was inadvertently overpaid to 349 firefighters for traveltime in excess of 8 hours during a 24-hour period. Travel in trucks is paid as worktime and firefighters are usually moved from camps in trucks. Firefighters moved from camp in Greyhound buses were inadvertently paid for worktime instead of traveltime. In another case 69 Zuni Indians were allowed travel pay for transportation from Gallup, rather than from Zuni, as it should have been.

(3) $1,403.70 was overpaid to 64 firefighters through failure to take proper account of regional differences in job definitions.

(4) $12.44 was overpaid to four firefighters as a result of using the wrong wage rate.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ACT

The Senate proceeded to consider the bill (H.R. 7031) to provide for the establishment and operation of a National Technical Institute for the Deaf.

Mr. JAVITS. Mr. President, I join with our distinguished committee chairman in support of H.R. 7031, the National Technical Institute for the Deaf Act. The distinguished Senator from Alabama is to be complimented for his foresight and thought in authoring this measure which, when enacted into law, will play a major role in bringing meaning into the lives of thousands of deaf young people and helping them to become constructive and useful citizens in their communities.

H.R. 7031 is a worthwhile, constructive, and much-needed measure. But it is only a first step in what hopefully could be a complete and comprehensive program in meeting the educational needs of those who are deprived of the sense of normal hearing.

I make particular reference to the recommendations submitted in February of this year by the Advisory Committee on the Education of the Deaf in its report, "Education of the Deaf." This Advisory Committee, appointed by the Secretary of Health, Education, and Welfare in March 1964, is composed of a panel of 10 distinguished citizens headed by Dr. Homer D. Babbidge, Jr., president of the University of Connecticut, and formerly a distinguished official of the Office of Education during the Eisenhower administration.

As pointed out in the committee report on the pending bill, the recommendations made by the Advisory Committee merit immediate attention so that, where feasible, legislation might be enacted, or appropriate administrative action undertaken. The committee has urged the Secretary of Health, Education, and Welfare to soon "make available his analysis 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 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 consideration and action 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 a program of planning grants 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 convene a national conference of Federal, State, and local governmental and professional leadership to consider effective ways to encourage the development of State plans for the organization of educational and auxiliary services for the deaf.

POSTSECONDARY EDUCATION

1. That the Office of Education inaugurate a 5- 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 initially on fields of study not generally available to deaf students, such as engineering, architecture, and the professions, but not to the exclusion of liberal arts curriculums.

2. That a similar demonstration program be undertaken at a number of junior colleges throughout the country which are designated as "area vocational education schools" by the Commissioner of Education. Emphasis in selection should be placed on those institutions serving areas in which substantial numbers of deaf students are to be found, but where no residential vocational education schools are contemplated under section 14 of the Vocational Education Act of 1963.

3. That similar facilitative services for deaf students be provided on a continuing basis in the residential 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.

4. That the Office of Education consider in the light of its continuing evaluation of the foregoing demonstration programs whether the vocational and advanced technical educational requirements of deaf students are being adequately met, or whether there is a need for federally supported regional vocational education schools and a national technical institute exclusively for the deaf.

5. That the Office of Education prepare, distribute, and publicize informational materials designed to stimulate through State adult education programs the offering of classes for the adult deaf; and that State 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 maintain 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) An increase in the number of course offerings in the natural sciences and the social sciences to make possible a wider range of electives; (b) a program of orientation that will permit new faculty members, at full pay, to devote at least 3 months to achieving a deeper understanding of the educational deprivation which the students have inevitably suffered because of their handicap, and to learning effective communication with the deaf; and (c) a liberalized leave policy to encourage faculty members to pursue programs leading to the doctoral degree.

3. That any plans for future growth of Gallaudet take into account the possibility of more deaf students studying in colleges for the hearing, with 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, 83d Congress, be amended to increase the number on the board of directors to 20, that the board seek to elect new members from a broader geographical base, that all board members serve for fixed terms of perhaps 5 years, that the board strive to increase alumni representation, and that the president of the college should serve as an ex officio, nonvoting member of the policymaking board.

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.

2. That assistance be provided to the Secretary of Health, Education, and Welfare in carrying out his responsibilities for the coordination of the several educational and related program activities that have bearing upon the education of the deaf, both directly and indirectly. It is recommended that there be within the Office of the Secretary a position recognized as primarily concerned with the education of the deaf.

RESEARCH

1. That the Division of Handicapped Children and Youth, Bureau of Educational Research and Development, Office of Education, 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.

2. That a panel be convened to develop a proposed program of comprehensive research into the problems of education of the deaf; and that, subject to the panel's concurrence, such proposal contemplate major emphasis on programmatic research utilizing a broad multidisciplinary approach, and involving support of two or more research centers, preferably in university settings.

3. That the panel be furnished, for the above purpose, necessary full-time staff assigned to sole responsibility of serving the panel in its initial identification and planning endeavors: and that funds be made available to the panel to permit it to enlist the aid of consultants as it deems necessary for this purpose.

4. That the panel invite the cooperation of other elements of the Department which support research related to or in the education of the deaf.

5. That the panel take note of the several unmet research needs set forth in the committee's report in developing its plan.

6. That the proposed program developed by the panel not be constrained by budgetary considerations, but that it represent the combined judgment of the panel on the scope and emphasis of the program and on the level of effort needed; and that it be phased in accordance with the probable increase in competent research personnel attracted to the field.

7. That the panel specifically consider the desirability of a program of research and fellowship grants, supported by Federal funds, as a method of attracting competent young people to the area of research in the education of the deaf.

The PRESIDING OFFICER. 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.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 245), explaining the purposes of the bill.

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

SUMMARY OF THE BILL

The Secretary of Health, Education, and Welfare would be authorized to enter into an agreement with an institution of higher education for the establishment, construction, equipping, and operation of a National Technical Institute for the Deaf for the purpose of providing a residential facility for postsecondary technical training and education for persons who are deaf in order to prepare them for successful employment. A 12-member National Advisory Board on the Establishment of a National Technical Institute for the Deaf would be appointed by the Secretary to review proposals from institutions of higher education which desire such an institute, to make recommendations to the Secretary concerning such proposals, and to make such other recommendations concerning the establishment and operation of the National Technical Institute as may be appropriate. The Commissioners of Education and of Vocational Rehabilitation would be ex officio members of the Board.

NEED FOR THE LEGISLATION

There are approximately 3,000 deaf students above the age of 16 who leave or graduate from State and local schools and classes for the deaf each year. A large number have indicated their intense interest and desire for further educational opportunities. Dr. Leonard M. Elstad, president of Gallaudet College, the only institution for higher education for the deaf in the world, in his testimony reported that over 600 student applications were received and reviewed this year. He reported that 275 of these students will be admitted in September 1965.

The other 325 students who could not meet the entrance requirements of the college, by the very act of submitting an application expressed their desire for further education. This number coupled with some 75 to 100 annual withdrawals from the college at various levels from freshmen to seniors, in addition to numerous other deaf persons among the unemployed or underemployed who desire further training, indicates that well over 400 students each year would be eligible for a program that could be offered in a National Technical Institute for the Deaf.

The recent report on the "Education of the Deaf" prepared by the National Advisory Committee on Education of the Deaf in 1964, appointed by the Secretary of Health, Education, and Welfare stated that "five-sixths of our deaf adults work in manual jobs as contrasted to only one-half of our hearing population." If the door to further educational opportunity is not opened for the group who could not be admitted to Gallaudet College, including other qualified students, they have almost no other alternative than to join the ranks of the nonskilled labor force.

Population and enrollment

The Office of Education estimates that there are 37,000 school-age seriously hearing impaired children in our country. According 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 12,300 attend 355 public and private special day schools and classes for the deaf. It is estimated that 6,000 additional students not accounted for by the American Annals of the Deaf are either in public school classes that do not provide necessary special education services for these children or they are not in school at all.

Special problems in education of the deaf

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 before a subcommittee of the House Committee on Education and Labor on 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, the essential and primary channel for receiving the acoustic symbols we call speech is either absent or severely restricted. All the skills of communication that depend on learning over this channel are adversely affected. From infancy to early school age, the 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; he also learns what to communicate. For a child who does not have the daily experience of listening to language, its acquisition is indeed difficult, if not impossible for some, even with instruction. * * * the teacher is confronted with the task of communicating language to a child in the absence of the sensory system considered to be essential for its acquisition.

"The educator, therefore, must seek ways to manipulate information so that it can be transmitted over whatever sensory system or combination of systems are available—such as vision, touch, and residual hearing. At the same time, we are concerned about the content of what we communicate—language and subject matter, as it is influenced by the demands of society and the child himself."

A young child who has a substantial or total hearing loss, acquired at birth or before the normal age for learning language through hearing, has a serious educational handicap. Every attempt has been made by educators of the deaf to accelerate the acquisition of reading, language, and communication skills by deaf children. For the most part, the objective has been to teach the basic language and communication skills well enough at the elementary level so that these children could go on with their education or further vocational training in our colleges, universities, and vocational training facilities for normal hearing students.

Philosophically, this goal would appear to be a reasonable one. Many educators have been convinced that this kind of preparation is the best way for the deaf child to become a full participant socially and economically in a hearing world. Numerous individual success stories can be and have been produced to support this theory. However, the facts reveal that for the general deaf population this has not been achieved.

Most residential schools for the deaf offer programs that provide for the equivalent of an eighth grade education. Very few of the specialized day school programs go beyond this level. Students desiring more than this are expected to enroll in regular high school and other vocational schools for the hearing. This is a commendable objective and its practice should be encouraged wherever and whenever possible. However, because of the serious communication problem involved, a relatively small percentage of these children can really communicate well enough to do this.

A NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

The establishment of a National Technical Institute for the Deaf would, 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. Adequately trained staff members, who are resourceful, flexible, and imaginative would be required for the successful operation of a technical training program.

Size of the Institute

Since the estimates that have been made regarding the number of students who would be able to profit from a specialized program indicate that at least 400 students each year could qualify for enrollment, provision should be made initially to enroll at least 200 students each year with adequate planning for necessary future expansion. The special needs of individual students for program planning purposes would be determined following complete physical, psychological, audiological evaluations, and a program of orientation and guidance counseling. The goals established for some students could be accomplished in 1 year. The objectives for others might require 2, 3, or even 4 years to complete.

Program objectives

The principal objective of the Institute should be the employment of the student upon completion of a prescribed educational and training program. The environment of the school, the curriculum, and general living conditions, along with health and recreational services, should be designed to help the student achieve a high degree of personal development and a sense of social responsibility. The educational and training program should be supplemented by varied civic and social group activities to provide the proper environment for developing concepts of responsible citizenship and social competence.

The focus of effort of the entire faculty on behalf of the students attending the Institute should be directed toward the goals of successful employment and preparation for full participation in community living.

Location

The National Technical Institute for the Deaf should be located in a large metropoli-

tan industrial area so that it could be designed to serve the special needs of deaf youth from any community in the Nation. The area should also have a wide variety of nationally representative types of industrial activities in order to make it possible for the student to return to his home for eventual employment. The Institute should be affiliated with a major university for the administration of its program. This would facilitate securing the medical, audiological, psychological, and psychiatric services needed to supplement appropriate guidance 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 modern industrial settings. The community should be one that would generally be receptive to a program of this nature and be sympathetic with training needs of the deaf.

Curriculum

The curriculum of the institute should be very flexible so as to permit a variety of adaptations to meet the needs of individual students without the absolute necessity to conform to traditional accreditation standards, such as course credits, fixed period scheduling and other curriculum restrictions. Courses of study should be available to meet the needs of students attending the Institute. Upon successful completion of a prescribed curriculum, each student should receive a certificate or other formal recognition that would attest to what has been accomplished. The standards and quality of training offered in all areas will have to be high enough to meet the usual requirements as recommended by labor, industry, and professional associations, including certifying and licensing agencies.

The program offered should be broad enough to include a basic or preparatory curriculum of a remedial nature in such subjects as English, reading, science, and mathematics 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 qualified candidates for employment at levels commensurate with their ability and training. A supplementary curriculum including such courses as humanities, government, history, and economics should be offered to properly prepare students for living in a modern urban society. A comprehensive supporting curriculum in such subject areas as physics, chemistry, biology, and higher mathematics, should be offered where required as prerequisites for training in technical areas.

The course work offered in preparatory, supplemental, and support curriculums should follow a logical sequence in preparing students for training and experience in a wide variety of technologies. The following suggested technological programs are illustrative of some of the kinds of training opportunities that should be made available to deaf students:

Automotive technology: Mechanics and body repair, shop service operations, automotive 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.

Paramedical and chemical technology: Chemistry, microbiology, anatomy and physiology, quantitative analysis, dental prosthetics, optical instruments, embalming.

Engineering technology: Engineering graphics, technical math, physics, and chemistry, general metals, technical drafting, engineering fundamentals, surveying, water-sanitary technology, technical report writing.

Business: Accounting, business machines, typing, office management, data processing, computer operation, programing.

Commercial art: Basic design, basic drawing, advertising, dress design.

Electronic engineering technology: Electronics fundamentals, technical math and physics, radio and television repair, industrial electronics, technical drafting.

Technical graphic arts: Lithography, engineering graphics, technical drafting, offset, equipment maintenance and repair.

Mechanical and metals 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 and desire to pursue further professional 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 student in other regular university programs.

Essential to the overall program would be the opportunity for continued instruction in communication skills. These would include work toward improving speech and speech reading skills in addition to a continuing support program of auditory training.

Administration

The Institute should be directed by a person who has had professional training and experience as an educator of the deaf. He should be qualified to recruit and direct a competent staff that would be able to organize all the resources of a community and other institutions of higher education in the area in order that the needs of students to be enrolled could be served. All staff members, including counseling, placement, psychological, and instruction specialists, should be adequately trained to deal with deaf students from all types of schools and educational backgrounds. These personnel should know and understand deaf students thoroughly, including their special education and social problems.

Under the provisions of the bill, the governing body of the institution of higher education, subject to the approval of the Secretary, would appoint an advisory group to advise the director of the Institute in formulating and carrying out the basic policies governing its establishment and operation. Because of the Federal support for the National Technical Institute for the Deaf, it would be anticipated that congressional representation would be included in the membership of the advisory group among those who are designated as members of the public familiar with the needs of educational services for the deaf.

Placement officers on the staff of the Institute should provide for initial placement and followup services directly as well as through appropriate liaison with community vocational rehabilitation agencies throughout the Nation.

As a byproduct, in providing this kind of expert service, the Institute could serve as a practice teaching center for the training of special guidance and rehabilitation counselors of the deaf.

One of the responsibilities of the placement guidance and counseling staff should be to maintain continuous liaison with personnel in all schools and classes for the deaf, vocational rehabilitation agencies, and industry, in order to keep these individuals informed and up to date on all pertinent activities of the Institute and to keep the Institute informed about the employment needs of industry.

Standards for admission

Admission to the Institute should be based on a complete comprehensive evaluation of each student's potential for successfully completing one of the courses of study offered at the Institute. The information needed for this purpose as a part of the application process should include a review of medical, psychological, and audiological records; academic achievement and school progress reports; and recommendations from teachers, school principal, and others who are acquainted with the student. Wherever possible, personal interviews with potential students at the Institute, at home, or in school should be made by the appropriate staff members of the Institute.

A period of orientation, evaluation, and counseling at the Institute in order to properly prepare the new student for full participation in the program, should be available to those who need it.

Research

In addition to serving as a practice teaching center for the training of teachers, instructors, and rehabilitation counselors the Institute will serve as a research facility for the study of educational problems of the deaf. The Institute will be an excellent proving ground for the development of new and better educational teaching techniques. Such information will be useful to all programs where deaf children are taught.

During the hearings the question was raised as to whether the language of S. 1650 and H.R. 7031 authorized the Institute to conduct research.

Physical facilities

The Institute should have a sufficient number of flexible classroom accommodations to handle at least 50 groups or classes simultaneously; dormitories for 600 residential students equipped with recreation room, social center, reading and study areas; laboratory and shop facilities for all technological and occupational programs; a special library and instructional media center; group auditory training equipment available in all classroom and other meeting or assembly areas; an auditorium adequate to accommodate 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 regards it as only a step in what should become 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 appropriation for the Department of Health, Education, and Welfare submitted a detailed report to the Secretary early in February 1965. The report contained a careful analysis of the problems of education of the deaf and made a number of constructive recommendations for both administrative and legislative action.

The committee hopes that the Secretary of Health, Education, and Welfare will soon be in a position to make available his analysis 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 Education of the Deaf."

COSTS

Because of the nature of the legislation it is impossible to specify exact costs on an annual basis. However, the committee anticipates that approximately $200,000 will be needed 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

approximately $13,500,000. Annual maintenance and operation costs once the construction and equipping expenses are met will require an appropriation of approximately $2 million per year.

HEARINGS

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 representing the Department of Health, Education, and Welfare, the Council for Exceptional Children, the Mount Carmel Guild, Gallaudet College, and the Central Institute for the Deaf. In addition, statements were received from numerous schools and associations for the deaf in support of S. 1650. A partial listing of the supporting statements includes the Alexander Graham Bell Association for the Deaf, the National Fraternal Society of the Deaf, the Georgia Association of the Deaf, Inc., the Illinois Association of the Deaf, the Council on Education of the Deaf, the Nebraska Association of the Deaf, and the Conference of Executives of American Schools for the Deaf.

Statements were also received from superintendents of the following State schools for the deaf: West Virginia, Pennsylvania, New Hampshire, Rochester, N.Y., North Carolina, Indiana, Florida, Kansas, Arkansas, California, North Dakota, Washington, New York, Nebraska, Arizona, Hawaii, Idaho, and Maine.

SECTION-BY-SECTION ANALYSIS OF PROPOSED NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ACT (H.R. 7031)

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. The term "institution of higher education" is defined to mean an educational institution in any State or the District of Columbia which admits as regular students only graduates of secondary schools or the equivalent, is legally authorized to provide postsecondary education, provides an educational program leading to a bachelor's degree, includes one or more professional or graduate schools, is a public or nonprofit private institution, and is accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education. The term "construction" includes construction and initial equipment of new buildings, expansion, remodeling, and alteration of existing buildings and equipment thereof, and acquisition of land, and includes architect's fees but not off-site improvements.

Section 4: This section provides that any institution of higher education may submit a proposal for an agreement to establish and operate a National Technical Institute for the Deaf in accordance with procedures prescribed by the Secretary.

Section 5: Subsection (a) of this section authorizes the Secretary, after consulting the National Advisory Board on Establishment of the National Technical Institute for the Deaf created by section 6 of the legislation, to enter into an agreement with an institution of higher education for the establishment and operation of such National Technical Institute for the Deaf, giving preference to institutions in metropolitan industrial areas. Subsection (b) requires that the agreement contain certain provisions, including prevailing wage assurances and that the Board of Trustees or other governing body of the institution, subject to the approval of the Secretary, appoint an advisory group to advise the Director of the Institute with respect to basic policies for its establishment and operation. The subsection also provides that the governing body of the institution of higher education shall make an annual report to the Secretary. The committee would expect that under the terms of the agreement the report should contain such information as may be requested by the Secretary. Subsection (c) provides for recapture of Federal payments if any facility aided by Federal funds under this legislation ceases to be used for the purposes for which it was constructed within 20 years after it is completed.

Section 6: 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 from members of the public 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 with respect to proposals from institutions of higher education which offer to enter into an agreement for the construction and operation of a National Technical Institute for the Deaf, and 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. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Connecticut [Mr. RIBICOFF], 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.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], 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. RIBICOFF], 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. AIKEN], 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 Massachusetts [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. 98 Leg.]

YEAS—77

Allott	Harris	Morton
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Bass	Hayden	Murphy
Bennett	Hickenlooper	Muskie
Boggs	Hill	Pastore
Brewster	Holland	Pell
Burdick	Hruska	Prouty
Carlson	Inouye	Proxmire
Case	Jackson	Randolph
Clark	Javits	Russell, S.C.
Cooper	Jordan, N.C.	Scott
Cotton	Kennedy, Mass.	Simpson
Curtis	Kennedy, N.Y	Smathers
Dirksen	Long, Mo.	Smith
Dodd	Long, La.	Sparkman
Dominick	Magnuson	Stennis
Douglas	Mansfield	Symington
Eastland	McClellan	Talmadge
Ellender	McGee	Thurmond
Ervin	McIntyre	Tower
Fannin	McNamara	Williams, N.J.
Fong	Metcalf	Williams, Del.
Fulbright	Mondale	Yarborough
Gore	Monroney	Young, Ohio
Gruening	Montoya	

NAYS—0

NOT VOTING—23

Aiken	Kuchel	Pearson
Bayh	Lausche	Ribicoff
Bible	McCarthy	Robertson
Byrd, Va.	McGovern	Russell, Ga.
Byrd, W. Va.	Miller	Saltonstall
Cannon	Morse	Tydings
Church	Nelson	Young, N. Dak.
Jordan, Idaho	Neuberger	

So the bill (H.R. 6767) was passed.

Mr. HAYDEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the

Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL of Georgia, Mr. MCCLELLAN, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. MUNDT, 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 in recent months about the responsibility of a broadcast licensee meeting the needs of his community programwise.

I was in Bellingham, Wash., recently, and I had an opportunity to visit channel 12, KVOS–TV and I was informed of the system that they followed in determining the community needs. Generally speaking, it is a steering committee made up of the leaders of the community who meet 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 5 permanent members and 8 to 10 rotating members. The station's programs during the past month are reviewed and ideas for future programing are discussed. Minutes of the meeting are prepared 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 efforts of one station to meet the programing needs of its television community.

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

KVOS–TV CHANNEL 12 STEERING COMMITTEE

The meeting was held April 21, at the Leopold Hotel, room 206.

Permanent members present: Ross Glover, of the audio visual department of the Bellingham schools; Dr. Harvey Bunke, president, WWSC; Nix Lidstone, manager, Bellingham Chamber of Commerce.

Rotating members present: Ray Smith, director of vocational education, Bellingham schools; LaVern Frieman, Whatcom County extension agent; LeRoy Freeman, chairman, Whatcom County Democratic Central Committee; Rev. Lyle Sellards, head of the United Student Christian Foundation; Harry Fulton, Whatcom County planner; Rev. Joe Walker, Garden Street Methodist Church; Glen Hallman, Whatcom County sanitation officer.

KVOS–TV staff members present: Dave Mintz, Dick Dailey, Marian Boylan, and Duayne Trecker.

REVIEW

Duayne reviewed the specials presented on channel 12 in the past months since the previous steering committee meeting including, February 25, "The Seventh President," a film and live show on the inauguration of Harvey Bunke as president of Western Washington State College. On March 11, "Congressional Review," a live question and answer session with Senator WARREN G. MAGNUSON, who was visiting Whatcom County at the time. March 18, "Report from Olympia," a program filmed at the legislature on the general activity of the session, with particular attention paid to questions affecting Bellingham and Whatcom County, especially college appropriations and the tax-break bill which will effect expansion at the Intalco plant. March 25, "Prescription for America," a discussion with two representatives from each side of the elder care and medicare issues. April 8, "Look Mom, No Desks," a report on the current status of Sehome High School and the difficulty in financing an additional $500,000 worth of equipment and furniture for the new school. Participants included Douglas Blair, school board chairman, Dave Mintz, school board member, Gordon Carter, superintendent of Bellingham schools, and Harlan Jackson, assistant superintendent of schools. On April 15, "The Color of Black," a filmed interview with James Farmer, national director of CORE, the Congress of Racial Equality. This program was filmed on April 4, at the KVOS studios, following an address by Farmer to students at Western Washington State College.

FUTURE PROGRAMING

On April 22, a program titled "Road to Redress" will be shown. The program will feature filmed highlights of the peace march sponsored by the American Friends Service Committee held in Bellingham on April 17. It will include interviews with counter-peace marchers, sound-on-film excerpts from the speech by Dr. Giovanni Costigan of the University of Washington, and a live question and answer session at the end of the program with Dr. Fred Ellis, one of the cosponsors of the march. The interview of Mr. Justice Douglas performed during his stay at Western Washington State College, has been tentatively set for May 13.

REVIEW

Dave Mintz reviewed the purpose of the steering committee for those who were attending for the first time. KVOS has for years sought out from opinion makers in the community, ideas on what they felt people in our coverage area wanted to know about. As a result, he said, there are five permanent members and eight or nine rotating members. All of the things talked about in the steering committee meetings have been investigated and those feasible have been followed through on the air. The station plans to present Dr. Neuzil's "Way Out There," science series once again this summer, as a result of suggestions from 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, so they will get the widest possible circulation.

AGRICULTURE

Stan Sleeth, KVOS-TV's farm director, reviewed some of his past programs including "Harvestore," filmed on a Whatcom County farm recently concerning mechanization in modern agriculture. One reason for this program was the result of a suggestion 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 Plowing Match, which comes up 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 master's degree this summer and is attempting to work with Washington State University in sending some teachers to KVOS to see what they can learn about TV 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 presented on Friday mornings on our normal In School Viewing time period, or any number of mornings that the college wants to work out. The same offer of available time to teach teachers how to use TV was made by Dave to President Bunke, of Western Washington State College.

EDUCATION

KVOS presented a live program in cooperation with the Bellingham public schools on the school district's conservation workshop for fifth and sixth graders. Ross Glover reported the station had helped Richard McClure, of Roeder School. McClure, who was the on-the-air talent, 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 programing where McClure outlined some of the basic species of trees, and told by the use of charts what the children should wear and equipment they should bring for the tour. Mr. Glover also reminded the committee that KVOS has furnished a half hour of daily time for several years to the Bellingham schools, and that the programs are pitched largely to the elementary level and correlate with the school's 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 stands for area business community development and means essentially an increased awareness of the importance of the chamber of commerce and support both moral and financial. He said this program ties in generally with industrial development and community growth, which we are now experiencing. He said that the city and area must control this growth instead of "letting it get hold of us." Mr. Bunke said he could foresee a series of programs on channel 12 titled perhaps "City in Transition," to deal with the economic aspects of Bellingham's growth, educational and cultural areas as well as industrial and employment. Bunke said, "Suddenly this place is on fire." He continued that he felt this would be a good time to mount this wave of movement to help lend direction through a series of programs.

Mr. Hallman said along with that could be added the recreation plans for the area. Lidstone said the area is currently a year and a half behind in its leadership and 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 set 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 issues?" He was answered by Mr. Lidstone who said, "By bringing it out in the open: A subject ceases to be controversial if discussed openly." He then pointed out that it was going to be necessary for people in this area to be prepared for the impact of future growth. Mr. Fulton suggested that the University of Washington community development program has encouraged self-study and analysis in 15 or 16 different fields for several smaller communities in the city.

ACTION GROUP

There was discussion about civil rights groups such as CORE, SNIC, NAACP, Southern Leadership Conference, etc. Mr. Lidstone

suggested a program could possibly be done entitled "Tempo of Our Times." He pointed out that, to handle such a program, logic would have to prevail and not emotion. He felt that to find out what the basic purposes of these organizations are, what they do, what their influence is, would be a good program. Rev. Mr. Walker then added that people will always say, "What does this have to do with Bellingham?" and, at that point, Mr. Lidstone said, "People will wonder why a march for Alabama when the Lummi need help right here."

ANTIPOVERTY

Reverend Walker said the antipoverty program is being utilized both with the Lummi Indians and the Nooksack Indians. Mr. Hallman added that a migrant labor center in Lynden is being established. He suggested we 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 Nooksacks. It is a denominational project, he 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." Mr. Freeman said that 4–H groups in the county were working with migrant Mexican workers and Mr. Hallman added this is why a migrant center will be helpful. Reverend Sellards said that there was a tutoring 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 had no axes 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 carried out at the very low age group. KVOS plans to do a program involving the migrant 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 possibly fees could be used as a basis for a program to show other problems existing in the college in terms of the financial crisis facing schools, the incredible competition for faculty, etc. Mr. Hallman pointed out that UBC was having similar problems and it was suggested and agreed that, to do such a program, it would be desirable to get representatives from both schools to discuss mutual problems. Mr. Freeman said he thought it would be good to hold a program entitled "Postmortem on the Legislature," and to get the State legislators from both parties together from the 41st and 42d districts to speak for themselves and to face one another. Dave said KVOS would go along and even place an ad in the paper and on the air, asking people to write in questions about the legislature. It was then suggested that Scott Barron, who is chairman of the county Republican Party and Mr. Freeman could get together and sort out the questions and present them to the legislators on this program.

Mr. Fulton said that Bellingham's water supply was one part of a whole program in relation to the aluminum plant in relation to agricultural irrigation and an overall water supply problem could be a program in itself. Mr. Lidstone said he had attended a meeting of the Wheel and Keel Club, in Bellingham, at which Mr. Fulton had presented a report of recreational land availability in Whatcom County. Lidstone said, "I was shocked to find that we have nothing left, really, of our recreational area. He said Fulton's description, lets one know how little land is really left available for park sites and how few park sites we will really have in ten years, if we don't take action immediately on securing these sites for future use.

CROSS-STATE HIGHWAY

Mr. Freeman suggested some sort of a program employing motion picture film of a horse pack trip, which is to be made in August along the route of the north cross State highway in Washington State. Trips of this nature are made periodically throughout the summer months by various interest groups and KVOS–TV was invited to go along on the August trip. The highway is under construction from both sides of the Cascades from the Okanogan country up the Methow Valley on the east and up the Skagit Valley on the west. Bureau of Public Roads is providing the basic financing on this route which will provide a new access to the Puget Sound Basin from the agricultural areas of the Cascades upon its completion. Duayne Trecker plans to make this trip and to do a subsequent program.

TECH SCHOOL DOCUMENTARY

Duayne said that the Tech School program is about half filmed, but some of the film will have to be reshot because of a faulty camera in the last filming. When finished, this 30-minute program will be used as a channel 12 special, but will be self-contained and can be used by service clubs and the Bellingham schools in any way they choose.

KVOS–TV CHANNEL 12 STEERING COMMITTEE

KVOS–TV's Steering Committee met at the room 206 on February 24, 1965.

Permanent members present: Mayor John Westford, Chamber Manager Nix Lidstone, and Ross Glover of the Bellingham public schools.

Rotating members present: Glen Hallman of the county health department; Ray Smith, director of vocational education in the Bellingham schools; Capt. Charles Gold, Bellingham water superintendent; Dr. Manfred Vernon, chairman of the political science department, WWSC; and Roy Freeman, chairman of the county Democratic Central Committee.

KVOS–TV staff members present: Dave Mintz, Dick Dailey, Marian Boylan, and Duayne Trecker.

RECAP OF ACTIVITIES

Duayne went over programs on channel 12 special from mid-November to mid-February. These included channel 12 press conference with Dr. Harvey Bunke, "A Professor Looks at His College," "Three U's for B.C.," Lynden Christian High School's Christmas Concert, a preview of the 1965 legislature, a viewpoint on governments, concerning Vietnam, "The Natural World of Poetry," "So More Will Live" (heart campaign) "Intalco: A Visit From Paris," channel 12 press conference with Lloyd Meeds of the Second Congressional District.

For the benefit of those who had not attended a previous steering committee meeting, Duayne and Dave explained how the committee operates, that KVOS is looking for programing ideas that will be of benefit to this community. An interview with Justice William O. Douglas, of the U.S. Supreme Court, was filmed with Andy Anderson doing the interview and is to air in March. The program on the inauguration of Dr. Bunke, as president of Western, is to be done Thursday, February 25. Duayne explained that Count de Vitry, chief executive officer of the Intalco Aluminum Co. of France, was gracious enough to come to the KVOS studios for an interview about Intalco, when he visited the Intalco site on the 27th of January. Pathe Newsreel photographer and other press members following the entourage also came to the studios to film the filming.

PEACE MARCH

The student peace march demonstration on Vietnam, which started at the college and terminated with the arrest of 47 participants, was discussed by all those in attendance at the committee meeting. After hearing strong statements from Mayor Westford and Mr. Lidstone, the consensus was that we would do no program on the peace marchers, at least at this time. The possibility of a program dealing with the basic freedoms will be given management study in the following weeks.

ALASKA FERRIES

Mr. Lidstone discussed the problems involved in getting a legislative memorial for this project to urge Congress to pass legislation which would make the Alaska Ferry System part of the Federal Interstate Highway System. He talked about creating an interest in the community (there is plenty in Bellingham) but at the same time, attempting to encourage Alaskans to do the same. He pointed out that the basic problem in Alaska is that the State treasury is too low to do anything at this time, and added that it will be up to the Alaskans to make the formal request to Congress for the extension of the service before Congress will take legislative action and make Bellingham a southern terminus for the ferry route.

RECREATION FACILITIES

Mr. Hallman suggested a program on recreation in Whatcom County. He said there has been a county park board formed by resolution of the county commissioners which will consist of a six- or seven-man commission to make a study. As a result of having passed two statutory amendments allowing for development of parks and conservation in this State, Hallman suggested obtaining films from the Soil Conservation Service and the U.S. Forest Service. This could be an adjunct to also discussing water resources in the area. In discussing this, Hallman thought it was necessary that the program show recreation facilities in Whatcom County and potential sites. In general discussion it was pointed out that there would be some taxes involved for Whatcom County, but that matching funds would be available from the State of Washington.

BELLINGHAM TECHNICAL SCHOOL

Ray Smith, of the vocational education department, told of the school district's efforts to get PTA's to hold their monthly meetings at the tech school this year in order to display to the public the role of the school and its activity in the community. Smith pointed out that some 80 percent of our youngsters are not now going to college and someone must make them employable. He said this is one area where the Bellingham Tech School is coming into great use and its growth has been dynamic. Smith pointed out that the school district has recently allocated more money for the tech school for an expansion of the buildings in addition to a Federal grant doubling the technical school equipment; i.e., heavy machinery, lathes, drill presses, and the like. This equipment has been recently received and is being installed. Dave Mintz suggested we might use the tech school story to point out the fact that not all persons are able to go on to college for one reason or another, and possibly even involve a college spokesman who would point to the need for schools such as the Bellingham Tech School.

BELLINGHAM SCHOOLS

The change in grade systems contemplated by Bellingham schools was suggested as a good topic for channel 12 special. The public schools, when the new high school is opened, will go to either an 8–4 or a K–5–3–4 grade system instead of the present 6–3–3–. The Bellingham school board has decided to make the change (probably the K–5–3–4 system). There will naturally be a lot of questions in the community as to how this will affect children and what difference it might make in their class attendance, in grading,

and the like. We thought such a program might well be done this fall as a sort of a groundbreaker for the community on the new high school which will open the following year.

SENIOR CITIZEN'S CENTER

Glen Hallman related 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 funds from the county commissioners and other welfare agencies. Its time and activities will center on elderly persons looking for sparetime entertainment, hobbies, instruction, and avocations. 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 program 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 go color. He noted, however, that a lot of questions on some of the technicalities of color have been coming in. Such a program, if done, could be put on the air sometime in conjunction with the fall programing of 1965 making use of the station engineering and management personnel under questioning by the department of public 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 1648.

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 coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically 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-in-aid authorized under this section, and Federal public works projects"; on page 5, line 1, after the word "share", to strike out "(including assumptions of debt)"; in line 3, after the word "project", to insert "(including assumptions of debt)"; in line 10, after the word "of", to strike out "such grant-in-aid" and insert "the applicable Federal"; at the beginning of line 12, to strike out "limitation on" and insert "requirement as to"; in the same line, after the word "the", to strike out "use of supplementary grants" and insert "amount or sources of non-Federal funds"; in line 14, after the word "the", to strike out "grant-in-aid" and insert "Federal"; in line 15, after the word "funds", to strike out "so allocated" and insert "provided under this subsection"; on page 6, line 18, after "(e)", to strike out "No" and insert "Except for projects specifically authorized by Congress, no"; in line 23, after the word "State", to insert "or Federal"; in line 24, after the word "State", to insert "or Federal"; on page 7, after line 5, to insert:

SEC. 102. Not more than 15 per centum of the appropriations made pursuant to 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 $400,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through the fiscal year ending June 30, 1970.

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 Government"; 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 "(b)", to strike out "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), 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 purchase shall be purchased under this section"; in line 14, after the word "than", to strike out "(i)"; in line 20, after the word "less", to strike out "(ii)"; in line 24, after the word "*Provided,*", to strike out "*however,* 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 purchasing evidences of indebtedness, making and participating in loans, and guaranteeing loans shall not exceed $170,000,000"; on page 10, line 6 after "(d)"; to strike out "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"; on page 13, line 7, after the word "lenders", 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 5, after the word "than", to strike out "(i)"; in line 10, after the word "plus", to strike out "(ii)"; 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: "TECHNICAL AND ADMINISTRATIVE ASSISTANCE".

In line 16, after the word "include", to insert "project planning and feasibility studies, management and operational assistance, and"; on page 19, line 5, after the word "grants", to strike out "for economic planning staff and" and insert "to defray not to exceed 75 per centum of the"; in line 7, after the word "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 per centum 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 appropriated $20,000,000 annually for the purposes of this section.

After line 2, to strike out: "RESEARCH".

At the beginning of line 4, 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 "designed"; in the same line, after the word "to", to insert "(A)"; in line 11, after the word "the", to strike out "Nation and in the formulation" and insert "Nation, (B) assist in the formulation"; in line 14, after the word "solutions", 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 funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, 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: "information".

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 study board consisting of governmental and nongovernmental experts to investigate the effects of Government procurement, scientific, technical, and other related policies, upon regional economic development. Any Federal officer or employee may, with the consent of the head of the department or agency in which he is employed, serve as a member of such board, but shall receive no additional compensation for such service. Other members of such board may be compensated in accordance with the provisions of section 701(10). The board shall report its findings, together with recommendations for the better coordination of

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 $25,000,000 annually for the purposes of this title.

On page 24, line 2, 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 appropriate State agency"; 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 centum or more"; in line 20, after the word "of", to strike out "this section" and insert "subsection 401 (b)"; in line 21, after the word "area", to strike out "may be"; in the same line, after the word "designated", to strike out "at any time"; 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 "on", to strike out "the date of the enactment of this Act" and insert "or after April 1, 1965"; on page 26, 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 section." and insert "section, or (4) be made in the case of any 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 appropriate "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 (A) that there is a relationship between the areas within such region geographically, culturally, historically, and economically, (B) that with the exception of Alaska and Hawaii, the region is within contiguous States, and (C) upon consideration of the following matters, that the region has lagged behind the whole nation in economic development:

(1) the rate of unemployment is substantially above the national rate;

(2) the median level of family income is significantly below the national median;

(3) the level of housing, health, and educational facilities is substantially below the national level;

(4) the economy of the area has traditionally been dominated by a single industry;

(5) the rate of outmigration of labor or capital or both is substantial;

(6) the area is adversely affected by changing industrial technology;

(7) the area is adversely affected by changes in national defense facilities or production; and

(8) indices of regional production indicate a growth rate substantially below the national average.

On page 33, after line 22, to insert:

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 his designee, or such other person 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 require the affirmative vote of the Federal cochairman and of a majority, or at least one if only two, of the State members. In matters coming before a regional commission, the Federal cochairman shall, to the extent practicable, consult with the Federal departments and agencies 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. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal cochairman of each regional commission. 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 be compensated 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 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 either State in a manner agreeable to him and to the Governor of the affected State.

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 top of page 36, to insert:

FUNCTIONS OF COMMISSION

SEC. 503. (a) In carrying out the purposes of this Act, each Commission shall with respect to its region—

In line 4, after "(1)", to strike out "advising" and insert "advise"; in the same line, after the word "and", to strike out "assisting him" and insert "assist the Secretary"; in line 7, after "(2)", to strike out "initiating" and insert "initiate"; in the same line, after the word "and", to strike out "coordinating" and insert "coordinate"; in line 10, after "(3)"; to strike out "fostering" and insert "foster"; in line 13, after "(4)". to strike out "advising" and insert "advise"; in the same line, after the word "and", to strike out "assisting him" and insert "assist the Secretary"; in line 18, after "(5)", to strike out "promoting" and insert "promote", in line 20, after "(6)", to strike out "preparing" and insert "prepare"; in line 23, after the word "agencies", to strike out "and"; after line 23, to strike out:

(7) receiving, reviewing, and commenting on all tentative plans or proposals concerning multistate regional economic development, and transmitting such plans and proposals with appropriate comments and recommendations to the Secretary and the heads of other interested Federal and State agencies.

(b) As used in this Act, the term "region" refers to any area within the United States which includes two or more designated or potential economic development districts in two or more contiguous States.

(c) The State members of such commissions shall be as determined and appointed by the Governors of the States concerned. The President shall appoint the Federal member or members of such commissions, if any, who shall report through the Secretary and be compensated at a rate not in excess of that authorized by section 701(10) of this Act.

And, in lieu thereof, to insert:

(7) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities thereunder, giving due consideration to other Federal, State, and local planning in the region;

On page 37, after line 18, to insert:

(8) 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;

At the top of page 38, to insert:

(9) review and study, in cooperation with the agency involved, Federal, State, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

After line 5, to insert:

(10) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation, and work with State and local agencies in developing appropriate model legislation; and

After line 9, to insert:

(11) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences.

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 "(c)"; 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 additional recommendations to the Secretary and recommendations to the State Governors and appropriate local officials, with respect to—

(1) 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

(2) such additional Federal, State, 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 "502" to "504"; on page 40, at the beginning of line 16, to change the section number from "503" to "505"; in line 20, after the word "programs.", to insert

"Such assistance 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 "commission", to strike out "may" and insert "as approved by the Secretary shall"; in line 13, after the word "Government", to strike out "on such terms and conditions as the Secretary may approve"; after line 22, to insert:

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 an executive director and such other personnel as may be necessary to enable the commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal cochairman on the commission and no member, alternate, officer, or employee of such commission, other than the Federal cochairman on the commission and his staff and his alternate, and Federal employees detailed to the commission under clause (3), shall be deemed a Federal employee for any purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duty with the commission such personnel within his administrative jurisdiction as the commission may need for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status;

(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 and employee benefit system of such of its personnel as may not be eligible for, or continue in, another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel, and the Civil Service Commission of the United States is authorized to contract with such commission for continued coverage of commission employees, who at date of commission employment are Federal employees, in the retirement program and other employee benefit programs of the Federal Government;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible;

(7) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying 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 with 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 appropriate; and

(9) take such other actions and incur such other expenses as may be necessary or appropriate.

On page 44, after line 2, to insert:

Information

SEC. 507. In order to obtain information needed to carry out its duties, each regional commission shall—

(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 and reports thereon as it may deem advisable, a cochairman of such commission, or any member of the commission designated by the commission for the purpose, being hereby authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local department or agency (who is hereby so authorized, to the extent not otherwise prohibited by law) to furnish to such commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection.

At the top of page 45, to insert:

Personal financial interests

SEC. 508. (a) Except as permitted by subsection (b) hereof, no State member or alternate and no officer or employee of a regional commission shall participate personally and substantially as member, alternate, officer, or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employer, or any person or organization with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two, years, or both.

(b) Subsection (a) hereof shall not apply if the State member, alternate, officer, or employee first advises the regional commission involved 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 financial interest and receives in advance a written determination made by such Commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commission may expect from such State member, alternate, officer, 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 for his services on such commission from any source other than his State. No person detailed to serve a regional commission under authority of clause (4) of section 506 shall receive any salary or any contribution to or supplementation of salary for his services on 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.

(d) Notwithstanding any other subsection of this section, the Federal cochairman and his alternate on a regional commission and any Federal officers or employees detailed to duty with it pursuant to clause (3) of section 10 shall not be subject to any such subsection but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) A regional commission may, in its discretion, declare void and rescind any contract or other agreement pursuant to the Act in relation to which it finds that there has been a violation of subsection (a) or (c) of this section, or any of the provisions of sections 202 through 209, title 18, United States Code.

On page 47, after line 11, to insert:

Annual reports

SEC. 509. Each regional commission established pursuant to this Act shall make a comprehensive and detailed annual report each fiscal year to the Congress with respect to such commission's activities and recommendations for programs. The first such report shall be made for the first fiscal year in which such commission is in existence for more than three months. Such reports shall be printed and transmitted to the Congress not later than January 31 of the calendar year following the fiscal year with respect to which the report is made.

At the top of page 48, to strike out:

TITLE VI—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, an 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 heretofore or subsequent to this Act. The Assistant Secretary created by this section shall be appointed by the President by and with the advice and consent of the

Senate and shall be compensated at the rate provided for level IV of the Federal Executive Salary Schedule. Such Assistant Secretary shall perform such functions as the Secretary may prescribe. There shall be appointed by the President, by and with the advice and consent of the Senate, an Administrator for Economic Development who shall be compensated at the rate provided for level V of the Federal Executive Salary Schedule who shall perform such duties as are assigned by the Secretary.

"(b) Subsections (d) and (e) of section 303 of the Federal Executive Salary Act of 1964 are hereby amended by adding the positions established by subsection (a) hereof."

At the top of page 56, to strike out:

(b) Any appropriations available to the Secretary for the purposes of the Area Redevelopment Act on or after the date of enactment of this Act shall be available for the purposes of this Act.

At the beginning of line 5, to strike out "(c)" and insert "(b)"; in the same line, after the amendment just above stated, to strike out "In the event that the Administrator required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act,"; in line 9, after the word "act", to strike out "in such office" and insert "as Administrator under this Act"; in line 11, after the word "following", to strike out "said" and insert "the"; in line 12, after the word "date", to insert "of this Act"; at the beginning of line 15, to strike out "(d)" and insert "(c)"; after line 16, to insert:

(d) Notwithstanding any requirements of this Act relating to the eligibility of areas, 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.

On page 58, line 4, after "(a)", to strike out "To the fullest extent" and insert "Where"; in line 5, after the word "Secretary", to strike out "shall" and insert "may"; in line 23, after the word "transferred", to strike out the comma and "with the approval of the Director of the Bureau of the Budget,"; on page 61, line 23, after "(40 U.S.C. 276a–276a–5)", to strike out the comma and "and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be"; and on page 64, after line 7, to insert a new section, as follows:

SEC. 715. All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision hereof shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Works and Economic Development Act of 1965".

STATEMENT OF PURPOSE

SEC. 2. The Congress declares that the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment; that such unemployment and underemployment cause hardship to many individuals and their families, and waste invaluable human resources; that to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning 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 that under the provisions of this Act new employment opportunities should be created by developing and expanding new and existing public works and other 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 private or public nonprofit 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 where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities, (ii) otherwise assist in the creation of additional long-term employment opportunites for such area, or (iii) 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 project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be located; and

(C) the area for which a project is to be undertaken has an approved overall economic development program as provided in section 202(b)(10) 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 maximum advantage of designated Federal grant-in-aid programs (as hereinafter defined), direct grants-in-aid authorized under this section, and Federal public works projects for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share.

(b) Subject to subsection (c) hereof, the amount of any direct 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 not exceed the applicable percentage established by regulations promulgated by the Secretary, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 per centum of such cost. Supplementary grants shall be made by the Secretary, in accordance with such regulations as he shall prescribe, by increasing the amounts of direct grants authorized under this section or by the payment of funds appropriated 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 as to the amount or sources 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 above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law. The term "designated Federal grant-in-aid programs," as used in this subsection, means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Secretary may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section. In determining the amount of any supplementary grant available to any project under this section, the Secretary shall take into consideration the relative needs of the area, 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 in excess of those 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 adequate 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 the eligible areas and the duration of such unemployment and (2) the income levels of families and the extent of underemployment in eligible areas.

(e) Except for projects specifically authorized by Congress, no financial assistance shall be extended under this section with respect to any public service or development facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State 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 reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through 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 expended in any one State.

SEC. 103. There is hereby authorized to be appropriated not to exceed $400,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through the fiscal year ending June 30, 1970.

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 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—

(1) the project for which financial assistance is sought will directly or indirectly—

(A) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities.

(B) otherwise assist in the creation of additional long-term employment opportunities for such area, or

(C) 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;

(2) the funds requested for such project are not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Secretary will permit the accomplishment of the project;

(3) the amount of the loan plus the amount of other available funds for such project are adequate to insure the completion thereof;

(4) there is a reasonable expectation of repayment; and

(5) such 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 program.

(b) 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 purchase 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 remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less not to exceed one-half of 1 per centum per annum.

(c) 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 evidences of indebtedness, making and participating in loans, and guaranteeing loans shall not exceed $170,000,000.

(d) Except for projects specifically authorized by Congress, no financial assistance shall be extended under this section with respect to any public service or development facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State 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 reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it agrees to undertake.

Loans and guarantees

SEC. 202. (a) The Secretary is authorized (1) to purchase evidences of indebtedness and to make loans (which for purposes of this section shall include participations in loans) to aid in financing any project within a redevelopment area for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, the rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; (2) to guarantee loans for working capital made to private borrowers by private lending institutions in connection with projects in redevelopment areas assisted under subsection (a)(1) hereof, upon application of such institution and upon such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan; and (3) to contract to pay, and to pay annually, for not more than ten years, to or on behalf of private business entities amounts sufficient to reduce by 2 percentage points the interest paid by such entities on loans which are obtained from non-Government sources, which are not guaranteed by any Government agency, which provide for annual amortization of principal, and the proceeds of which are used for purposes for which the Secretary is authorized to purchase evidences of indebtedness or make loans under this section: *Provided, however,* That subject to limitations in annual appropriation Acts, the annual cost of new contracts approved in any one year shall not exceed $5,000,000.

(b) Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, however, to the following restrictions and limitations:

(1) Such financial assistance shall not be extended to assist establishments relocating from one area to another: *Provided, however,* That such limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(2) Such assistance shall be extended only to applicants, both private and public (including Indian tribes), which have been approved for such assistance by an agency or instrumentality of the State or political subdivision thereof in which the project to be financed is located, and which agency or instrumentality is directly concerned with problems of economic development in such State or subdivision.

(3) The project for which financial assistance is sought must be reasonably calculated to provide more than a temporary alleviation of unemployment or underemployment within the redevelopment area wherein it is or will be located.

(4) No loan or guarantee shall be extended hereunder unless the financial assistance applied for is not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Secretary will permit the accomplishment of the project.

(5) The Secretary shall not make any loan without a participation unless he determines that the loan cannot be made on a participation basis.

(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 701(5) of this Act, no loan, including renewals or extension thereof, may be made hereunder for a period exceeding twenty-five years and no evidences of indebtedness maturing more than twenty-five years from date of purchase may be purchased hereunder: *Provided,* That the foregoing restrictions on maturities shall not apply to securities or obligations received by the Secretary as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor.

(8) Loans made and evidences of indebtedness purchased under this section 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 remaining periods to maturity comparable to the avearge maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.

(9) Loan assistance shall not exceed 65 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land and facilities (including machinery and equipment), and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project, and shall, among others, be on the condition that—

(A) other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost;

(B) not less than 15 per centum of such aggregate cost be supplied as equity capital or as a loan repayable in no shorter period of time and at no faster an amortization rate than the Federal financial assistance extended under this section is being repaid, and if such a loan is secured, its security shall be subordinate and inferior to the lien or liens securing such Federal financial assistance: *Provided, however,* That, except in projects involving financial participation by Indian tribes, not less than 5 per centum of such aggregate cost shall be supplied by the State or any agency, instrumentality, or political subdivision thereof, or by a community or area organization which is nongovernmental in character, unless the Secretary shall determine in accordance with objective standards promulgated by regulation that all or part of such funds are not reasonably available to the project because of the economic distress of the area or for other good cause, in which case he may waive the requirement of this provision to the extent of such unavailability, and allow the funds required by this subsection to be supplied by the applicant or by such other non-Federal source as may reasonably be available to the project;

(C) to the extent the Secretary finds such action necessary to encourage financial participation in a particular project by other lenders and investors, and except as otherwise provided in subparagraph (B), any Federal financial assistance extended under this section may be repayable only after other loans made in connection with such project have been repaid in full, and the security, if any, for such Federal financial assistance may be subordinate and inferior to the lien or liens securing other loans made in connection with the same project.

(10) No such assistance shall be extended unless there shall be submitted to and approved by the Secretary an overall program for the economic development of the area and a finding by the State, or any agency, instrumentality, or local political subdivision

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 the project would be located, nor prevent the Secretary from requiring such periodic revisions of previously approved overall economic development programs as he may deem appropriate.

Economic development revolving fund

SEC. 203. Funds obtained by the Secretary under section 201, loan funds obtained under section 403, and collections and repayments received under this Act, shall be deposited in an 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 201, 202, and 403, 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 area redevelopment fund or may be received from obligations outstanding under the Area Redevelopment Act. The fund shall pay into miscellaneous receipts of the Treasury, following the close of each fiscal year, interest on the amount of loans outstanding under this Act computed in such manner and at such rate as may be determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, during the month of June preceding the fiscal year in which the loans were made.

TITLE III—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

SEC. 301. (a) In carrying out his duties under this Act the Secretary is authorized to provide technical assistance which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment (1) to areas which he has designated as redevelopment areas under this Act, and (2) to other areas which he finds have substantial need for such assistance. Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic growth of such areas. Such assistance may be provided by the Secretary through members of his staff, through the payment of funds authorized for this section to other departments or agencies of the Federal Government, through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations. The Secretary, in his discretion, may require the repayment of assistance provided under this subsection and prescribe the terms and conditions of such repayment.

(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 grants-in-aid under subsection (a) hereof. In determining the amount of the non-Federal share of such costs or expenses, 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. Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants, such as urban planning grants authorized under the Housing Act of 1954, 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.

(c) To assist in the long-range accomplishment of the purposes of this Act, the Secretary, in cooperation with other agencies having similar functions, shall establish and conduct a continuing program of study, training, and research to (A) assist in determining the causes of unemployment, underemployment, underdevelopment, and chronic depression in the various areas and regions of the Nation, (B) assist in the formulation and implementation of National, State, and local programs which will raise income levels and otherwise produce solutions to the problems resulting from these 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 funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, 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. The Secretary shall include in his annual report under section 706 a detailed statement concerning the study and research conducted under this section together with his findings resulting therefrom and his recommendations for legislative and other action.

(d) The Secretary shall aid redevelopment areas and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which would be useful in 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 for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

(e) The Secretary shall establish an independent study board consisting of governmental and nongovernmental experts to investigate the effects of Government procurement, scientific, technical, and other related policies, upon regional economic development. Any Federal officer or employee may, with the consent of the head of the department or agency in which he is employed, serve as a member of such board, but shall receive no additional compensation for such service. Other members of such board may be compensated in accordance with the provisions of section 701(10). The board shall report its findings, together with recommendations for the better coordination of such policies, to the Secretary, who shall transmit the report to the Congress not later than two years after the enactment of this Act.

SEC. 302. There is hereby authorized to be appropriated $25,000,000 annually for the purposes of this title.

TITLE IV—AREA AND DISTRICT ELIGIBILITY

Part A—Redevelopment areas

Area Eligibility

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 set forth in paragraphs (A) and (B), that there has existed substantial and persistent unemployment for an extended period of time. There shall be included among the areas so designated any area—

(A) where the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics for the most recent available calendar year, is 6 per centum or more and has averaged at least 6 per centum for the qualifying time periods specified in paragraph (B); and

(B) where the Secretary of Labor finds that the annual average rate of unemployment has been at least—

(i) 50 per centum above the national average for three of the preceding four calendar years, or

(ii) 75 per centum above the national average for two of the preceding three calendar years, or

(iii) 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 making the determinations required by this subsection.

(2) those additional areas which have a median family income not in excess of 40 per centum of the national median, as determined by the most recent available statistics for such areas;

(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 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 the national average by 50 per centum or more unless assistance is provided. Notwithstanding any provision of subsection 401(b) to the contrary, an area designated under the authority of this paragraph may be given a reasonable time after designation in which to submit the overall economic development program required by subsection 202(b)(10) of this Act;

(5) notwithstanding any provision of this section to the contrary, those additional areas which were designated redevelopment areas under the Area Redevelopment Act on or after April 1, 1965: *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 dependent on their qualification for designation under the standards of economic need set forth in subsections (a)(1) through (a)(4) of this section.

(b) The size and boundaries of redevelopment areas shall be as determined by the Secretary: *Provided, however,* That—

(1) no area shall be designated until it has an approved overall economic development program in accordance with subsection 202(b)(10) of this Act;

(2) any area which does not submit an acceptable overall economic development program in accordance with subsection 202(b)(10) of this Act within a reasonable time after notification of eligibility for designation, shall not thereafter be designated prior to the next annual review of eligibility in accordance with section 402 of this Act;

(3) no area shall be designated which does not have a population of at least one thousand five hundred persons, except for areas designated under subsection 401(a)(3), which shall have a population of not less than one thousand persons; and

(4) except for areas designated under subsections (a)(3) and (a)(4) hereof, no area shall be designated which is smaller than a "labor area" (as defined by the Secretary of Labor), a county, or a municipality with a population of over two hundred and fifty thousand, whichever in the opinion of the Secretary is appropriate. (c) Upon the request of the Secretary, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Interior, and such other heads of agencies as may be appropriate are authorized to conduct such special studies, obtain such information, and compile and furnish to the Secretary such data as the Secretary may deem necessary or proper to enable him to make the determinations provided for in this section. The Secretary shall reimburse when appropriate, out of any funds appropriated to carry out the purposes of this Act, the foregoing officers for any expenditures incurred by them under this section.

(d) As used in this Act, the term "redevelopment area" refers to any area within the United States which has been designated by the Secretary as a redevelopment area.

Annual Review of Area Eligibility

SEC. 402. The Secretary shall conduct an annual review of the eligibility of all areas designated or in accordance with section 401 of this Act, and on the basis thereof may terminate or modify the designations of such areas in accordance with objective standards which he shall prescribe by regulation. No area previously designated shall retain its designated status unless it maintains a currently approved overall economic development program in accordance with subsection 202(b)(10). No termination of eligibility shall (1) be made without thirty days' prior notification to the area concerned, (2) affect the validity of any application filed, or contract or undertaking entered into, with respect to such area pursuant to this Act prior to such termination, (3) prevent any such area from again being designated a redevelopment area under section 401 of this Act if the Secretary determines it to be eligible under such section, or (4) be made in the case of any 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. The Secretary shall keep the departments and agencies of the Federal Government, and interested State or local agencies, advised at all times of any changes made hereunder with respect to the classification of any area.

Part B—Economic development districts

SEC. 403. (a) In order that economic development projects of broader geographical significance may be planned and carried out, the Secretary is authorized—

(1) to designate appropriate "economic development districts" within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

(A) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single redevelopment area;

(B) the proposed district contains two or more redevelopment areas;

(C) the proposed district contains one or more redevelopment areas or economic development centers identified in an approved district overall economic development program as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the redevelopment areas within the district; and

(D) the proposed district has a district overall economic development program which includes adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Secretary;

(2) to designate as "economic development centers," in accordance with such regulations as he shall prescribe, such areas as he may deem appropriate, if—

(A) the proposed center has been identified and included in an approved district overall economic development program and recommended by the State or States affected for such special designation;

(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the redevelopment areas of the district; and

(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 the criteria of sections 101, 201, and 202 of this Act, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2) above, if—

(A) the project will further the objectives of the overall economic development program of the district in which it is to be located;

(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district;

(4) subject to the 20 per centum non-Federal share required for any project by subsection 101(c) of this Act, to increase the amount of grant assistance authorized by section 101 for projects within redevelopment areas (designated under section 401), by an amount not to exceed 10 per centum of the aggregate cost of any such project, in accordance with such regulations as he shall prescribe, if—

(A) the redevelopment area is situated within a designated economic development district and is actively participating in the economic development activities of the district; and

(B) the project is consistent with an approved district overall economic development program.

(b) In designating economic development districts and approving district overall economic development programs under subsection (a) of this section, the Secretary is authorized, under regulations prescribed by him—

(1) to invite the several States to draw up proposed district boundaries and to identify potential economic development centers;

(2) to cooperate with the several States—

(A) in sponsoring and assisting district economic planning and development groups, and

(B) in assisting such district groups to formulate district over all economic development programs.

(c) The Secretary shall by regulation prescribe standards for the termination or modification of economic development districts and economic development centers designated under the authority of this section.

(d) As used in this Act, the term "economic development district" refers to any area within the United States composed of cooperating redevelopment areas and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Secretary as an economic development district.

(e) As used in this Act, the term "economic development center" refers to any area within the United States 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 this section.

(f) There is hereby authorized to be appropriated not to exceed $50,000,000 annually for financial assistance extended under the provisions of subsections (a)(3) and (a)(4) hereof.

(g) 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 appropriate "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 (A) that there is a relationship between the areas within such region geographically, culturally, historically, and economically, (B) that with the exception of Alaska and Hawaii, the region is within contiguous States, and (C) upon consideration of the following matters, that the region has lagged behind the whole nation in economic development:

(1) the rate of unemployment is substantially above the national rate;

(2) the median level of family income is significantly below the national median;

(3) the level of housing, health, and educational facilities is substantially below the national level;

(4) the economy of the area has traditionally been dominated by a single industry;

(5) the rate of outmigration of labor or capital or both is substantial;

(6) the area is adversely affected by changing industrial technology; and

(7) the area is adversely affected by changes in national defense facilities or production; and

(8) indices of regional production indicate a growth rate substantially below the national average.

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 his region. Each State member may be the Governor, or his designee, or such other person 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 require the affirmative vote of the Federal cochairman and of a majority, or at least one if only two, of the State members. In matters coming before a regional commission, the Federal cochairman shall, to the extent practicable, consult with the Federal departments and agencies 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. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal cochairman of each regional commission. 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 be compensated 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 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 either State in a manner agreeable to him and to the Governor of the affected State.

Functions of commission

SEC. 503. (a) In carrying out the purposes of this Act, each Commission shall with respect to its region—

(1) advise and assist the Secretary in the identification of optimum boundaries 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) prepare legislative and other recommendations with respect to both short-range and long-range programs and projects for Federal, State, and local agencies,

(7) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities thereunder, giving due consideration to other Federal, State, and local planning in the region;

(8) 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;

(9) review and study, in cooperation with the agency involved, Federal, State, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(10) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation, and work with State and local agencies in developing appropriate model legislation; and

(11) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences.

(b) The Secretary shall present such plans and proposals of the commissions as may be transmitted and recommended to him (but are not authorized by any other section of this Act) first for review by the Federal agencies primarily interested in such plans and proposals and then, together with the recommendations of such agencies, to the President for such action as he may deem desirable.

(c) The Secretary shall provide effective and continuing liaison between the Federal Government and each regional commission.

(d) Each Federal agency shall, consonant with law and within the limits of available funds, cooperate with such commissions as may be established in order to assist them in carrying out their functions under this section.

(e) Each regional commission may, from time to time, make additional recommendations to the Secretary and recommendations to the State Governors and appropriate local officials, with respect to—

(1) 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

(2) such additional Federal, State, and local legislation or 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 future regional economic development, and in establishing within those recommendations a priority ranking for such programs and projects, the Secretary shall encourage each regional commission to follow procedures that will insure consideration of the following factors:

(1) the relationship of the project or class of projects to overall regional development including its location in an area determined by the State 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 in relation to other projects or classes of projects which may be in competition for the same funds;

(5) the prospects that the project, on a continuing rather than a temporary basis, will improve the opportunitities for employment, the average level of income, or the economic and social development of the area served by the project.

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 and to develop recommendations and programs. Such assistance 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. Such assistance may be provided by the Secretary through members of his staff, through the payment of funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants-in-aid to the commissions. The Secretary, in his discretion, may require the repayment of assistance provided under this subsection and prescribe the terms and conditions of such repayment.

(b) For the period ending on June 30 of the second full Federal fiscal year following the date of establishment of a commission, the administrative expenses of each commission as approved by the Secretary shall be paid by the Federal Government. Thereafter, not to exceed 50 per centum of such expenses may be paid by the Federal Government. In determining the amount of the non-Federal share of such costs or expenses, 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.

(c) There is hereby authorized to be appropriated $15,000,000 annually for the purposes of this section.

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 an executive director and such other personnel as may be necessary to enable the commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal cochairman on the commission and no member, alternate, officer, or employee of such commission, other than the Federal cochairman on the commission and his staff and his alternate, and Federal employees detailed to the commission under clause (3), shall be deemed a Federal employee for any purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duty with the commission such personnel within his administrative jurisdiction as the commission may need for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status;

(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 and employee benefit system of such of its personnel as may not be eligible for, or continue in, another governmental retirement or empolyee benefit system, or otherwise provide for such coverage of its personnel, and the Civil Service Commission of the United States is authorized to contract with such commission for continued coverage of commission employees, who at date of commission employment are Federal employees, in the retirement program and other employee benefit programs of the Federal Government;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible;

(7) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying 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 with 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 appropriate; and

(9) take such other actions and incur such other expenses as may be necessary or appropriate.

Information

SEC. 507. In order to obtain information needed to carry out its duties, each regional commission shall—

(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 and reports thereon as it may deem advisable, a cochairman of such commission, or any member of the commission designated by the commission for the purpose, being hereby authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local department or agency (who is hereby so authorized, to the extent not otherwise prohibited by law) to furnish to such commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection.

Personal financial interests

SEC 508. (a) Except as permitted by subsection (b) hereof, no State member or alternate and no officer or employee of a regional commission shall participate personally and substantially as member, alternate, officer, or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply if the State member, alternate, officer, or employee first advises the regional commission involved 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 financial interest and receives in advance a written determination made by such Commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commission may expect from such State member, alternate, officer, 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 for his services on such commission from any source other that his State. No person detailed to serve a regional commission under authority of clause (4) of section 506 shall receive any salary or any contribution to or supplementation of salary for his services on 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.

(d) Notwithstanding any other subsection of this section, the Federal cochairman and his alternate on a regional commission and any Federal officers or employees detailed to duty with it pursuant to clause (3) of section 10 shall not be subject to any such subsection but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) A regional commission may, in its discretion, declare void and rescind any contract or other agreement pursuant to the Act in relation to which it finds that there has been a violation of subsection (a) or (c) of this section, or any of the provisions of sections 202 through 209, title 18, United States Code.

Annual reports

SEC. 509. Each regional commission established pursuant to this Act shall make a comprehensive and detailed annual report each fiscal year to the Congress with respect to such commission's activities and recommendations for programs. The first such report shall be made for the first fiscal year in which such commission is in existence for more than three months. Such reports shall be printed and transmitted to the Congress not later than January 31 of the calendar year following the fiscal year with respect to which the report is made.

TITLE VI—ADMINISTRATION

"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 heretofore or subsequent to this Act. The Assistant Secretary created by this section shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level IV of the Federal Executive Salary Schedule. Such Assistant Secretary shall perform such functions as the Secretary may prescribe. There shall be appointed by the President, by and with the advice and consent of the Senate, an Administrator for Economic Development who shall be compensated at the rate provided for level V of the Federal Executive Salary Schedule who shall perform such duties as are assigned by the Secretary.

"(b) Subsections (d) and (e) of section 303 of the Federal Executive Salary Act of 1964 are hereby amended by adding the positions established by subsection (a) hereof."

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, State and local governments, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such 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 of area and regional unemployment and underemployment.

(b) The Secretary may make provision for such consultation with interested departments and agencies as he may deem appropriate in the performance of the functions vested in him by this Act.

TITLE VII—MISCELLANEOUS

Powers of Secretary

SEC. 701. In performing his duties under this Act, the Secretary is authorized to—

(1) adopt, alter, and use a seal, which shall be judicially noticed;

(2) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

(3) request directly from any executive department, bureau, agency, board, commission, office independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(4) under regulations prescribed by him, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with 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 collection;

(5) further extend the maturity of or renew any loan made or evidence of indebtedness purchased under this Act, beyond the periods stated in such loan or evidence of indebtedness or in this Act, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan or evidence of indebtedness;

(6) deal with, complete, renovate, improve modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to, or otherwise acquired by, him in connection with loans made or evidences of indebtedness purchased under this Act;

(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to him in connection with loans made or evidences of indebtedness purchased under this Act. This shall include authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Secretary. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of loans made or evidences of indebtedness purchased under this Act if the premium therefor or the amount thereof does not exceed $1,000. The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Secretary pursuant to the provisions of this Act may be exercised by the Secretary or by any officer or agent appointed by him for that purpose without the execution of any express delegation 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 503 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 attorneys by contract, determined by him to 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;

(10) employ experts and consultants or organizations therefor as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), compensate individuals so employed at rates not in excess of $100

per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5 of such Act (5 U.S.C. 73b–2) for persons in the Government service employed intermittently, while so employed: *Provided, however,* That contracts for such employment may be renewed annually;

(11) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or his property. Nothing herein shall be construed to except the activities under this Act from the application of sections 507(b) and 2679 of title 28, United States Code, and of section 367 of the Revised Statutes (5 U.S.C. 316); and

(12) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

Savings provisions

SEC. 702. (a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer of the Area Redevelopment Administration in his official capacity or in relation to the discharge of his official duties under the Area Redevelopment Act, shall abate by reason of the taking effect of the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such taking effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the Secretary or the Administrator or such other officer of the Department of Commerce as may be appropriate.

(b) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, prior to the effective date of this Act, by any agency, officer, or office pertaining to any functions, powers, and duties under the Area Redevelopment Act shall continue in full force and effect after the effective date of this Act until modified or rescinded by the Secretary or such other officer of the Department of Commerce as, in accordance with applicable law, may be appropriate.

Transfer of functions and effective date

SEC. 703. (a) The functions, powers, duties, and authorities and the assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records which are vested in or authorized to be transferred to the Secretary of the Treasury under section 29(b) of the Area Redevelopment Act, and all functions, powers, duties, and authorities under section 29(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 expiration of the first period of sixty days following the effective date of this Act, whichever shall first occur. While so acting such person shall receive compensation at the rate provided by this Act for such office.

(c) The provisions of this Act shall take effect upon enactment unless herein explicitly otherwise provided.

(d) Notwithstanding any requirements of this Act relating to the eligibility of areas, 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.

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 the 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 provision 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 States, the District of Columbia, 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.

Use of other facilities

SEC. 707. (a) Where practicable in carrying out the provisions of this Act the Secretary may use the available services and facilities of other agencies and instrumentalities of the Federal Government, but only with their consent and on a reimbursable basis. The foregoing requirement shall be implemented by the Secretary 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 any of the Secretary's functions, powers, and duties under this Act as he may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

(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.

(c) Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

Appropriation

SEC. 708. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations authorized under this Act shall remain available until expended unless otherwise provided by appropriations Acts.

Penalties

SEC. 709. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any financial assistance under section 101, 201, 202, or 403 or any extension thereof by renewal, deferment or action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Secretary, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(b) Whoever, being connected in any capacity with the Secretary, in the administration of this Act (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to him or pledged or otherwise entrusted to him, or (2) with intent to defraud the Secretary or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner, makes any false entry in any book, report, or statement of or to the Secretary, or without being duly authorized draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (3) with intent to defraud participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of the Secretary, or (4) gives any unauthorized information concerning any future action or plan of the Secretary which might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Secretary, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Employment of expediters and administrative employees

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, and the fees paid or to be paid to any such person; and (2) execute an agreement binding such business enterprise, for a period of two years after such assistance is rendered by the Secretary to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within one year prior thereto, shall have served as an officer, 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 contractors or subcontractors on projects 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—276a–5). The Secretary shall not extend any financial assistance upon section 101, 201, 202, or 403 for such a project without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this provision, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5

U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

Record of applications

SEC. 712. The Secretary shall maintain as a permanent part of the records of the Department of Commerce a list of applications approved for financial assistance under section 101, 201, 202, or 403, which shall be kept available for public inspection during the regular business hours of the Department of Commerce. The following information shall be posted in such list as soon as each application is approved; (1) the name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof, (2) the amount and duration of the loan or grant for which application is made, (3) the purposes for which the proceeds of the loan or grant are to be used, and (4) a general description of the security offered in the case of a loan.

Records and audit

SEC. 713. (a) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records, as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

Conforming amendment

SEC. 714. All benefits heretofore specifically made available (and not subsequently revoked) under other Federal programs to persons or to public or private organizations, corporations, or entities in areas designated by the Secretary as "redevelopment areas" under section 5 of the Area Redevelopment Act, are hereby also extended, insofar as practicable, to such areas as may be designated as "redevelopment areas" or "economic development centers" under the authority of section 401 or 403 of this Act: *Provided, however,* That this section shall not be construed as limiting such administrative discretion as may have been conferred under any other law.

SEC. 715. All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision hereof shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

Mr. MCNAMARA. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of 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 before us today is of vital personal 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 of the country which have been bypassed by progress and prosperity.

Unfortunately, the problem of our depressed areas is somewhat like the problem of poverty-stricken individuals: Unless one is poverty-stricken oneself, 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 Secretary of Commerce Connor in his testimony before the Public Works Committee several weeks ago.

The Secretary noted that the Nation's 100 hardest hit unemployment areas—in 28 States—had an annual average unemployment rate in 1964 of 13.6 percent, or more than 2½ times the national average. In six States we find areas with unemployment rates running more than 18 percent. This is at a time when our national unemployment rate is at its lowest point in 7 years.

In our hardest hit rural areas the census figures show that the 100 poorest counties had median family incomes ranging from $1,260 to $1,766 per year, or nearly 70 percent below the national average of $5,600.

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 the idea to 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, a 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 on an overall basis, the depressed areas problem continues to exist because of technological changes, shifts in demand, changing patterns of trade and so on. In a growing and dynamic economy we must face up to this problem, as it cannot be wished away, and the usual monetary and fiscal policies designed to strengthen the economy cannot be expected to do the whole job.

Therefore, I believe we must act along the lines suggested by the President in S. 1648, which he transmitted to Congress on March 31 of this year.

The bill proposed by the President was referred to the Committee on Public Works, which held hearings in April, and also obtained the views of the Banking and Currency Committee, which held its own hearings on titles II and IV of the bill. I would like to commend the chairman of the Banking and Currency Committee, Senator ROBERTSON, for his cooperation in this matter particularly with regard to the dispatch with which his committee handled the titles II and IV.

I also want to call special attention to the great work of the Senator from Illinois [Mr. DOUGLAS], chairman of the Subcommittee on Production and Stabilization which held hearings on titles II and IV. Senator DOUGLAS is properly known as the father of the original Area Redevelopment Act.

The principle purposes of S. 1648, as amended, are to:

First. Provide a means by which certain areas which are 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 improve the physical resources of these lagging areas so as to increase opportunities to stimulate economic growth.

Third. Provide loans to government and nongovernment nonprofit agencies in order to make available funds needed as the required local share for public works grant-in-aid programs and the local share of funds necessary for grants for facilities related to area economic development needs.

Fourth. Provide loans to profit organizations for facilities, including equipment and machinery, 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. 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. Provide grants and loans and other forms of assistance to areas facing economic disaster as the result of the closing or curtailing of employment at a major source of employment in an area in advance of such closing or curtailment.

Seventh. Encourage the establishment of multicounty 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. 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 responds, 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 experiences and lessons of the original area redevelopment program and the accelerated public works program. The

approach to development planning of multistate regions is patterned after the program recently developed for Appalachia. Our anticipations for that program are high, just as they are for this program. The predecessor programs 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 in the Public Works Committee, during the hearings on the first Appalachia bill, we heard of a good example of the multiple effects 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 APW grants totaling $122,000 for sanitary sewers and an interceptor sewer, and matched these grants witb $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: 1½ miles of new streets were built along these sewers, seven new homes were started or completed; a new subdivision, dormant and failing for 2 years 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 started, and the local appliance dealer estimated that he will be able to sell 50 garbage disposals and 10 washing machines. All of this new activity in a town of just 1,500 population.

This story illustrates aptly the point that the distinguished senior Senator from West Virginia [Mr. RANDOLPH] had made on a number of occasions, that even though the APW program had as its first consideration the relief of unemployment at a time when national employment rates were high, many of the projects financed under that program will have long-run effects, contributing more to an area than the short-term employment they were designed to provide.

The example of an ARA project in Michigan I want to give you concerns a tourism development in the northern part of the Lower Peninsula of Michigan.

Shanty Creek, a year-round lodge in Antrim County, Mich., started out in late 1962 with approval of an $890,500 ARA loan to help build a lodge, a golf course, fishing and boating facilities, private trout stream, and heated swimming pool, several ski slopes with tows and lifts.

Today, Shanty Creek Lodge has assets of $2.5 million, and employs 90 workers on a year-round basis. In the first year and a half of operation, the lodge, I am told, attracted so many patrons that many had to be turned away. They went to other resorts in the area which helped to boost the business of food and lodging facilities in nearby communities.

The lodge management is planning further expansion of housing and sports facilities to make Shanty Creek even more attractive to visitors. Recently $800,000 in private investment was put into the project for this purpose.

Impact of the money being spent by customers and employees of the project is readily apparent in the area. Business has gone up an average of about 15 percent in the nearby town of Bellaire. Bank deposits are increasing. Two years ago, there were seven vacant stores in the Shanty Creek area; today there is one.

A new supermarket has been built; its owners are already talking about expansion.

The architect for Shanty Creek has opened an office 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. One construction company has increased employment from 10 to 40 workers.

Shanty Creek's opening in Bellaire has stimulated other projects. These include a food processing firm, a lumber company, a tool manufacturer, and two other small factories. Together, these 5 projects are generating more than 200 job opportunities in the community. Local business leaders report that, in addition to the direct efforts 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 development projects of the kind 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 programing 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 two or more adjoining States.

Under S. 1648, States may join together to form regional development commissions to further projects and programs which are best planned across sizable geographic areas and 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 adjoining States.

The Appalachia 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 Appalachia 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 and 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 general improvement 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 can 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 further tax the existing facilities and possibly lead to breakdown in the system.

This type of investment cannot adequately be measured in terms of jobs created or new factories constructed. 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 available under title II when they are directly related to economic development needs, are waterworks and waterlines, sanitary and storm sewers, industrial parks, police and fire stations, research centers, tourism facilities, industrial streets and roads, waste treatment facilities, area vocational schools, airports, and watershed protection and flood control projects.

Examples of public facilities which, if indirectly related to economic development, could be eligible for grants under section 101—and loans under section 201—would be streets primarily related to residential development, water and sewage facilities related to residential development, hospitals, vocational education facilities, community centers, and in some circumstances, library and similar buildings.

There is a critical need in many, if not most, of the areas that would be eligible under this program for these types of facilities if they are to ever have the chance of getting back into the mainstream of American economic life. I want to emphasize that the funds to be provided under the public works pro-

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 Federal agencies cut 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 the local share where communities are unable to make a one lump-sum payment should be continued.

The bill as originally introduced called for an annual authorization of $250 million for direct and supplemental grants for public and 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 many projects of the type previously financed 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 new projects, the 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 for 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 able to be handled in the year application is made.

Further, there needs to be some standby authorization in the event of sudden loss of employment in a number of areas over the year period. Annual backlog 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 distress, and an information program designed to provide better economic development know-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 the lack of funds for project design and 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 $20 to $25 million, which moneys would be used to help finance the research and information sections as well as the section on technical assistance.

Past programs, such as ARA and APW, went only part of the way in attempting to help areas solve their economic development problems and certain complaints we have heard 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 a great impact being made on both regional economies and 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 every member 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 request the views 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 in scope to the original Area Redevelopment Act which was approved by the Banking and Currency Committee and the Congress in 1961. I believe our committees achieved an unusual degree of cooperation on this bill 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

Economic stagnation in the midst of general prosperity has long been a paradox in our society. The rapid shifts in 20th century technology have left many communities and regions grappling with the cruel facts of economic hardship. Perhaps a present-day Adam Smith would argue that the citizens of these regions should cheerfully accept the discipline of the "invisible hand" and live out their remaining years in abject but silent poverty. Any attempt to interfere in the natural workings of the economy, according to this ancient theory, would only lead to the inefficient allocation of industrial capital.

But a modern nation can no longer afford such a callous solution, for in the long run, the growth of our vast and complex economy depends upon the health of all its regions and communities.

This ancient prescription—which reminds me of the similar practice of treating patients by bleeding them to death—also ignores the sizable investment depressed communities have already made in basic public facilities such as schools, roads, hospitals, and the like. This investment, or social capital, would go to waste if we permitted our depressed communities to decline indefinitely. At the same time, new and duplicating facilities would have to be constructed elsewhere to accommodate the residents who have been forced to move.

Thus, a crude policy of laissez faire does not lead to economic efficiency, it promotes inefficiency and waste. While such a policy is concerned with the profit and loss statements of corporations, it ignores the balance sheet of the community at large. It is futile to apply such a narrow accounting standard to the complex problems of a modern economy.

For many years some argued that those who find themselves in an economically distressed area should pack their bags and move to another city where jobs were supposed to be more plentiful.

But how are those other towns and cities to provide the housing, the social and municipal services, the retraining and financial assistance needed to launch these individuals upon a new and productive career? We may as well attempt to meet and solve the problem where it is rather than trying to shift the whole burden to our overcrowded and underfinanced cities.

For all of these reasons I have therefore advocated a Federal program of assistance to economically distressed communities and areas ever since 1955 when the Joint Economic Committee issued a report on the subject. It took 6 years of long and tedious work to enact an economic development bill. The effort was temporarily set back by two vetoes by President Eisenhower, but finally, in May of 1961, success was realized when President Kennedy signed into law the Area Redevelopment Act of 1961. I am proud to have been the sponsor of this bill and to have played a part in securing its passage.

The original Area Redevelopment Act was basically a loan program. It authorized $100 million in loans to communities for public works 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. The net cost includes all expenses not recovered, such as the grant portion of the program, technical assistance, losses on loans, and the like. I think this is a remarkable testament to the value of the program. For $800 we obtain a productive taxpaying worker who is an asset and not a liability to his community. For $800 we can restore a sense of dignity and purpose to a man who might otherwise be forced to live out his remaining years in sustained and demoralizing idleness. If this is all we achieved, the $800 would be well spent—but there is more. The Federal Government is no longer burdened with welfare payments or unemployment compensation benefits. Instead, the Government collects several hundred dollars a year in income taxes from the worker and his employer. It is clear that within a year or two, we will recapture our entire $800 investment. After that the returns are pure profit to the Nation.

Very few business firms are able to recoup their investment within a year or two.

Another substantial though largely unheralded achievement of the Area Redevelopment Act is the effect of the program upon local planning. Before a community is eligible for funds, it must develop an overall economic development program. For many areas, and particularly the smaller communities, this represents the first time community leaders have gotten together to examine their common problems, and settle upon a course of action. One Tennessee paper commented:

> Even if our county never received one penny of loans or grant money from ARA, I am convinced that by starting our overall economic development program, we have benefited—benefited in a concentration of interest that has led to a great deal of local initiative that might otherwise have taken years to get started.

OFFSHOOTS OF THE AREA REDEVELOPMENT ACT PROGRAM

In addition to these accomplishments, the Area Redevelopment Act was also the pioneer and forerunner of many other Federal programs designed to foster local and regional economic growth.

For example, the Area Redevelopment Act contained a modest program for training unemployed workers. The start made under the Area Redevelopment Act led to the passage of the Manpower Development and Training Act of 1962. This act has achieved broad, bipartisan support and has been a notable success. Training has been approved for nearly 320,000 trainees. The program was extended and strengthened in the current session of Congress.

Second, the original Area Redevelopment Act contained a provision to stimulate economic development by constructing needed public works. The experience gained under this provision led to the Accelerated Public Works Act 1 year later. This act provided nearly $900 million to speed construction of essential public works in labor surplus areas. Although the funds for this program are nearly exhausted, a sizable backlog of essential public works still remains.

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 a major obstacle to the orderly economic development of 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 Appalachia Act as a means of providing these basic needs. Other bills to aid 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 also contains several notable improvements over the earlier ARA program.

Under the present bill, depressed areas can combine into economic development districts or into even larger regional groupings. These larger areas would then prepare a comprehensive plan to improve the entire economy. Under this approach, it would be possible to assist the more economically viable sections of the region on the assumption that a growing employment center will contribute to the growth of the entire region. In effect, it encourages the Appalachian method for other large regions plagued by chronic unemployment such as the Upper Great Lakes or southern Illinois. I might add that many of the citizens of southern Illinois pioneered in the multicounty approach under the original ARA program, although the single-county criteria contained in the original act did not include incentives for action on a regional basis.

The new bill also makes it easier for severely depressed communities to participate in the program. Under the original Area Redevelopment Act, communities had to put up 10 percent of the cash for a business loan which could not be repaid before the Federal portion. 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. The Secretary of Commerce can even waive 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 proposed 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 $170 million a year in loans or guarantees. There are three principal programs under this $170 million authorization:

First, the Secretary could make loans to communities for 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 waterworks and water lines, sewers, industrial parks, police and fire stations, research centers, tourism facilities, industrial streets and roads, and other works as well. The interest rate for these loans would be at 3⅝ 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 business firms expanding into depressed areas. The Federal share is limited to 65 percent and the local community must put up 5 percent, although this may be waived in extreme cases. Under present borrowing costs the interest charged on these loans would be 4⅛ percent. This program has proven to be 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. Private banks would continue to supply the loans for this purpose, but the Government would insure their repayment. Experience under the Area Redevelopment Administration's program often indicated that a shortage of 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 provision, 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 payment of 2 percent on the total cost of new plant and equipment for non-Government borrowers expanding into depressed communities. Many firms have no particular difficulty in borrowing money, hence the direct loan program of ARA was not especially appealing. However, with an interest rate subsidy, 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, this 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 is retained. That is, an area would have to experience unemployment substantially above the national average to qualify. In addition, areas with median incomes below 40 percent of the national average would qualify.

There are several improvements in the designation portion of the act which should result in better administration.

First, as I mentioned a while ago, areas 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. As 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 the original act an area's 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 retain its eligibility. The Senator from Minnesota is to be given the credit for this noteworthy improvement.

Fourth, the bill permits assistance to areas which may not qualify at the moment but will soon do so in the future due to an impending base closing, plant relocation, or other economic disaster. Such areas could not be designated 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 probably be reached within 3 years without such assistance.

Mr. President, I am proud to be the sponsor of this important legislation along with Senator MCNAMARA. Our economy has reached an alltime high, and each month sees another record broken. And yet despite this progress, many communities have been left behind and have been isolated from the general prosperity experienced by the rest of the country.

One out of every five Americans lives in an area of poor economic opportunity. One out of every four American counties has serious economic problems.

To the citizen of such an area the meaning of economic distress is made a part of his everyday life. It means no job and what is even worse, no immediate prospect of a job. Those of us who can recall the great depression which started in 1929 will remember the debilitating sense of hopelessness and despair which was common across the country. Those out of work and walking the street felt degraded and dehumanized—like a wornout piece of machinery which had served a useful purpose and was then cast out upon a scrap heap.

Today, we have managed to solve some of the greater problems of our economy, but the haunting sense of helplessness and despair which is felt by the unemployed still exists in our land. We have 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 all too 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 vicious cycle of poverty which is 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 Full Employment 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 depressed areas. Let us give every American the chance to live and work in his community without being dependent upon handouts or charity.

Mr. HARRIS. Mr. President, as a cosponsor of the measure, I would like to express my endorsement of the Public Works and Economic Development Act, now under consideration, as reported by the Senate Public Works Committee under the able chairmanship of the distinguished Senator from Michigan [Mr. MCNAMARA]. This skillfully designed bill, much improved by the committee, will enable the economically distressed areas of this Nation to obtain much needed assistance in attacking the underlying causes of poverty, unemployment, and lack of opportunity.

I would especially like to commend to the Senate the machinery contained in this bill for attacking unemployment and economic distress on a regional, multi-State basis. Under the provisions of title V of the act, multi-State, regional development commissions can be established to determine the causes of depressed economies and to make recommendations to the various agencies of the Federal Government and to State and local governments and to private individuals and organizations, for utilizing their funds and resources to attack the conditions contributing to economic distress.

The Ozarks region, encompassing parts of eastern Oklahoma, western Arkansas, and southern Missouri, is one such region suffering from chronic underdevelopment, and I am happy to say that the committee in considering the regional aspect to the bill under title V recognized the need for regional action in this area. As I pointed out in my position as temporary chairman of the hearing considering this region, its problems are almost as great as its potential. It will take a unified effort on the part of private enterprise and local, State, and Federal agencies if these problems are to be overcome and this potential realized.

We must marshal all of these forces, and we must have funds to do comprehensive planning. The time to start this task is now, today, because we are now on the last lap of the vast $1.2 million Arkansas River project which will bring barge traffic and lower freight rates to the Ozarks region by 1970.

The Ozarks region is a land of opportunity. It is a beautiful and scenic area, but it is hampered by outdated highways and inadequate transportation facilities. It is rich in natural resources, but, because of high freight rates and other factors, these have not been fully developed. It is populated by hardy, hard-working people, but, because of lack of jobs, many of its citizens live in poverty. Therefore, Mr. President, I am especially happy to report that the committee, in its careful deliberations on the Public Works and Economic Development Act, has recognized the needs of this region, and has recommended to the Senate the passage of this bill which will open the door to economic development and equal growth opportunity for this tristate Ozarks region, too long partially isolated from the mainstream of American progress.

Mr. President, I think the Senate will vote on many legislative matters before it again has the opportunity to enact legislation with nobler purposes than those contained in the Public Works and Economic Development Act of 1965.

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

Mr. MCNAMARA. I yield.

Mr. HOLLAND. What is the amount of the authorized appropriation included in the bill?

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, APW, 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 ARA and APW.

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. As to 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 a 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 will have ample 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 at a time like this, when few Senators are in the Chamber, with the Senate preparing to adjourn, without Senators having had an opportunity to see the report and examine it is, in my judgment questionable procedure. I hope that no Senator will insist on a voice vote on this measure.

Mr. DIRKSEN. I will insist on a yea-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 Senator from Michigan yield?

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 my friends 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. 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. 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 Appalachia bill will 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 throughout the country?

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 3 years the unemployment was 50 percent 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 areas 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 not so much unemployment, but 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 eligibile under the low-income test. 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 percentage points which would help induce private investment of $250 million a year.

Mr. ELLENDER. Would 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 inherits 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, the Appalachia 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 Appalachia program would continue.

Mr. DOMINICK. Is the Appalachia program included in the bill?

Mr. McNAMARA. No, but it is coordinated with this bill.

Mr. DOMINICK. So this bill is superimposed upon the Appalachia program?

Mr. McNAMARA. It is apart from it.

Mr. DOMINICK. Does it spread the Appalachia 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 Appalachia program.

Mr. DOMINICK. How much subsidized interest does the bill contain?

Mr. DOUGLAS. Five million dollars a year, increasing to $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 an area. 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 would go into a place and receive a subsidized interest rate?

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 industry move in and do the job.

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 number of capital investments subsidized would depend upon private lenders and there would be a $250 ceiling on 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 40 percent of the national average 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. I share the 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 to be brought up. I do not decide when these matters are brought out. The Policy Committee decides those matters.

Mr. DOUGLAS. The Senator from Colorado is a very able 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 lying 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.

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 phased out, the pending measure would continue some phases, and particularly loans and grants to small towns which would have been denied such assistance.

Those 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 Kennedy administration in 1961, this measure would carry forward a number of the best features of the Area Redevelopment Act.

The major portion of the money would be used for the public and would 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.

I thank all those who have advanced this project, primarily the senior Senator from Illinois [Mr. DOUGLAS], who has helped to carry the project through with assistance in the field of public loans and grants. I know of small towns and subdivisions which are badly in need of water and sewerage facilities. The applications for loans and grants have been lying there. The bill would provide that those towns would be considered on a proper application for the period of 1 year. This bill means the difference between whether one town is going to die or live on and be a part of the viable economy.

I hope that the Senate will consider that this is one bill which, instead of providing money to go into one big profit missile or space contract, enables the people in smaller cities and towns to share in the economy and build their towns to the point that they will be able to pay taxes and assist in building up their entire economy.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. MCNAMARA. I yield.

Mr. HOLLAND. My understanding is that the community facilities administration is now existing, functioning, and able to take care of the specific kind of loans and needs mentioned by the Senator from Texas. Am I correct?

Mr. MCNAMARA. The Senator from Florida is correct so far as loans are concerned. However, this bill would go beyond loans.

Mr. HOLLAND. The Community Facilities Administration also makes grants, does it not?

Mr. MCNAMARA. No. The Community Facilities Administration does not make grants.

I yield to the distinguished Senator from Kentucky, who is a cosponsor of the bill. He has labored long and hard, not only on this problem, but also on Appalachia and similar problems.

Mr. COOPER. Mr. President, I know that many questions have been asked on the floor about the purpose and the provisions of the bill. I believe that I can explain briefly what is in the bill.

The bill came before the Committee on Public Works some weeks ago. There were long and comprehensive hearings. At the end of the hearings, the bill was modified, and, I believe I am correct in saying, the bill received the unanimous vote of the committee, including Democrats and Republicans.

What is contained in the bill? I believe that the bill embodies two programs with which we are familiar. The

first section, which would authorize $400 million annually for a period of 5 years, is actually an extension of the accelerated public works bill.

At the end of the 2-year period which was authorized and funded for the administrative public works program, it is correct that some $2 billion of applications from areas which have been classified as depressed areas were on file and had not been funded or approved.

This $400 million a year, or whatever amount the Appropriations Committee approved, would be to fund the accelerated public works projects. That is my judgment of the bill.

The second section of the bill, which the Senator from Illinois has explained, is, I believe, an extension of the Area Redevelopment Act. It is the program under which loans are made to businesses and in some cases to communities, to construct what are called facilities which indirectly assist in the location of industry.

So I would have Senators remember that the second section is fundamentally an extension of Area Redevelopment Act with emphasis on loans for encouragement, and not relocation, of industry in these depressed areas.

The third section is a new concept which is based somewhat on the Appalachia concept. Senators will remember at the time the Appalachian bill was passed a good number of Senators, including the Senators from Arkansas [Mr. McCLELLAN and Mr. FULBRIGHT], the Senators from Oklahoma, the Senators from New York, the Senators from New England, the Senators from Minnesota, all said some sort of economic development program should be established for groups of States that had similar problems and needs.

So the last two provisions of the bill would provide funds for study by the States which might consider their needs and problems similar to an attempt to develop, if they desire to do so, a program which might be similar to the Appalachia program.

So when we subtract the $400 million authorization for the public works program, there is left, as the Senator from Illinois [Mr. DOUGLAS] and the Senator from Michigan [Mr. MCNAMARA] have said, some $265 million authorized for the two programs, extension of Area Redevelopment Act and a study program as to the propriety of various States moving together to establish a State-Federal program for the solution of common economic problems.

Mr. MUSKIE and Mr. HRUSKA addressed the Chair.

Mr. COOPER. I promised to yield first to the Senator from Maine [Mr. MUSKIE].

Mr. MUSKIE. The Senator has given an excellent thumbnail sketch of the bill and purposes, covering the so-called extension of the accelerated public works program. In this bill the projects are provided for in a reasonable and rational way to encourage the economic development process. Criteria are much tighter under this bill than under the accelerated public works program.

Mr. COOPER. That is right; the accelerated public works program is considered to be an emergency program. The emergency program provided for grants regularly up to 50 percent. In some cases the grants went to 75 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. This program is for $2 billion to cover a period of 5 years.

Mr. COOPER. That is correct.

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.

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 able to put up 20 or 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 will put up anywhere 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 determination 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 Government can pay up to 80 percent. Has that been changed?

Mr. MCNAMARA. It has not been changed.

Mr. ELLENDER. What is the maximum the Government 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. But 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 were less than 80 percent, this program could be used, with supplementary grants up to 80 percent.

Mr. ELLENDER. What would prompt the Federal Government under 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, depending upon the kind of facility being 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 vary. In addition, 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 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 relegate this 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 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 undeveloped counties 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 hill 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. It is the theory 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 as now written already provides contributions by the Government of up to 80 percent of the construction cost.

Mr. MUSKIE. I do not know what the percentage 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 1 nickel will be available under this program.

Mr. McNAMARA. The total Federal grant cannot exceed 80 percent no matter what the program is.

Mr. YARBOROUGH. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I am glad to yield to the Senator from Texas.

Mr. YARBOROUGH. 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. YARBOROUGH. Ninety percent, then the maximum that could be granted under this bill for any public project is 10 percent less than being granted by the billions of dollars to build highways; is that not correct?

Mr. COOPER. The Senator is correct.

Mr. YARBOROUGH. 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 has 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 80 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"; namely, public 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. COOPER. 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 would be 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 chairman?

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 regional commissions 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, et cetera.

Mr. MUSKIE. Yes. Eight criteria.

Mr. AIKEN. Those eight criteria—I am sorry I have not read this before. I read it only hurriedly 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? 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 be sure, 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.

Mr. HRUSKA. In concept and in theory.

Mr. MUSKIE. Yes.

Mr. HRUSKA. Title II is interpreted as the Appalachia Act?

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 appropriation, 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 appropriation 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 propound 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 whomever 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 desultory 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 serve on the subcommittee and on the full committee before which the hearings were held. We have worked very hard on this bill. It is before us. The yeas and nays 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 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 any particular Senator. 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 believe is best suited 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 System. I am perfectly agreeable to have the unanimous consent request agreed to, but I would like to have it understood that the amendment I propose will not be objected to on the ground of germaneness.

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 sufficient amount 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 for voting being 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 acted on first?

Mr. HOLLAND. Mr. President, will the Senator 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 it 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 Senator 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 argument on the amendments tomorrow, 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 routine 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 a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the 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,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot 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.

PROGRAM FOR SESSIONS OF THE SENATE OVER THE MEMORIAL DAY WEEKEND—ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. I should like to answer the question of the Senator from Pennsylvania [Mr. CLARK]. Each Senator has received a notification that, so far as the Memorial Day holiday is concerned, it will extend from the conclusion of business tomorrow until noon on Tuesday, June 1. There will be a pro forma meeting on Friday.

At this time I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 9 o'clock on Friday morning, May 28, for the purpose of having a pro forma meeting; in other words, "in and out," without the transaction of any business.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. RANDOLPH. Mr. President, I have requested the distinguished majority leader to indicate that I have an amendment on which there is general agreement. It would strengthen the bill in that it would do away with any possibility of a plant being removed from one region to another. I feel that we could vote on the amendment tomorrow, and I hope that I shall be privileged to have the attention of the Senate in connection with the amendment.

Mr. MANSFIELD. I hope that the Senator is successful.

Mr. DIRKSEN. Mr. President, under those circumstances, I ask unanimous consent that the order for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, I object, unless the Senator is not trying to withdraw the yeas and nays for the final passage of the bill. Is he?

Mr. DIRKSEN. Oh, no. But there is no use of encumbering all the discussions with the yeas and nays at this time. A request for the yeas and nays can be made at any time later.

Mr. HOLLAND. I have no objection if that is the intention of the minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The order for the yeas and nays is rescinded.

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 concluded, the Senate stand 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 senior 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 so that we may proceed as speedily as possible tomorrow with amendments. I appreciate the marvelously cooperative work which the Senator from Michigan and the whole Public Works Committee have carried out. But I should like to point out some of the direct 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 U.S. 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 group of businessmen and bankers on the northeast coast have 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 assuptions 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 $80 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, and to decrease expenditures 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 $2,800, 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 probability, there has been an 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 assumed 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 Federal Government alone, not to mention State government and local government receipts.

This is most conservative. On the other hand, there would be a decrease in expenditures. Virtually all those people previously were unemployed. The vast majority were either on relief or were receiving unemployment compensation. I have made a 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 $8 million a year.

Thus we have a total of close to $200 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 facility loans and 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 $200 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 stated are extremely impressive. 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 for 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 persons.

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. Included in that should also 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. We estimate that that would be about $30 million a year. Then there would be State and local taxes, which we have not included.

Mr. PROXMIRE. I point out to the distinguished Senator from Illinois that the costs which he was talking about are very largely interest repayable loans.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. They were not grants, but primarily loans.

Mr. DOUGLAS. That is correct.

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 for bank loans, but the record has steadily improved.

Mr. PROXMIRE. The Secretary of Commerce testified before the Committee on Banking and Currency that the record of repayment on loans 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 has 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 $3,358,000—approximately 2½ percent.

In addition, $9 million 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.

So 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 $200 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 there will be additional economic development is most encouraging for the country as a whole. These are the areas that are dying, that are extremely sick. These are the areas where the future is almost hopeless.

In addition to the statistical assistance that we can see, there is a very real, human opportunity for people to live in communities they know and love, communities where they are acceptable and have had their family ties; perhaps where their families have lived for generations. This is the kind of human assistance that cannot be measured in statistical terms, but is, nevertheless, immensely important.

When that is added to the monetary return to the Federal Government in a ratio of 2 to 1 a year, the record the ARA has developed is remarkable.

Mr. DOUGLAS. I think it justifies the existence of the program. I have become a little fed up with the rather captious criticisms that have been made of it. It has been a marvelous human investment and a paying economic investment.

Mr. PROXMIRE. On that very score, is it not true that the arguments that have been made that this is merely borrowing employment from some other area of the country has little validity in the economy in which we are operating?

Most areas of the country are close to full employment. In the Wisconsin area, the heavily populated southeastern part has virtually no real unemployment. On the other hand, in the northern part of the State there is heavy unemployment. The fact that additional jobs can be provided without endangering in a significant way other parts of the country means that this program provides an overall gain in employment. It is not a question of borrowing jobs from one area against another as a matter of unfair or subsidized competition.

Mr. DOUGLAS. The Senator from Wisconsin is correct.

Mr. PROXMIRE. Mr. President, before the Senator from Illinois yields the floor, 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 requires counties to 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 bill would 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 billion.

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 hill 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 limited 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, are made at the local level; 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 activity 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 Secretary of Commerce, 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 S. 1648 is nearing passage in the Senate. It is a very important bill.

A great deal of credit is due to a number of my colleagues, whom I highly commend. Among others there are the senior Senator from Illinois [Mr. DOUGLAS], the senior Senator from Michigan, the chairman of the Committee on Public Works [Mr. MCNAMARA], and very particularly, the senior Senator from West Virginia [Mr. RANDOLPH], 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 factory, in 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 senior 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 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 project was before us, the funds originally appropriated and authorized for this purpose, some $880 million, quickly vanished for worthwhile expenditures, and at the time and subsequent to 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 of $250 million annually. That amount has now been increased to $400 million.

I should say that I consider these sums to be not expenditures but investments in the finest sense 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 was not sufficiently implemented 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 long-range project, then and now, 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 supported 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.

L.B.J. VIETNAM POLICY UNANIMOUSLY SUPPORTED BY ON-THE-SPOT EXPERTS

Mr. PROXMIRE. Mr. President, there are few more expert among the journalistic fraternity than Thomas B. Ross, correspondent of the Chicago Sun-Times.

Mr. Ross has covered the State Department and been a specialist for the State Department in foreign affairs.

Mr. Ross was sent recently by the Chicago Sun-Times to Vietnam. He has been there since May 1. On last Sunday, May 23, he filed what to me was a very interesting report on Vietnam.

I should like to quote from it briefly. Mr. Ross considers the reaction in Vietnam to our building up of troops and forces and launching air strikes in Vietnam, and states:

> Nevertheless, in the virtually unanimous view of officials and observers here, there was no acceptable alternative to the major U.S. buildup which began in February along with launching of airstrikes on North Vietnam.
>
> "The clock stood at 1 minute to midnight," a high-ranking official here observed, and the only other course of action was an abrupt and humiliating withdrawal.
>
> That, in the judgment of every experienced observer this reporter has been able to contact in this area, would have led eventually to complete Communist Chinese domination of southeast Asia.

Mr. Ross is not a man who is ingrained with campaigning for military action. He is dispassionate, and an objective, competent reporter.

Allow me to repeat that last short sentence. It reads:

> That, in the judgment of every experienced observer this reporter has been able to contact in this area, would have led eventually to complete Communist Chinese domination of southeast Asia.

Mr. Ross goes on to say:

> Critics of President Johnson's Vietnam policy may abound in Washington and elsewhere in the United States, but they are all but impossible to find out here.
>
> A Titoist solution may seem feasible on the American campus, but this reporter has been unable to locate a single resident American—soldier, diplomat, journalist, or scholar—who thought it was a possibility in the current climate of militant expansionism in Peiping.

Mr. President, I ask unanimous consent that the article published in the Chicago Sun-Times of Sunday, May 23, 1965, entitled "United States Courts a Showdown in Vietnam," written by Thomas B. Ross, be printed at this point in the RECORD.

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

UNITED STATES COURTS A SHOWDOWN IN VIETNAM

(By Thomas B. Ross)

SAIGON, SOUTH VIETNAM.—Although the United States has been striving since Korea

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, of course, 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 men 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 deployed in the coastal flatlands in terrain favorable to their sophisticated weaponry and with a mighty armada of war and supply ships supporting their rear.

U.S. POSITION AT LOWEST EBB

There are now at least 70,000 U.S. military men in the southeast Asian theater—close to 45,000 in Vietnam and the rest in the surrounding waters and Thailand.

Even so, the U.S. position, in a territorial sense, has never been at a lower ebb. The Vietcong control more of the countryside than ever before and the United States, like France before it, is largely tied down in static defense of key installations and urban centers.

The Government commands so little open ground and covets what it has so jealously that, as one U.S. Air Force general complained: "This is the first war where we've had to rent battlefields."

In these last-ditch circumstances, the strategy of confrontation is as much a counsel of despair as it is of hope. It is in effect an admission that the plan of counterinsurgency, promulgated with such promise by President John F. Kennedy in 1961, has failed and that the war must be won by direct force of U.S. arms.

It also represents a challenge to the original admonition of Ambassador Maxwell D. Taylor that it would be foolhardy for the white man to pit himself against the yellow man on Asian soil.

Nevertheless, in the virtually unanimous view of officials and observers here, there was no acceptable alternative to the major U.S. buildup which began in February along with launching of air strikes on North Vietnam.

"The clock stood at 1 minute to midnight," a high-ranking official here observed, and the only other course of action was an abrupt and humiliating withdrawal.

That, in the judgment of every experienced observer this reporter has been able to contact in this area, would have led eventually to complete Communist Chinese domination of southeast Asia.

POLICY PLEASES AMERICANS IN VIETNAM

Critics of President Johnson's Vietnam policy may abound in Washington and elsewhere in the United States, but they are all but impossible to find out here.

A Titoist solution may seem feasible on the American campus, but this reporter has been unable to locate a single resident American—soldier, diplomat, journalist or scholar—who thought it was a possibility in the current climate of militant expansionism in Peiping.

And so, the growing American presence in Vietnam is viewed here with great satisfaction and with a conviction that the United States cannot now be forced out by military means. If there is to be a withdrawal, the belief here is that it will come through the pressure of American public opinion, reacting to frustrating stalemate and mounting casualties.

This view is clearly shared by Peiping which has been predicting openly in party publications that the U.S. Government, prodded by popular discontent and the "bourgeois intellectuals," will abandon Vietnam.

The nagging question is how the Communists will seek to accelerate this "historic inevitability."

Key U.S. military men are speculating that the Vietcong will attack U.S. forces late in June. Several battalions of regular troops have been infiltrated into the central highlands from North Vietnam in the last few months and U.S. intelligence analysts believe they must make a move sometime during the current monsoon seasons.

U.S. bombing raids have seriously damaged Vietcong supply routes and it is felt the Communists must strike decisively with what they now have or withdraw for replenishment. Their capacity for sustained combat on a conventional level is not rated as very good.

This has led many officials, particularly civilians, to doubt that the Vietcong will risk an open showdown. For 20 years they have prosecuted a successful guerrilla war by committing their forces only when they were clearly dominant.

Their central tactic is to overwhelm isolated, undermanned outposts and then to dissolve into the jungle or the rice paddies when superior Government strength moves into position.

SELECTIVE KILLERS

They operate under tight discipline and with consummate political calculation. Rape is unheard of among them and, although they resort to terror when all else fails, they are highly selective in their assassination. An ineffectual province or district chief will be spared. An efficient one will be killed. The tax collector, nemesis of the peasant who must often pay both the government and the Vietcong, is likely to be the first to go.

The Vietcong are also masters at the arts of friendly persuasion, when it serves their purpose. During one recent incursion in the central highlands, their first act was to relieve the local women of the chore of sweeping the marketplace. Then, to the delight of the townspeople, who are without radio, television, movies, or any other notable diversion, they provided 2 hours of well-rehearsed entertainment.

Through such a combination of ingratiation and terror, the Vietcong have achieved a high degree of immunity. They move freely throughout most of the country with little fear that the local populace will betray them to the Government.

FAILURE OF NATIVE LEADERSHIP

In many areas, when wounded, they boldly resort to hospitals run by the U.S. aid mission, confident that their identity will be concealed. In the last few weeks, they are known to have used Nha Trang, a Government-held seashore resort 200 miles northeast of Saigon, as a rest and recreation site for whole companies of guerrillas from nearby units.

The Government's great difficulty in acquiring intelligence on the Vietcong is matched by its inability to respond quickly to what information it does obtain. This represents a failure of leadership, a direct outgrowth of the calculated efforts of the French to prevent the formation of a native class of commissioned and noncommissioned officers.

The deficiencies of leadership are also reflected in the inadequate performance of the Vietnamese army. The fighting qualities of the Vietnamese foot soldier have often been called into question.

But, in fact, his American advisers are convinced he will perform competently, even bravely, 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 shelve 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 United States is seeking to substitute a type of warfare in which it excels for one in which it has proven somewhat amateurish.

It is still much too soon to tell whether sophisticated weapons and conventional ground troops can succeed where counterinsurgency has failed. In fact, there is some evidence of popular resentment to the expanding use of napalm, 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 flirting 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 in the Mekong River Delta, which comprises the lower third of South Vietnam, there are the first faint signs that the villagers and the peasants are beginning to look upon the Government, rather than the Vietcong, as the likely victor.

This, of course, is critically significant amongst a populace which is ideologically 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 15 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—and exporting 300,000 tons 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 exposed rural areas, are held in high esteem 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

likely come in the areas of massive U.S. troop concentrations.

The original Army advisers here were well schooled in the modern doctrines of psychological warfare, even though they sometimes seemed to bark out their lines like a military command: "Win the hearts and minds of the people, and that's an order, sergeant."

On the other hand, the marines and paratroopers recently landed see their mission in old-fashioned terms: "Kill Vietcong."

With little thought for local sensibilities, the marines guarding the Da Nang Airbase openly refer to the primitive village within their lines as "Dogpatch."

When a visiting American asked a guard for the real name of the town, the marine replied with conviction: "It's Dogpatch." Other marines within earshot nodded agreement. It took a call to the command post to produce the correct name, Tong Vu Su, which, as any marine knows, means Dogpatch in Vietnamese.

The adult villagers in and around the marine encampments are conventionally inscrutable and withdrawn, though they have learned to hang out signs which read: "O.K. Laundry. Done Quickly and Carefully."

The children are enthusiastic and vocal. "Hello, Hello," they shout at every passing jeep. "You No. 1. Vietcong No. 10. Give me 5 P's (5 piastres, about a nickel)."

The marines are responding with normal GI generosity—too much so in the view of the local bulldozer operators, who recently conducted a brief strike to protest the fact that the town peddlers were taking in 300 piastres a day, 10 times their own wages. An order by the brigade commander brought the peddlers under control, but the marines have refused to stem the flow of money to the children who have become their tacit allies in a life-and-death friendship.

CHILDREN'S BEHAVIOR OFTEN A TIPOFF

On their regular patrols of the surrounding Communist-controlled territory, the marines are constantly subject to Vietcong ambushes, usually in the small villages.

The adult townspeople can generally be coerced by the Vietcong into silence and a convincing display of normal activity. But the children, whether unconsciously or by design, repeatedly give evidence in their behavior of impending danger. So alerted, several marine patrols have withdrawn or made for cover in time.

At some point in the next few weeks, in the expectation of many high-ranking military men, one of these patrols may make contact with the advance patrol of Vietcong battalion. Then, the great confrontation may be at hand.

But even if this should not materialize, some climax to the Vietnam war seems to be in the offing. Ambassador Taylor and his principal advisers are convinced that North Vietnam is hurting desperately from the relentless U.S. airstrikes. Should the Vietcong call off their expected monsoon offensive, it would only confirm these men in their conviction that the Communists will be forced to the conference table before the end of the year.

If they are wrong in their calculations, if the Vietcong can endure despite the pounding of their supply lines and their staging areas, then the prospect is for a war that will drag on for several more years.

And in that event it will not be decided in the jungles and rice paddies of this pathetically beautiful country. It will be decided in the United States by a rich and comfortable people who must judge the extent of their interest in saving a poor and desperate nation.

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 FOREIGN CREDIT INSURANCE ASSOCIATION AND EXPORT-IMPORT BANK

A letter from the Assistant Secretary, Export-Import Bank of Washington, 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 the transportation of privately owned motor vehicles of members of the Armed Forces on a change of permanent station (with accompanying papers); to the 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 quarterly period ended March 31, 1964 (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 FEDERAL AVIATION ACT OF 1958, 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 OF 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.

AMENDMENT OF DISTRICT OF COLUMBIA PRACTICAL NURSES' LICENSING ACT

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Practical Nurses' Licensing Act, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

CONTRIBUTION BY THE UNITED STATES TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS

A letter from the Secretary of State, transmitting a draft of proposed legislation to authorize a contribution by the United States to the International Committee of the Red Cross (with an accompanying paper); to the Committee on Foreign Relations.

AMENDMENT OF FOREIGN SERVICE BUILDINGS ACT, 1926, TO AUTHORIZE ADDITIONAL APPROPRIATIONS

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

PROVISION OF CERTAIN AUTHORITY FOR U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, Washington, D.C., transmitting a draft of proposed legislation to provide certain basic authority for the U.S. Information Agency (with accompanying papers); to the Committee on Foreign Relations.

AMENDMENT OF ADMINISTRATIVE EXPENSES ACT OF 1946

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty station within the continental United States (with accompanying papers); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary procurement of air passenger service on scheduled commercial airliners from Japan and Korea to the United States, Department of Defense, dated May 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on loose management in budgeting and financial reporting for certain educational exchange activities, Department of State, 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 costs resulting from the failure to furnish available parts to a contractor engaged in the production of ¾-ton trucks, Department of the Army, 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 management of special purpose ammunition pallets resulted

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, U.S. Section, International Boundary and Water Commission, United States and Mexico, 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 payment of port charges on shipment to Colombia of food donated under title III of the Agricultural Trade Development and Assistance Act of 1954, Agency for International Development, 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 failure to adequately consider the financial advantages of purchasing over leasing automatic data processing systems used by the Bureau of Labor Statistics, Department of Labor, 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 excessive payments of temporary lodging allowances to uniformed personnel on the Island of Oahu, Hawaii, Department of Defense and Department of the Treasury, 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 excessive interest costs incurred on certain income tax refunds, Internal Revenue Service, Treasury Department, dated May 1965 (with an accompanying report); to the Committee on Government Operations.

USE OF CERTAIN FUNDS BY SECRETARY OF THE INTERIOR

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to use appropriated funds for the payment of medical care of temporary and seasonal employees and employees located in isolated areas who become disabled because of injury or illness not attributable to official work, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION RELATING TO DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Maj. Derrill deS. Tenholm, Jr., U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Col. Eugene F. Tyree, U.S. Air Force, retired (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Chief M. Sgt. Robert J. Becker, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

REPORT AND HEARINGS ON VOTING IN MISSISSIPPI

A letter from the Chairman, U.S. Commission on Civil Rights, Washington, D.C., transmitting, pursuant to law, a confidential report and hearings on voting in Mississippi (with accompanying documents); to the Committee on the Judiciary.

PREMIUM PAY UNDER SPECIFIED CONDITIONS TO CERTAIN EMPLOYEES IN THE POSTAL FIELD SERVICE

A letter from the Postmaster General, transmitting a draft of proposed legislation for premium pay under specified conditions to certain employees in the postal field service (with an accompanying paper); to the Committee on Post Office and Civil Service.

SEVERANCE PAY TO CERTAIN OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to provide severance pay to certain officers and employees of the Federal Government, and for other purposes (with accompanying papers); 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 Legislature of the State 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 the United States 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 unwarrantedly, in the confiscation of property and in the deprivation of rights, privileges and immunities possessed by the Jewish people in that country; and

Whereas the Government of the United States, because of its humanitarian interest in the various peoples of this country and their interest in and relationship to the persecuted Jews of Soviet Russia, should register emphatic protest with the Russian Government with a firm request that it should cease and desist in its program of persecution; and

Whereas the Government of the United States has on other occasions intervened and interceded in behalf of persecuted minorities in other countries: Now, therefore, be it

Resolved (*if the senate concur*), That the President and the Congress of the United States be and they are hereby respectfully memorialized to condemn anti-Semitism in the Soviet Union and that the Secretary of State of the United States of America be and he hereby is respectfully memorialized to lodge an official protest on behalf of the Government of the United States 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 Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and the Secretary of State of the United States and to each Member of Congress duly elected from the State of New York and 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. Concurred in, without amendment.

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

There being no objection, the concurrent resolution was referred to the Committee on the Judiciary, as follows:

ENROLLED SENATE CONCURRENT RESOLUTION No. 35

A concurrent resolution petitioning the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, unless Congress shall sooner have submitted such an amendment, to provide for the election of the President and Vice President in a manner fair and just to the people of the United States; directing the Secretary of the Senate to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of the said bodies representing this State therein

Whereas under the Constitution of the United States, presidential and vice-presidential electors in the several States are now elected on a statewide basis, each State being entitled to as many electors as it has Senators and Representatives in Congress; and

Whereas the presidential and vice-presidential electors who receive the plurality of the popular vote in a particular State become entitled to cast the total number of electoral votes allocated to that State irrespective of how many votes may have been cast for other candidates for elector; and

Whereas this method of electing the President and Vice President is unfair and unjust in that it does not reflect the minority votes cast; and

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 therein):

SECTION 1. That application is hereby made to Congress under article V of the Constitution of the United States for the calling of a convention to propose an article of amendment to the Constitution providing for a fair and just division of the electoral votes within the States in the election of the President and Vice President.

SEC. 2. That if and when Congress shall have proposed such an article of amendment this application for a convention shall be deemed withdrawn and shall be no longer of any force and effect.

SEC. 3. That the secretary of the senate is hereby directed to transmit copies of this

resolution to the Senate and House of Representatives of the United States, and to the several Members of said bodies representing this State 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, Basin R. 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. 35 as the same was 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. 7597. An act to establish the Veterans Reopened Insurance Fund in the Treasury and to authorize initial capital to operate insurance programs under title 38, United States Code, section 725 (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 and for training, through 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 "Administration on Aging" (Rept. No. 247).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

S. 45. A bill for the relief of Maj. Raymond G. Clark, Jr. (Rept. No. 248);

S. 69. A bill for the relief of Mrs. Genevieve Olsen (Rept. No. 249);

S. 97. A bill for the relief of Lt. Raymond E. Berube, Jr. (Rept. No. 250);

S. 134. A bill for the relief of Lloyd K. Hirota (Rept. No. 251);

S. 263. A bill for the relief of Honorata A. Vda de Narra (Rept. No. 252);

S. 304. A bill for the relief of W. J. B. Daniel (Rept. No. 253);

S. 321. A bill for the relief of Leo M. Mondry (Rept. No. 254);

S. 572. A bill for the relief of Robert L. Wolverton (Rept. No. 255);

S. 919. A bill for the relief of Lt. Col. William T. Schuster, U.S. Air Force (retired) (Rept. No. 256);

S. 1008. A bill for the relief of Ottilia Bruegmann James (Rept. No. 257);

S. 1068. A bill for the relief of Fred E. Starr (Rept. No. 258);

S. 1267. A bill for the relief of Jack C. Winn, Jr. (Rept. No. 259);

H.R. 1867. An act for the relief of Daniel Walter Miles (Rept. No. 260);

H.R. 2299. An act for the relief of Robert L. Yates and others (Rept. No. 261);

H.R. 3051. An act for the relief of Vermont Maple Orchards, Inc., Burlington, Vt. (Rept. No. 262);

H.R. 3074. An act for the relief of Maxie L. Stevens (Rept. No. 263); and

H.R. 3899. An act for the relief of C. R. Sheaffer & Sons (Rept. No. 264).

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:

By Mr. JAVITS:

S. 2037. 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 for the relief of Miu-Ling Chung Lam; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2039. A bill for the relief of Yasuo Tsukikawa; 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. MCGOVERN:

S. 2043. A bill to terminate the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MUNDT (for himself and Mr. MCGOVERN):

S. 2044. A bill to amend section 13(b) of the act of October 3, 1962 (76 Stat. 698, 704), and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARTKE (for himself, Mr. SCOTT, Mr. MCCARTHY, Mr. CARLSON, Mr. RIBICOFF, Mr. BENNETT, Mr. MORTON, Mr. BAYH, Mr. BIBLE, Mr. CLARK, Mr. DOMINICK, Mr. ERVIN, Mr. HRUSKA, Mr. KUCHEL, Mr. LAUSCHE, Mr. MOSS, Mr. MUNDT, Mr. HICKENLOOPER, Mr. PEARSON, Mr. RANDOLPH, Mr. TALMADGE, Mr. YARBOROUGH, and Mr. TOWER):

S. 2045. A bill to amend the Antidumping Act, 1921; to the Committee on Finance.

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

By Mr. SYMINGTON (for himself and Mr. LONG of Missouri):

S. 2048. A bill to designate the Joanna Dam and Reservoir proposed 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.)

By Mr. ERVIN:

S.J. Res. 87. Joint resolution 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 and the provisions of the Constitution of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

Mr. WILLIAMS of Delaware (for himself and Mr. LAUSCHE) submitted a resolution (S. Res. 109) 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 to aid in the establishment and operation of international affairs programs to train individuals for oversea business or government work, for work in the United States 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

prepared to deal with the growing challenges and opportunities in the international field. The increasing responsibilities inherent in U.S. free world leadership require additional efforts to improve the quality and expand the scope of international affairs studies.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will be received and appropriately referred.

The bill (S. 2037) to amend the National Defense Education Act of 1958 in order to provide for certain international affairs programs, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

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 life of the Commission on April 10, 1967. The bill provides that the three commissioners of the Commission would become commissioners of the Court of Claims with the same rights and tenure 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 959, 60 Stat. 1049. The purpose of the act was to dispose of all the 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 allowed to expire and the cases would be turned over to the Court of Claims. After 18 years the Commission still has pending 380 out of an original 563 cases. The Commission dismissed 116 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 bebetween 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 Commission 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 move the cases. 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 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 and make it available to the parties. The idea back of this was for the Commission to inform itself on all claims, to bring the parties together, resolve conflicts, and work out practical determinations of the cases. This 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 report of the Senate Committee 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 the 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, and would be equipped with the usual powers of a factfinding commission to hold hearings and to examine witnesses. The Commission is directed to establish an Investigation Division and to make a complete and thorough search for all evidence affecting claims before it through the investigations in the field and in Government records.
>
> 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 investigatory 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 adapted its procedures to those of the U.S. district courts and even adopted substantially the same rules as those governing the Federal district courts. These rigid procedures and the lack of an effective, independent investigation of the facts in each case, precluded the possibility of the speedy determination of the cases intended by Congress.

The Commission has had 18 years. Its performance is a disappointment to the Indian people. It has not measured up to what Congress intended. An entire generation has passed since the claims were filed. The day will come when the Commission's affairs must be wound up. When that day comes, its docket and functions certainly will be transferred to the Court of Claims. That step should be taken now.

The Court of Claims is a mature, judicial body with long and deep experience in Indian claims cases. Before there was an Indian Claims Commission, all Indian claims were handled by the Court of Claims. Under the Indian Claims Commission Act, the Court of Claims is the appellate court for the Commission. The court is geared to handle the business of the Commission. A new court building is now under construction. There are 5 judges of the court and 17 commissioners. Under the bill, the 3 commissioners of the Indian Claims Commission would be transferred to the court, making a total of 20 commissioners. In the hands of the court, the claims cases stand a much better chance of effective disposition than they now have.

At present, there are 36 appeals from the Commission pending before the Court of Claims. In recent testimony before the Subcommittee on Indian Affairs, the Chief Commissioner of the Indian Claims Commission explained that appeals were a cause of delay. Transfer of the cases to the Court of Claims in large measure would eliminate duplication of work and loss of appeal time, as well as the need for review resulting from the dissatisfaction of the parties with the actions of the Indian Claims Commission. Of course, review is necessary. Under this bill, the decisions of the Court of Claims would be subject to review by writ of certiorari, the same as other cases in that court.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2043) to terminate the Indian Claims Commission, and for other purposes, introduced by Mr. McGOVERN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

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, DOMINICK, ERVIN, HRUSKA, KUCHEL, LAUSCHE, 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 midsixties, it is clear that earlier problems have not faded away of themselves, but in many cases have continued to grow in complexity as advances in transportation and communication have forged forward to shrink distances and weld the nations of the world steadily and irrevocably into a much more closely knit fabric than ever before.

As the barriers to international trade are lessened—both those of a natural and those of manmade origin—and the highways of world commerce become crowded with an increasing volume of participants, it is a corollary that the "rules of the road" be clarified, so that all will know where they stand, what they can expect, and what will be expected of them in turn. I can think of no more appropriate words, therefore, to describe our efforts today to clarify the standards for application of our Antidumping Act than were delivered by Vice President HUBERT HUMPHREY, then our distinguished colleague, when he initiated this legislative drive as the original sponsor in the Senate of the 1963 antidumping bill. In his accompanying remarks on April 14, 1963, he stated:

> The amendment I introduce today does not alter the philosophy or purpose of the Antidumping Act in any way. Its only purpose is to make the act more effective in achieving its original purpose and to help insure that international trade will be conducted in a fair and equitable fashion.

Later that year, on August 27, he reminded his colleagues in the Senate:

> This is not a problem that will disappear of its own accord * * *. I further hope that both Congress and the Executive branch will begin to take constructive steps to reach a solution that is not protectionist, but does provide for sound and equitable antidumping procedures that will foster international trade conducted in a responsible fashion. I do not claim this will be an easy or a self-evident task. But I do feel that it is becoming a task which we cannot afford to postpone much longer.

Two years have now elapsed and I say that it is time to get on with the job. Let there be no doubt of our resolve to continue this unfinished business. The increasing flow of international commerce, particularly after the GATT negotiations are concluded, will require the fair and effective operation of the U.S. Antidumping Act. Not a tariff or quota provision, the act is merely designed to assure a price floor on imports, tied not to U.S. prices, but to their own home market prices. In other words, if the foreign supplier sells his product cheaper to the United States than in his own home market—or to third countries, if sales in his home market are an inadequate basis for comparison—and then only after the Tariff Commission finds that this "dumping" injures a U.S. industry, a special dumping duty is determined by Treasury which in effect brings the price to the United States back up to the foreign price level. For all practical purposes, what the act says to the importer is that if an American industry is injured, the unfair advantage of the margin of dumping should be neutralized.

The basic unfairness of dumping is often due to the fact that the dumping price need not be related to costs of production. The "dumper" may be happy to unload his surplus production in any market—except his own—at any price he can get, or he may be deliberately pricing his products low to capture sales, knowing that he can raise his prices once competition is driven out. It is no wonder that GATT does not prohibit antidumping laws, and that all major trading nations enforce them.

The overriding purpose of this bill is to clarify the standards which the Treasury Department and the Tariff Commission are to apply in administering the Antidumping Act, and to make clear that the act is still what it was originally intended to be—not protectionist legislation—but an integral part of our laws dealing with unfair trade.

There is no reason why manufacturers of foreign merchandise for consumption in the United States should not be required to observe the same standards of fair and equitable trade that competing domestic sellers must observe. Yet, in recent years, the Tariff Commission has erroneously assumed that the Antidumping Act can be brought into play, if at all, only to afford to some dying domestic industry a measure of protection against competition from abroad, and has time and time again refused to find injury to an industry, even when a number of domestic producers have in fact sustained considerable injuries resulting from the unfair trade practice of dumping. Thus, the bill seeks to elaborate the standards by which injury is to be recognized under the Antidumping Act in the spirit of the antitrust and other unfair trade laws as they have been developed by the courts and administrative agencies.

There are also procedural purposes behind this bill, in that it would require both the Treasury Department and the Tariff Commission to adhere to reasonable and consistent practices in determining whether dumping has occurred; and, if so, whether it has caused or is likely to cause injury to a domestic industry. I believe it significant that some of the views in opposition to certain features of the 1963 and 1964 amendments have been taken into consideration and accommodated where practicable.

In my judgment, the proposed modifications are in keeping with the moderate, constructive tenor of the 1963 and 1964 bills. Moreover, representatives of both domestic and foreign interests have been outspoken in expressing their concern about various aspects of the way in which the Antidumping Act has been administered. Therefore, I feel that continued and increased bipartisan support should be enlisted to make the U.S. Antidumping Act a model of fairness, efficiency, speed, and certainty.

Mr. President, I am pleased to join with the distinguished Senator from Pennsylvania [Mr. SCOTT] and the other cosponsors of this important legislation. I ask unanimous consent that the bill remain at the desk for 2 additional weeks so that other colleagues who desire to do so may join as cosponsors. I also ask unanimous consent that the full text of this legislation be printed in the RECORD at the conclusion of my remarks.

The following Representatives are introducing an identical bill in the House today:

THOMAS G. ABERNETHY, of Mississippi.
GLENN ANDREWS, of Alabama.
WILLIAM A. BARRETT, of Pennsylvania.
WILLIAM H. BATES, of Massachusetts.
JAMES F. BATTIN, of Montana.
LINDLEY BECKWORTH, of Texas.
JACKSON E. BETTS, of Ohio.
EDWARD P. BOLAND, of Massachusetts.
WILLIAM G. BRAY, of Indiana.
JAMES T. BROYHILL, of North Carolina.
JAMES A. BURKE, of Massachusetts.
OMAR BURLESON, of Texas.
LAURENCE J. BURTON, of Utah.
ELFORD A. CEDERBERG, of Michigan.
FRANK M. CLARK, of Pennsylvania.
DEL CLAWSON, of California.
HAROLD R. COLLIER, of Illinois.
WILLIAM M. COLMER, of Mississippi.
SILVIO O. CONTE, of Massachusetts.
GLENN CUNNINGHAM, of Nebraska.
WILLARD S. CURTIN, of Pennsylvania.
PAUL B. DAGUE, of Pennsylvania.
DOMINICK V. DANIELS, of New Jersey.
JOHN H. DENT, of Pennsylvania.
EDWARD J. DERWINSKI, of Illinois.
HAROLD D. DONOHUE, of Massachusetts.
W. J. BRYAN DORN, of South Carolina.
JOHN DOWDY, of Texas.
THADDEUS J. DULSKI, of New York.
ROBERT F. ELLSWORTH, of Kansas.
ROBERT A. EVERETT, of Tennessee.
O. C. FISHER, of Texas.
JAMES G. FULTON, of Pennsylvania.
DON FUQUA, of Florida.
KENNETH J. GRAY, of Illinois.
H. R. GROSS, of Iowa.
SEYMOUR HALPERN, of New York.
WILLIAM H. HARSHA, of Ohio.
WAYNE L. HAYS, of Ohio.
DAVID N. HENDERSON, of North Carolina.
A. S. HERLONG, JR., of Florida.
CRAIG HOSMER, of California.
W. R. HULL, JR., of Missouri.
JAMES KEE, of West Virginia.
HASTINGS KEITH, of Massachusetts.
CARLETON J. KING, of New York.
DELBERT L. LATTA, of Ohio.
ALTON LENNON, of North Carolina.
RODNEY M. LOVE, of Ohio.
RICHARD D. MCCARTHY, of New York.
ROBERT MCCLORY, of Illinois.
JOSEPH M. MCDADE, of Pennsylvania.
JAMES D. MARTIN, of Alabama.
D. R. (BILLY) MATTHEWS, of Florida.
CHESTER L. MIZE, of Kansas.
JOHN S. MONAGAN, of Connecticut.
ARCH A. MOORE, JR., of West Virginia.
THOMAS E. MORGAN, of Pennsylvania.
THOMAS G. MORRIS, of New Mexico.
CHARLES A. MOSHER, of Ohio.
ANCHER NELSEN, of Minnesota.
ROBERT N. C. NIX, of Pennsylvania.
LEO W. O'BRIEN, of New York.
ALVIN E. O'KONSKI, of Wisconsin.
THOMAS M. PELLY, of Washington.
CLAUDE PEPPER, of Florida.
PHILIP J. PHILBIN, of Massachusetts.
ROMAN C. PUCINSKI, of Illinois.
JAMES H. (JIMMY) QUILLEN, of Tennessee.
WILLIAM J. RANDALL, of Missouri.
CHARLOTTE T. REID, of Illinois.
HOWARD W. ROBISON, of New York.
BYRON G. ROGERS, of Colorado.
FRED B. ROONEY, of Pennsylvania.

JOHN P. SAYLOR, of Pennsylvania.
HERMAN T. SCHNEEBELI, of Pennsylvania.
ROBERT T. SECREST, of Ohio.
HENRY P. SMITH III, of New York.
HARLEY O. STAGGERS, of West Virginia.
SAMUEL S. STRATTON, of New York.
CHARLES M. TEAGUE, of California.
CLARK W. THOMPSON, of Texas.
JAMES W. TRIMBLE, of Arkansas.
JAMES B. UTT, of California.
JOE D. WAGGONNER, JR., of Louisiana.
J. IRVING WHALLEY, of Pennsylvania.
JAMIE L. WHITTEN, of Mississippi.
JOHN BELL WILLIAMS, of Mississippi.
CHARLES H. WILSON, of California.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and held at the desk, as requested by the Senator from Indiana.

The bill (S. 2045) to amend the Antidumping Act, 1921, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Antidumping Act, 1921 (19 U.S.C. 160), is amended to read as follows:

"DUMPING INVESTIGATION

"SEC. 201. (a) Whenever the Secretary determines in accordance with the procedure prescribed in section 212 that foreign merchandise of a class or kind has been sold at any time after the date six months preceding the date of complaint, or is likely to be, sold at less than fair value, he shall so advise the Commission. Whenever the Secretary, from invoices or other papers or from information presented to him, is advised by a complaint or complaints filed simultaneously that such sales have been made, or are likely to be made, of merchandise from more than one foreign source or country, and if such sales have in fact been made, or are likely to be made, he shall so advise the Commission, but not until his investigation as to all such foreign sources or countries is complete. The Commission shall determine within three months thereafter whether a domestic industry or labor in the United States has been, is being or is likely to be materially injured (or, in the case of any industry, is prevented from being established) by reason of the sale at less than fair value of merchandise from one or more foreign sources or countries.

"(b) Material injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when it finds that the foreign merchandise determined to have been sold at less than fair value and supplied to any competitive market area—

"(1) has amounted to 5 percent or more (in units sold or in gross receipts from the sales under consideration) of domestic merchandise of the same class or kind sold by the domestic industry and supplied to the same competitive market area, during any three of the months from six months before the initiation of the investigation by the Secretary to the conclusion of the Commission's investigation, unless clear and convincing evidence is presented that had such sales of foreign merchandise not been made, the domestic industry would not have increased its sales during the three months involved; or

"(2) has been a contributing cause of a decline in the prices at which 50 percent or more (in units sold or in gross receipts from the sales under consideration) of domestic merchandise of the same class or kind supplied to the competitive market area has been sold by the domestic industry, during any month from six months before the initiation of the investigation by the Secretary to the conclusion of the Commission's investigation; or

"(3) has been a contributing cause of a decline amounting to 5 percent or more (in man-hours worked or in wages paid) of direct labor employed by a domestic industry in producing merchandise of the same class or kind supplied to a competitive market area, during any three of the months from six months before the initiation of the investigation by the Secretary to the conclusion of the Commission's investigation, compared with the average monthly level of such employment during the year ending on the date the Secretary's investigation began; or

"(4) has been a contributing cause of any anticompetitive effects in any competitive market area.

"(c) The Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that an injury cognizable under subsection (b) of this section will occur by reason of sales of foreign merchandise at less than fair value.

"(d) The Commission shall make the determinations required by this section without regard to whether foreign merchandise was sold with predatory intent or at prices equivalent to or higher than prices of foreign merchandise 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 affirmative, the Secretary shall make public a notice of his determination and the determination of the Commission. For the purposes of this section, the Commission shall be deemed to have made an affirmative determination 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 dumping finding shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

"(e) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not published a dumping finding, the Secretary has reason to believe or suspect, from the invoice or other papers or from information presented to him, that such merchandise has been, or is likely to be, sold at less than fair value, he shall forthwith publish notice of that fact in the Federal Register and shall authorize, under such regulations as he may prescribe, the withholding of appraisement reports upon such class or kind of merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to him until the further order of the Secretary, or until the Secretary has published a dumping finding relating to such merchandise.

"(f) For the purposes of this section—

"(1) The term 'at less than fair value' means that either the purchase price or the exporter's sales price of foreign merchandise, as defined in sections 203 and 204, is less than its foreign market value (or, in the absence of such value, less than its constructed value), as defined in sections 205 and 206.

"(2) The term 'domestic industry' means domestic vendors who supply directly or indirectly to the competitive market area merchandise which is of the same class or kind as foreign merchandise sold at less than fair value and supplied to the same competitive market area.

"(3) The term 'competitive market area' means any geographical area of the United States to which the foreign merchandise determined to have been sold at less than fair value has been supplied in competition with domestic merchandise of the same class or kind.

"(4) Domestic merchandise which is reasonably interchangeable in use with a class or kind of foreign merchandise shall be deemed to be 'of the same class or kind' as such foreign merchandise. Two or more units of foreign merchandise shall be deemed to be 'of a class or kind' whenever reasonably interchangeable in use with one another."

SEC. 2. Section 202 of the Antidumping Act 1921 (19 U.S.C. 161), is amended to read as follows:

"SPECIAL DUMPING DUTY

"SEC. 202. (a) In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has published a dumping finding as provided for in section 201, if either the purchase price or the exporter's sales price is less than the foreign market value (or, in the absence of such value, than the constructed value) there shall be levied, collected, and paid, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to such difference. If both the purchase price and the exporter's sales price are less than the foreign market value (or, in the absence of such value, than the constructed value), such special dumping duty shall be an amount equal to the greater difference. This subsection shall apply to imported merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days prior to the receipt of a complaint by the Secretary, and as to which no appraisement report has been made before such dumping finding has been published.

"(b) In determining the foreign market value for the purposes of this title, if it is established to the satisfaction of the Secretary that the amount of any difference between the purchase price and the foreign market value (or that the fact that the purchase price is the same as the foreign market value) is wholly or partly due to—

"(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, in the absence of sales, offered for sale for exportation to the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), except that no allowance shall be made for such differences unless they 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 his price, or

"(3) the fact that merchandse described in subdivision (C), (D), (E), or (F) of section 213(3) is used in determining foreign market value,

then due allowance shall be made therefor.

"(c) In determining the foreign market value for the purposes of this title, if it is established to the satisfaction of the Secretary that the amount of any difference between the exporter's sales price and the foreign market value (or that the fact that

the exporter's sales price is the same as the foreign market value) is wholly or partly due to—

"(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, in the absence of sales, offered for sale in the principal markets of the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), except that no allowance shall be made for such differences unless they 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 his price, or

"(3) the fact that merchandise described in subdivision (C), (D), (E), or (F) of section 213(3) is used in determining foreign market value,

then due allowance shall be made therefor."

SEC. 3. Section 204 of the Antidumping Act, 1921 (19 U.S.C. 163), is amended by inserting "and profits" immediately after "(2) the amount of the commissions", and by striking out "and (4)" and inserting in lieu thereof "(4) an amount equal to the expenses and profits of the exporter in the foreign country (unless (A) the exporter is the foreign manufacturer or is owned or controlled by the foreign manufacturer, or (B) the foreign market value includes such expenses and profits), and (5)".

SEC. 4. Section 205 of the Antidumping Act, 1921 (19 U.S.C. 164), is amended to read as follows:

"FOREIGN MARKET VALUE

"SEC. 205. (a) For the purposes of this title, the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or, in the absence of sales, offered for sale, in the usual wholesale quantities (as defined in section 213) and in the ordinary course of trade—

"(1) in the principal markets of, and for home consumption in, the country from which exported, so long as at least 15 percent of the total sales (excluding sales to the United States) of such or similar merchandise by any vendor who supplies any of those markets are sales for home consumption in that country, or

"(2) if paragraph (1) is inapplicable, in the principal markets of that country (other than the United States and the country of export) which is, for any vendor in the country of export whose sales are under consideration, the largest consumer of such or similar merchandise sold by that vendor, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. The price at which such or similar merchandise is sold or offered for sale shall be deemed to be seller's list or published price in the absence of conclusive evidence that the merchandise was actually sold or offered for sale in the usual wholesale quantities and in the ordinary course of trade at a different price. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account. If such or similar merchandise is sold or, in the absence of sales, offered for sale through a sales agency or other organizations related to the seller in any of the respects described in section 207, the prices at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in determining the foreign market value.

"(b) If any of the imported merchandise is manufactured or produced in a country or area in which, in the opinion of the Secretary, the method of establishing prices is not realistically related to cost or profit factors, the Secretary shall determine the foreign market value in any manner he deems appropriate, such as by reference to (1) the price at which such merchandise is sold or offered for sale for exportation to countries other than the United States from such country or area, (2) the foreign market value of merchandise of the relevant class or kind in appropriate non-Communist countries, and (3) the constructed value of merchandise of the relevant class or kind in appropriate non-Communist countries."

SEC. 5. Sections 208 and 209 of the Antidumping Act, 1921 (19 U.S.C. 167, 168), are amended by striking out "finding" each place it appears in each such section and inserting in each such place "dumping finding."

SEC. 6. The Antidumping Act, 1921, is amended by redesignating sections 212 and 213 as sections 213 and 214, respectively, and by inserting after section 211 the following new section:

"PROCEDURE

"SEC. 212. (a) INITIATION AND CONTINUANCE OF ANTIDUMPING PROCEEDING.—

"(1) INITIATION OF PROCEEDING.—An antidumping proceeding shall be initiated by the Secretary at the earliest practicable time after receiving a complaint. The Secretary shall consolidate in a single antidumping proceeding all complaints received together regarding the same class or kind of merchandise regardless of the number of importers, exporters, foreign manufacturers, and countries involved. The Secretary shall make reasonable effort to give notice of the initiation of an antidumping proceeding to all known interested parties and shall publish such notice in the Federal Register. The notice shall identify the date and nature of the complaint.

"(2) DISCONTINUANCE OF PROCEEDING.—The Secretary may not discontinue an antidumping proceeding unless (A) he is satisfied that promptly after the initiation of the proceeding, the dumping (if any) of imported merchandise of the class or kind under investigation has been terminated by revisions in price or by cessation of sales of such merchandise to the United States, (B) he has received bona fide assurances from the exporter that dumping will not be resumed, and (C) he concludes that the quantities of merchandise involved in the sales of imported merchandise under investigation are insignificant.

"(b) DISMISSAL DECISION.—The Secretary may decide within fifteen days after receiving a complaint that there is no evidence to support it supplied by the complaint and no evidence to support it available to the Secretary from customs forms or other sources, and that any differential between the prices at which the imported merchandise and domestic merchandise of the relevant class or kind are offered for sale in the United States cannot reasonably be attributed in whole or in part to the possibility that either the purchase price or the exporter's sales price of a class or kind of foreign merchandise has been, is, or is likely to be less than the foreign market value (or, in the absence of such value, than the constructed value). If the Secretary so decides he shall forthwith notify the complainant of his dismissal decision, together with the reasons therefor and such of the supporting information of the character required by subsection (c) of this section as is available to the Secretary, without initiating an antidumping proceeding or publishing any document in the Federal Register. For purposes of subsection (j) of this section such decision shall be considered a negative dumping determination, published as of the date the complainant is notified.

"(c) PROPOSED DUMPING DETERMINATION.—The Secretary shall obtain sufficient information to enable him to prepare for each antidumping proceeding at the earliest practicable time a proposed affirmative or negative dumping determination which he shall publish in the Federal Register and make reasonable effort to send to all known interested parties. Where complaints have been consolidated in a single antidumping proceeding, the Secretary may prepare and publish a proposed negative dumping determination as to a country or countries prior to the preparation and publication of any proposed affirmative dumping determination in such consolidated antidumping proceeding. Each proposed affirmative or negative dumping determination shall indicate the specific data (such as manufacturers, dates, prices, discounts, quantities, home consumption, cost of containers, taxes, duties and commissions, as well as delivery, selling, advertising, technical service, and other expenses, but not including confidential costs used in ascertaining constructed value in the absence of foreign market value or costs of manufacture used pursuant to sections 202(b)(1) and 202(c)(1)) used by the Secretary and his computations and reasoning in arriving at and applying the concepts used in this title (such as foreign market value, such or similar merchandise, purchase price, exporter's sales price, and constructed value). If, in a particular antidumping proceeding, the disclosure of some of the detailed information required by this subsection would, in the judgment of the Secretary, impede his obtaining similar information in the future, he may so declare in his proposed negative or affirmative dumping determination and omit that information. If the Secretary does withhold such information, however, he shall prepare for the use of the complainant a supplementary statement of the information required by this subsection which has been so withheld, and the reasons for so withholding. 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.

"(d) ANTIDUMPING HEARING.—The Secretary shall accord an antidumping hearing by permitting any interested party to communicate in writing with the Secretary regarding a proposed affirmative or negative dumping determination within thirty days after its publication in the Federal Register. This communication may include such matters as factual or legal argument, additional factual information in the form of affidavits or other documents, and requests for informal conferences or an oral antidumping hearing. The Secretary may call for an oral antidumping hearing on his own motion, or on the request of any interested party. Any denial of a request for an oral antidumping hearing shall be in writing with reasons. Notice of an oral antidumping hearing, or denial of a request for one, shall be given to all known interested parties and shall be published in the Federal

Register. Notice of an oral antidumping hearing shall state the time and place of such hearing, and summarize or refer to the Federal Register publications of the notice of the initiation of the antidumping proceeding, and the proposed affirmative or negative dumping determination. All interested parties will be accorded at an oral antidumping hearing the rights to counsel, to present evidence, and to conduct such cross-examination as may be required for a full and fair disclosure of the facts. A transcript shall be made of all oral antidumping hearings, and the Secretary may prescribe such regulations as he deems necessary for their fair and orderly conduct. The record in an antidumping hearing shall consist of the notice of initiation of an antidumping proceeding, the proposed affirmative or negative dumping determination, any written communications between interested parties and the Secretary regarding the proposed affirmative or negative determination (unless the Secretary has made a judgment regarding a given document, or part thereof, under the standard of subsection (c) of this section, which shall then be made available only to interested parties and a reviewing court), the transcript of any oral antidumping hearing, the affirmative or negative dumping determination, and any other relevant documents the Secretary chooses to include on his own motion or the request of any interested party after having heard the parties to be affected.

"(e) DUMPING DETERMINATION.—The Secretary shall prepare an affirmative or negative dumping determination and shall publish it in the Federal Register. The Secretary shall make reasonable effort to send copies to all known interested parties. The contents of the affirmative or negative dumping determination shall comply with the standards for a proposed dumping determination contained in subsection (c) of this section. In addition, it shall contain the Secretary's reply to any new facts or arguments advanced during the antidumping hearing pursuant to subsection (d) of this section. The Secretary shall make his affirmative or negative dumping determination at the earliest practicable time after receiving a complaint or complaints, but in no event more than six months after such date, unless, within the said six months, he shall have submitted a report to the chairman of the Committee on Ways and Means of the House of Representatives and to the chairman of the Committee on Finance of the Senate stating the reasons why a longer period is required within which to reach such dumping determination and the estimated extent of such longer period.

"(f) FAILURE OR REFUSAL TO FURNISH REQUESTED INFORMATION.—Whenever in any antidumping proceeding the Secretary decides that an importer, exporter, or foreign manufacturer has failed or refused to furnish information which the Secretary has requested and deems necessary to make his proposed dumping determination pursuant to subsection (c), the Secretary shall resolve all doubts relating to such information against the person failing or refusing to furnish it, and shall base his proposed dumping determination upon information from other sources, including, but not limited to, the complaint.

"(g) INJURY PROCEEDING.—An injury proceeding shall be initiated by the Commission at the earliest practicable time after receiving an affirmative dumping determination from the Secretary. The Commission shall make reasonable effort to give notice of the initiation of an injury proceeding to all known interested parties, and shall publish such notice in the Federal Register.

"(h) INJURY HEARING.—The Commission shall accord an injury hearing by permitting any interested party to communicate in writing with the Commission regarding an injury proceeding. This communication may include such matters as factual or legal argument, factual information in the form of affidavits or other documents, and requests for informal conferences or an oral injury hearing. The Commission may call for an oral injury hearing on its own motion, or on the request of any interested party. Any denial of a request for such oral injury hearing shall be in writing with reasons. Notice of an oral injury hearing, or denial of a request or requests for one, shall be given to all known interested parties and shall be published in the Federal Register. Notice of an oral injury hearing shall state the time and place of such hearing, and refer to the Federal Register publication of the notice of the initiation of the injury proceeding. All interested parties will be accorded at an oral injury hearing the rights to counsel, to present evidence, and to conduct such cross-examination as may be required for a full and fair disclosure of the facts. A transcript shall be made of all oral injury hearings, and the Commission may prescribe such regulations as it deems necessary for their fair and orderly conduct. The record in any injury hearing shall consist of the notice of initiation of the injury proceeding, the transcript of any oral injury hearing, the injury determination, and any other relevant written communications or documents the Commission chooses to include on the request of an interested party or its own motion after having heard the parties to be affected.

"(i) INJURY DETERMINATION.—The Commission shall obtain sufficient information to enable it to prepare an injury determination for each injury proceeding, shall publish its injury determination in the Federal Register, and shall give notice thereof to the Secretary. The Commission shall make reasonable effort to send copies to all known interested parties. Each injury determination shall fully indicate the specific data used by the Commission, and its computations and reasoning in arriving at and applying the concepts used in this title. If, in a particular injury proceeding, the disclosure of some of the detailed information required by this subsection would, in the judgment of the Commission, impede its obtaining similar information in the future, it may so declare in its injury determination and omit that information. If the Commission does withhold such information, however, it shall prepare for the use of any interested party a supplementary statement of the information required by this subsection which has been so withheld, and the reasons for so withholding. Such supplementary statements shall not be published or otherwise be made public by any interested party, subject to such sanctions as may be established by the Commission by regulation, but may be considered by a reviewing court as if otherwise a part of the record. The Commission shall render its injury determination within three months, after receiving an affirmative dumping determination.

"(j) JUDICIAL REVIEW.—Any interested party shall be entitled to seek judicial review in the United States Court of Customs and Patent Appeals of (1) any negative dumping determination, within thirty days after its publication in the Federal Register, and (2) any affirmative dumping determination and injury determination, or any dumping finding, within thirty days after the publication of the Commission determination or dumping finding. Such judicial review shall be on the records made in the antidumping hearing and Commission hearing, shall be in accordance with section 10(e) of the Administrative Procedure Act (5 U.S.C. 1009(e)), and shall be independent of that provided in section 516 of the Tariff Act of 1930 (19 U.S.C. 1516). Any reviewing court may, in its discretion, order the continued withholding of appraisement reports as to the merchandise in question, pending the outcome of its appeal. The United States Court of Customs and Patent Appeals shall establish rules of procedure necessary to effectuate this subsection."

SEC. 7. The section of the Antidumping Act, 1921, redesignated as section 213 by section 6 of this Act is amended—

(1) by adding at the end of paragraph (4) the following new sentence: "In determining what is the usual wholesale quantity, the Secretary shall exclude from his determination (A) all sales at a quantity discount which was not freely available to all purchasers at the time the sales in question were made; (B) all transactions between persons who are related to one another in any of the ways described in section 207; and (C) all transactions pursuant to any agreement or arrangement for exclusive dealing, such as, but not limited to, an exclusive distributorship or an exclusive requirements contract.", and

(2) by adding at the end thereof the following new paragraphs:

"(5) The term 'Secretary' means the Secretary of the Treasury or any person to whom authority under this title has been delegated.

"(6) The term 'antidumping proceeding' means the inquiry by the Secretary pursuant to this title to decide upon an affirmative or negative determination.

"(7) The term 'complaint' means a communication to the Secretary from any customs officer or other person setting forth reasons why an antidumping proceeding should be initiated or a withholding order entered, along with such supporting information as the Secretary may by regulation require and as is reasonably available to the complainant.

"(8) The term 'complainant' means any person or persons outside the customs service who files a complaint with the Secretary.

"(9) The term 'withholding order' means the order entered by the Secretary pursuant to section 201(e) authorizing the withholding of appraisement reports.

"(10) The term 'dismissal decision' means the decision of the Secretary to dismiss a complaint pursuant to section 212(b).

"(11) The term 'affirmative dumping determination' means a determination by the Secretary of the Treasury pursuant to section 201(d).

"(12) The term 'negative dumping determination' means a decision by the Secretary not to render an affirmative dumping determination.

"(13) The term 'Commission' means the United States Tariff Commission.

"(14) The term 'injury proceeding' means the inquiry by the Commission to decide upon an injury determination.

"(15) The term 'injury determination' means a determination by the Commission pursuant to section 201, whether such determination is in the affirmative or in the negative.

"(16) The term 'dumping finding' means the notice published by the Secretary pursuant to section 201(d) of his affirmative dumping determination, and the injury determination of the Commission."

SEC. 8. Section 406 of the Act of May 27, 1921 (19 U.S.C. 172), is amended by inserting "Puerto Rico and" immediately after "The term 'United States' includes."

SEC. 9. The antidumping regulations of the Treasury Department in effect on the date of the enactment of this Act are ratified and approved, except insofar as they are inconsistent with the provisions of this Act.

SEC. 10. (a) Subject to the provisions of subsections (b) and (c) of this section, the amendments made by this Act shall apply with respect to all merchandise as to which no appraisement report has been made on or before the date of the enactment of this Act.

(b) The amendments made by this Act shall not apply in the case of any article if—

(1) before the date of the enactment of this Act the Secretary of the Treasury or his delegate has made public a finding of dumping with respect to a class or kind of merchandise which includes such article, and

(2) such finding of dumping is in effect with respect to such article on the date it is entered, or withdrawn from warehouse, for consumption; except that in the case of any such article exported from the country of exportation on or after the date of the enactment of this Act, the special dumping duty applicable to such article shall be computed under section 202(a) of the Antidumping Act, 1921, as amended by this Act.

(c) If the question of dumping with respect to any class or kind of foreign merchandise has been raised by or presented to the Secretary of the Treasury or his delegate before the date of the enactment of this Act and either such question is pending on such date before the Secretary of the Treasury or his delegate, or the question of injury by reason of the importation of such merchandise into the United States is pending on such date before the United States Tariff Commission, then in applying the Antidumping Act, 1921, as amended by this Act—

(1) if such question of dumping is pending before the Secretary of the Treasury or his delegate on such date, the Secretary of the Treasury or his delegate shall make his affirmative or negative dumping determination at the earliest practicable time, but in no event more than six months after such date, or

(2) if such question of injury is pending before the United States Tariff Commission on such date, the Commission shall be treated as having received the affirmative determination of the Secretary of the Treasury or his delegate on such date.

Mr. SCOTT. Mr. President, I have been looking forward to this opportunity to join with the distinguished Senator from Indiana [Mr. HARTKE] and many others of my distinguished colleagues in introducing this sorely needed amendment to the Antidumping Act.

Senator HARTKE and I, together with 25 of our Senate colleagues, were cosponsors in the 1st session of the 88th Congress of S. 1318, which sought to provide essential reforms in the administration of the act. Subsequent to the introduction of that bill, which focused exclusively on the Treasury Department's administration of "dumping" investigations, an increasing number of Tariff Commission decisions created considerable confusion in the interpretation of the basic "injury" concepts. Thus, a more comprehensive version of our proposal was introduced in the House of Representatives in 1964 in order to add statutory standards for the Tariff Commission based on analogies to our domestic unfair trade laws and their interpretation by the courts.

A fair, effective antidumping act is urgently needed. An ever-present threat of injury from unfair dumping of foreign surplus products in our domestic markets hangs over the heads of countless American industries and thousands of American workers. Many American companies have already suffered severe damage from this foreign dumping. Profits have been cut, jobs lost, and our balance-of-payments position harmed. The steel industry in my own Commonwealth of Pennsylvania has been particularly affected.

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 Antidumpting Act 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 never feared legitimate competition. The act does seek to curb, however, injury to U.S. industry from a foreign supplier dumping his product into this market at a price below what he charges in his own home market. Whereas many oversea nations would not dump their products into markets of their neighboring countries for fear of ruining those markets, the distant United States, 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 backbone of our economic strength 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 freedom of enterprise and fair play. The artificially low pricing which characterizes dumping clearly makes it an unfair trade practice and I share the view that, in establishing standards for the guidance of the Tariff Commission, it is most appropriate to draw upon the principles evolved by the courts under the U.S. antitrust laws. The foreign supplier selling in the United States is, therefore, asked no more than to comply with the same type of ground rules to which U.S. domestic industries themselves are subject.

The dispassionate, down-to-business approach of this bill, aimed at clearing up existing confusion and uncertainty in the administration of this basically sound act, should appeal to fair-minded men. It represents a careful effort to clarify standards, tighten loopholes, provide fairer, more effective procedures for the administration of the act, while also recently revised antidumping regulations that are not inconsistent with the U.S. Antidumping Act as it would be amended. In addition to incorporating a large number of provisions contained in S. 1318 and last year's House bill, as well as deleting some others, this bill improves upon last year's House bill in several significant areas. I would not attempt to characterize one as more important than another. In truth, each provision, designed to alleviate particular shortcomings experienced by one or more industries, may be of vital interest and concern to many today as well as in the future. These modifications, however, do deserve special mention.

First. Great confusion has resulted from the inability of the Tariff Commissioners to agree on basic concepts such as what constitutes "industry," "injury," or the "likelihood of injury." Using antitrust analogies, our bill would spell out guidelines for determining the scope of the domestic industry affected by the dumping complained of, the competitive market area, and what products would be considered competitive and, therefore, logically involved in the investigation. Using these definitions, the bill sets forth various tests for determining whether material injury, not inconsistent with the provisions of GATT, exists or is likely to exist. Such an injury finding would result if dumped imports capture 5 percent of total domestic sales, or are a contributing cause of: First, a price decline affecting 50 percent of domestic sales; second, a 5-percent decline of labor; or third, any anticompetitive effects.

It should be pointed out that the injury tests require a causal connection between the unfair trade practice of dumping and the resulting injury to a domestic industry. These provisions should restore some certainty into an area of the act in which neither the domestic nor importing communities are able to make a reasonable estimate as to what standards will govern the next case. Congress, when it transferred the "injury" determination in antidumping cases from the Treasury to the Tariff Commission in 1954, did not set up any criteria for the Commission to follow. The Commission, of course, has been given guidelines for its "injury" determinations under 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 they have no relation to the separate and distinct Antidumping Act which deals with an entirely different cause of injury—dumping, as opposed to the increase of imports resulting from trade agreement concessions.

Mr. President, I feel that the Tariff Commission's extended "trial period" since 1954 has shown that where the members of a six-man Commission are often irrevocably divided on basic concepts of the act, the result becomes chaos and confusion for the business community. I suggest that it is time for the Congress to provide some statutory standards—as it often has done with respect to the "escape clause" in trade agreements legislation—and thereby restore some order and meaning to the determination of "injury" under the antidumping law.

Second. Another important area on which our bill focuses is the problem that Treasury, as well as domestic industry, has in trying to determine the actual pricing practices of producers in a foreign market. Obviously, Treasury does not have the same power over foreign suppliers as that which it can exercise over domestic producers. Under the circumstances, Treasury often is left no alternative but to accept claims of foreign suppliers as to the existence of conditions, practices, and policies which are not easily verifiable and which are used to explain away the existence of any margin of dumping found to exist. Thus, it is proposed that published or list prices shall apply in the absence of proof of sales at a different price. Also, in determining the usual wholesale

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 purchasers or involving exclusive dealing arrangements. Furthermore, allowances for differences in quantity discounts or circumstances of sale on sales to the United States, as 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 price. These provisions would curtail a number of opportunities now available for circumventing the act.

Third. Similarly, because of the Treasury Department's great dependence in a dumping investigation 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 could be made the basis for a conclusive presumption of dumping which would automatically send the case to the Tariff Commission to determine whether the dumping caused injury. Our bill, however, would accommodate anticipated objections and merely resolve all doubts relating to the requested information against the person refusing to furnish it. This would remove the severity of the earlier proposals 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 discontinue a dumping investigation by prompt curtailment of his dumping practices, the Treasury Department included such a provision in its revised regulations which went into effect in January of this year. The previous bills did not deal with this subject. Our bill, however, would ratify this regulation but adds the requirement that firm assurances be given by the exporter that dumping would not be resumed and that the application of the regulation be limited to cases involving insignificant quantities of dumped imports. This latter requirement is necessary to cope with a dump-and-run situation, in which large quantities of different products could otherwise be dumped sporadically since each different product would be considered a new case, rather than a continuation of a previous dumping practice. Dumping could also occur as a one-shot proposition; for example, this could take place in government contract bidding on a product to be made to specifications.

Finally, in concluding this review of the principal modifications contained in our bill, I believe it is significant to point out the provision of the bill which would ratify all of Treasury's recently revised antidumping regulations which are not inconsistent with the act as it would be amended. Several significant concessions which were made by Treasury to the importing community will, in effect, 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.

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 against American manufacturers and workers in our home markets.

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 ground rules that guide U.S. domestic industries. The unfair double standard where our companies are bound to obey certain laws that do not apply to foreign suppliers would be eliminated.

The great majority of our industries ask only the opportunity to compete fairly. They cannot do this when confronted with the artificially low pricing which characterizes dumping.

I have consistently advocated tightening of the Antidumping Act, and am urging prompt consideration of this amendment which would do just that.

Mr. President, I believe this effort to amend the Antidumping Act merits strong bipartisan support now, and for that reason, I am 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 by certain individuals and entities named in the court order.

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 1962, was marred by a last-minute 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 to be learned 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.

We have 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.

This is unhealthy, and 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 in 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 transaction involving the Christiana 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 passthrough type or divestiture of GM stock. Subsequently, the court did so.

Second, in passing the Du Pont bill, it was the clear understanding of the Congress that, in the event of a required distribution of GM stock by Christiana, there would be a pro rata distribution. The Internal Revenue letter rulings issued Du Pont and Christiana in 1962, at their request, very properly specified that any distributions under the relief bill must be pro rata.

Third, under the 1962 rulings, Du Pont made three distributions as follows: July 1962, 23 million GM shares; January 1964, 17 million GM shares, January 1965, 23 million GM shares.

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 distri-

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 8.4 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, thus making each outstanding share of Christiana stock more valuable without immediate tax consequence to the owner of the stock.

Fourth. Mr. Robert Knight, former General Counsel for the Treasury Department, was called in as a consultant to negotiate the arrangement.

Fifth. The Treasury then modified its rulings in December 1964, to allow some non pro rata distribution by Christiana, the amount depending on the price of GM stock at the time of Du Pont's third and final distribution.

Now, the ruling given Christiana in 1964 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 Dillon has correctly 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 issued the 1962 ruling and who had withstood a great deal of pressure in issuing it, had left the Treasury and had been temporarily replaced by an Acting Commissioner. In this interim period the ruling was changed.

The reasons given by former Secretary Dillon for changing the 1962 ruling are so flimsy, his reasoning so specious, his conduct so strange and at such variance with announced regular procedure, and the results 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 glare of publicity 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 not have followed this case closely, 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 Ponts.

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 bill went one step further 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, if they found some existing law which would allow them to cut a corner here and there, to use both their private bill and existing general law.

Commissioner Caplin decided that the Congress intended that the terms of the relief bill be followed, if the court permitted, and that the Du Pont interests could not maneuver to suit themselves by using the relief bill in part and existing general law in part.

The specific point involved in the rulings in 1962 was whether Du Pont and Christiana could make special exchange offers so as to funnel much of the GM stock through tax-free transactions, and still have no shareholder receiving GM stock pay more than the light, modified capital 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 Du Pont and Christiana specified that there would be no special exchange offers—in other words, distributions of stock must be on a pro rata basis. Du Pont accepted the ruling, as did Christiana, although Christiana noted its right to raise the question later. Any taxpayer, of course, has this right, noted or not.

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 $45 per share. Various Members of the House stated their understanding of the revenue which would be raised by the bill. Among these were Congressmen MILLS, BYRNES, KNOX, and Baker. All are or were tax specialists. They used a revenue estimate of $350 million. Assuming knowledge and not ignorance, they must have known that revenue in that amount could be realized only if Christiana was not merged into 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 estimates 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 to its stockholders. 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 went over until the following January.

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 estimate of revenue to be 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 revenues.

Hear the words of some of the distinguished members of the Finance Committee in 1962–63, as appearing in the CONGRESSIONAL RECORD:

VOLUME 107, PART 15, PAGES 20319–20323

"Mr. MILLS. The stockholders will over this period of 3 years, within which the divestiture will have to occur, will pay a capital gains on the stock received in the amount of approximately $350 million.

"Mr. BYRNES. Tax revenues from divestiture if H.R. 8847 is enacted would amount to $350 million."

"Mr. KNOX. In helping these people we will not cause the Treasury to suffer any revenue loss. The Treasury would take in about $350 million under the bill against about $330 million under a possible three-pronged flexible program of divestiture.

"Mr. BAKER. The Treasury will receive approximately $350 million in revenue as the result of this legislation."

VOLUME 107, PART 16, PAGES 21026–21055

"Mr. BYRD. If the court orders Christiana to distribute its stock to its shareholders, the revenue will be increased by $136 million.

"Mr. WILLIAMS of Delaware. As defined in the bill it would bring $350 million revenue.

"The revenue estimate which was supplied is that, if enacted, this bill would bring in about $350 million. Broken down, it amounts to $64 million from the Christiana Corp.—which, by the way, is $61 or $62 million over and above what it would pay under existing law; $136 million which would be paid by the Christiana stockholders if distributed under a court order; and $150 million from the Du Pont stockholders as a result of the capital gains tax which will be levied against the individual stockholders on distribution. That is a total of $350 million.

"Therefore there is no quarrel with the fact that this bill would provide $350 million of revenue."

"Mr. GORE. With respect to the bill which the Senator from Delaware supports, we find the statement:

" 'A distribution under H.R. 8847 would yield tax revenues of about $350 million.'

"Mr. DOUGLAS. If Christiana distributes its portion of General Motors stock to its stockholders, the stockholders will pay capital gains tax on the difference between the original cost and the present value, or will pay roughly 25 percent on a capital gain of $46.50, or, roughly, $11.50 a share. (These figures clearly envision a pro rata distribution.)"

VOLUME 108, PART 1, PAGES 179–200

"Mr. BYRD. On the other hand, if the court orders Christiana to distribute its stock to its shareholders, the revenue will be increased by $136 million, so that the total will be $369 million."

"Mr. BYRD. If the bill in the form the Senate Finance Committee recommends is passed, it will bring into the Treasury $450 million of new taxes.

"Mr. KERR. The fact is, and the opinion of the Senator from Oklahoma is, that if the bill is enacted, the Federal Government will receive in the neighborhood of $450 million of additional taxes in 3 years.

"Mr. KERR. There is no advantage in the passthrough.

"Mr. DOUGLAS. There certainly is.

"Mr. KERR. Not a bit, because if the Department of Justice fails in its efforts to secure an order from the court requiring the sale by Christiana of its General Motors stock, under the bill that stock would be passed through to the Christiana stockholders; whereupon they would have to pay the same identical capital gains tax that Christiana would have to pay if the court ordered Christiana to sell the stock, which is what the Department of Justice is seeking.

"Mr. KERR. If the court does not order a passthrough, or permits it, but orders the sale by Christiana of this stock, the same tax will be paid by Christiana that would be paid under the circumstances referred to by the Senator from Illinois.

"Mr. WILLIAMS of Delaware. The estimated revenue under the bill as reported last September was $350 million. That was due to the fact that there was a $45 price on General Motors stock. Since the bill was reported the price of General Motors stock has advanced from $45 to $55 a share, and for that reason we are using an estimate of an additional $100 million revenue that would accrue.

"Mr. WILLIAMS of Delaware. I said that the Senator from Iowa had not taken into consideration that under the bill if the distribution is made, there would be an additional $150 million collected from the respective stockholders of Christiana.

"Mr. WILLIAMS of 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."

VOLUME 108, PART 1, PAGE 367

"Mr. MCCARTHY. 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 operations of the two corporations and of distorting the investment portfolios or holdings of many persons and corporations, and of affecting some institutional purchasers who are large holders of General Motors stock."

VOLUME 108, PART 1, PAGES 449–466

"Mr. GORE (continuing to read from Mr. Greenewalt's testimony):

" 'A distribution under H.R. 8847 would yield tax revenues of about $350 million.'

"Who would pay the taxes under H.R. 8847?

"Mr. KEFAUVER. I know the Senator has discussed this point, but I will appreciate it if he would outline it again.

"Mr. GORE. H.R. 8847 contemplates a passthrough and provides the guidelines and the tax consequences of a passthrough under which the taxes would be paid not by the Du Pont Co. but by the stockholders, and most of it by the individual stockholders of Du Pont and Christiana.

"Mr. SMATHERS. The most logical way to accomplish the divestiture would be to distribute the shares of General Motors common stock which the Du Pont Co. owns on a pro rata basis to Du Pont's more than 210,000 common stockholders.

"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 $55 per share for General Motors, fewer than one-third of the Du Pont stockholders will be subject to taxes, approximating $470 million at the time of distribution—$470 million will go into the Treasury of the United States.

"There has been much discussion with respect to the Christiana Securities Corp., the largest corporate shareholder of Du Pont owning about one-third of the outstanding stock. This company is comprised of some 7,000 stockholders. If the pro rata distribution is made by the Du Pont Co., Christiana will receive about 20 million shares of General Motors stock. Some 1,800 stockholders of this company, many of them members of the Du Pont family and others with substantial long-term holdings will be subject to a greater tax than would be paid by them if the divestiture is carried out under existing law.

"If the court directs Christiana 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."

VOLUME 108, PART 1, PAGES 703–729

"Mr. BENNETT. Mr. Greenewalt advised the committee that if H.R. 8847 is not enacted, the Du Pont Co. will use other methods than a pro rata distribution. * * *

"Instead, I repeat, we have a question of simple justice. I believe the fairest method of diverstiture would be a pro rata distribution to Du Pont stockholders.

"But whether Christiana distributes the stock or sells it, the revenue to the Treasury will be about the same.

"Mr. KERR. If they passed through to the individual stockholder, the stockholders would have to pay a capital gains tax, would they not?

"Mr. DOUGLAS. Under the bill they would pay a modified tax.

"Mr. KERR. They would pay a capital gains tax in the same identical amount.

"Mr. DOUGLAS. No; not in the same identical amount.

"Mr. KERR. In the same identical amount that Christiana would pay if Christiana should sell under a court order.

"Madam President, I repeat what I said the other day—namely, that under the provisions of the bill the Treasury Department will receive approximately $430 million in taxes within 3 years.

"Mr. WILLIAMS. Under this bill the Government would collect $470 million in taxes."

Logically enough, the position of the Treasury Department in 1962 was that pro rata distribution was clearly indicated by these revenue estimates. Now, in 1965, believe it or not, the Treasury, in effect, took the strange position that, since $470 million was the highest revenue figure mentioned in debate, the Du Ponts should be allowed to do as they pleased once that amount of revenue was assured. This is precisely the deal that Robert Knight, selected by Secretary Dillon and who served without pay, secretly negotiated on behalf of the Treasury with the Du Pont lawyers and lobbyists.

On March 26, 1962, it should be recalled, both Du Pont and Christiana requested rulings from the Treasury. Favorable rulings were given, but it was specified by Commissioner Caplin that the rulings would be null and of no effect if Christiana were to be merged into Du Pont or if non pro rata distributions were made.

The able senior Senator from Delaware seemed, in 1962, to understand this point quiet well. Indeed, the distinguished Senator gave precise revenue estimates based upon the price of GM stock. In 1962 he stated:

The estimated revenue under the bill as reported last September was $350 million. That was due to the fact that there was a $45 price on General Motors stock. Since the bill was reported the price of General Motors stock has advanced from $45 to $55 a share, and for that reason we are using an estimate of an additional $100 million revenue that would accrue.

In 1965 the senior Senator from Delaware seemed to join Secretary Dillon in defense of this giveaway to the Du Pont family on the specious ground that the Congress never intended that more than $470 million be collected from the Du Pont divestiture. If we had passed the bill in the fall of 1961, when revenue estimates of $350 million were being used, in debate, I wonder if Secretary Dillon and the senior Senator from Delaware would now say that the Treasury rulings should have been relaxed and the Du Ponts allowed to do as they pleased at such time as it was clear that $350 million in revenue would be realized.

The effects of this change in Treasury rulings may be difficult to follow if one is not familiar with the transaction. The result of the ruling change is spelled out in an exchange in the hearing on page 44 which I read:

Senator GORE. Would the Senator yield?

The simple fact is that Christiana Corp. was under court order to distribute its holdings of General Motors stock.

If the distribution was on a pro rata basis, which was the ruling of the Treasury Department in 1962, then each stockholder, individual, or foundation, would receive his pro rata share of the distribution, according to his holding of Christiana stock.

The price of General Motors stock, as has been cited here, has more than doubled. Therefore, if the holders, the individual taxable holders, of Christiana stock received a large distribution, they would owe a large tax. The tax-exempt corporation would owe no tax in any event. So this change of ruling was given in order that a non pro rata distribution could be made. Therefore, these millions of shares, which otherwise would have been required to be distributed to the taxable stockholders, were funneled into the nontaxable stockholders, which relieved the taxable stockholders of Christiana of the necessity of paying that tax—$56 million. And they received the benefit, however, just the same, because the Christiana stock that was turned in to Christiana Corp. was retired, thus enriching the remaining individual stockholders of Christiana Corp.

Now, Mr. Secretary, is that not the case?

Secretary DILLON. Senator, except for the use of the word "funneled," which I would not agree to——

Senator GORE. You select your own word.

Secretary DILLON. I think that I have never heard a more lucid explanation of what actually took place.

Senator DOUGLAS. I congratulate you, Mr. Secretary.

Senator GORE. Thank you.

It is clear what happened. It is clear why it happened. It is not altogether clear as to what individuals in the Treasury should receive credit from the Du Pont family for the $56 million in 1964 Christmas present. Former Secretary Dillon, Mr. Knight, Mr. Harding, the then Acting Commissioner, and the present Commissioner, the then Chief Counsel of Internal Revenue, Sheldon Cohen, all ought to share in whatever awards are given out for service well beyond the call of duty to the rich and privileged.

Like any organization, the Treasury Department has certain regular procedures it follows in getting its 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, addressed to heads 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 such matters within your respective offices.

The Secretary had stated earlier in the memorandum that he did not want to get 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 surely is at variance with the Treasury's own policy as laid down by Secretary Dillon.

Stranger yet was the fact that the New York corporation lawyer, Mr. Robert Knight, first learned of his possible selection as special consultant on the matter by 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 conduct of the New York lawyer, Mr. Robert Knight, also surely raises questions. In 1962, when he was General Counsel of the Treasury, Mr. Knight assisted Commissioner Caplin in arriving at certain conclusions concerning congressional intent with regard to the ruling issued Du Pont and Christiana in that year. But, in 1964, after being selected by Mr. Dillon, rather mysteriously it seems to me, after his selection had been suggested to him—to Mr. Knight—by Mr. Clark Clifford, an attorney for the Du Ponts, he completely reversed the rules of logic he had applied in 1962. This I consider curious, indeed. Where is the protection of the public interest to be found in this odd, secret proceeding?

The first Treasury ruling was issued to the Du Pont Co. in letter form, dated May 28, 1962. This ruling very properly was issued on the understanding that the type of divestiture of GM stock by Du Pont would be a pro rata distribution.

Christiana was not satisfied with the type of ruling offered by the Commissioner of Internal Revenue, Mr. Mortimer Caplin, and as a result, even though a ruling had been requested on March 26, the same date as the request by the Du Pont Co., it was not until October 18, 1962, that a letter was finally issued.

It was brought out during committee hearings that there was a great deal of wrangling and maneuvering during this period. The pressure on Commissioner Caplin was heavy. Indeed, at one point it got so heavy that the Commissioner offered to go to the Joint Committee on Internal Revenue Taxation to determine more precisely the congressional intent on just exactly what type of distribution the Congress had in mind when it voted the private relief bill for Du Pont stockholders. This offer was refused by the Du Ponts. There would have been no question as to the answer had the matter been publicly aired in 1962.

You see, Mr. President, the key factor here was how much tax the most affluent members of the Du Pont family would pay. There was not so much concern on their part about the average stockholder in the Du Pont Co. They were willing to accept the law as to them. But the really important Du Pont family members held their stock through Christiana. This was the key.

This brings me to Mr. Crawford Greenewalt, a leading member of the family. Indeed, he was president of the Du Pont Co. Thus far I have discussed only Government officials, but a word must be said of Mr. Greenewalt's conduct.

Mr. Greenewalt made a great many representations while he was trying to get the Congress to give him a private tax relief bill. 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 showed how he, personally, owning most of his Du Pont stock through Christiana, would really have to pay more in taxes under the relief bill than he, personally, would have to pay if the divestiture proceeded under the terms of existing law. He made this statement to me when he called at my office and other Senators told of such statements to them.

Mr. Greenewalt began his letter to Senator WILLIAMS, and it will be found on page 77 of the hearings, by stating that I, Senator ALBERT GORE, had "made a statement which is not based upon the facts of the case."

He then went on to state just what the "facts" were. Included in this detailing of the "facts" as to just how he would operate under the relief bill, was the statement that Christiana would sell a sufficient number of General Motors shares to pay its tax under the bill, and:

Under a distribution by Christiana of the remaining shares—since my cost basis for Christiana is essentially zero—I would pay 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 than twice as 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 Christiana and that his total tax under H.R. 8847 would be about $1,400,000. These figures all assumed a market price of $55 per General Motors share, which was the price when the bill finally passed the Senate early in 1962.

Now, the key to Mr. Greenewalt's calculations was the fact that the distribution would be pro rata under the terms of the relief bill, not under the terms of then existing law which would have allowed a number of other maneuvers, including merging Christiana into Du Pont and a non pro rata distribution by way of an exchange offer of Christiana stock for General Motors stock.

And yet, by March, only some 2 months later, Christiana was contending that the Du Ponts should be allowed to do as they pleased and reduce the taxes of Mr. Greenewalt and other Christiana stockholders. They kept up their running fight with Commissioner Caplin until October when, faced with the necessity for proceeding with a distribution, they accepted a letter ruling 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 had left. This, unfortunately, proved to be correct.

Commissioner Caplin left IRS on July 10, 1964, and in August Christiana was

back. This time there was only an Acting Commissioner and they hoped to fare better. They did.

Secretary Dillion, as I have said, even though the Acting Commissioner testified that he was having no difficulty with this problem, called in the former General Counsel, a corporation lawyer from New York, to negotiate the deal.

A modified ruling was issued. Running counter to all the rules of logic, including the rules they had applied in arriving at the decisions reached by the Commissioner of Internal Revenue in 1962, those in authority suddenly found 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 members.

So a modified ruling was issued on December 15, 1964, which bilked the Government of $56 million.

Now, I advert to the secrecy that surrounds such rulings.

I learned, early in December 1964, that a change in the ruling was in the making, and I feared that the result would be pretty much as it was. I tried to stop it. At least I wanted the matter discussed. But I met the official cold shoulder.

I thought the chairman of the Finance 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 December 18, 1964. His letter merely asked for a report on what had happened. 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 without 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 Treasury. 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 Senator from Virginia for doing so. Senator BYRD 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 involving millions of dollars should be negotiated in secret and kept secret.

The present Commissioner of Internal Revenue, I am sorry to say, does not understand this.

Commissioner Cohen, in testifying before the Finance Committee on March 24, stated that in applying for a ruling the taxpayer "bares 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 divestiture. But, according to Mr. Cohen, "it is violative of our procedure" to publish 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 referred.

The bill (S. 2047) to require the publication of all tax rulings which affect the revenue in an amount of $100,000 or more, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

NAMING CANNON DAM AND RESERVOIR 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 northeast Missouri so ably represented by him in the Halls of Congress, for his deeds and devotion are deeply etched in this rural countryside.

He dedicated his life and talents to the service of the people and he carried out his duties with abundant energy and his characteristic modesty.

For over four decades he represented the Ninth District of Missouri and for nearly two of those decades he bore the added 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 public investment must be recovered with ample margin of benefit to the people; and when the project now known as Joanna Dam was proved to have met this standard, Mr. Cannon became its champion and saw it through to approval by the Congress.

It was suggested by a number of leaders 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 his dedication and interest in the prosperity and progress of our State, on behalf of my colleague, Senator EDWARD V. LONG of Missouri, and myself, I send to the desk, for appropriate reference, a bill to rename the Joanna Dam the Clarence Cannon Dam and Reservoir, as a permanent memorial to the memory of our honored and beloved colleague, a great American and a noble Missourian, the Honorable Clarence Cannon.

I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

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

The bill (S. 2048) to designate the Joanna Dam and Reservoir proposed for construction on the Salt River near Joanna, Mo., as the "Clarence Cannon Dam and Reservoir," introduced by Mr. SYMINGTON (for himself and Mr. LONG of Missouri), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joanna Dam proposed for construction at or near mile 63 of the Salt River near Joanna, Missouri, and the Joanna Reservoir to be created by such dam, authorized to be constructed by section 203 of the Flood Control Act of 1962 (76 Stat. 1180), shall be known and designated hereafter as the Clarence Cannon Dam and Reservoir. Any law, regulation, map, document, or record of the United States in which such dam and reservoir are referred to as the Joanna Dam and Reservoir shall be held to refer to such dam and reservoir as the Clarence Cannon Dam and Reservoir.

CONSTITUTIONAL AMENDMENT ON REAPPORTIONMENT OF STATE LEGISLATURES

Mr. ERVIN. Mr. President, I introduce, 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.

Since entering the political thicket in the case of Baker against Carr, the Supreme Court has wandered so far and wide that today even a solid majority of a State's voters cannot by referendum choose to have one house of the State legislature based on considerations other than population. In fact, the doctrine of the recent Lucas decision would appear to nullify even a unanimous decision of the voters to give minority interests more representation than the population would warrant. When the governed can no longer govern through their own consent, action to correct this situation is compelling.

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 frankly stated my reluctance in this undertaking. I hesitate to change the Constitution, for it is our political heritage, and each change affects not only our generation, but also posterity. It is doubly disconcerting when it is not the Constitution which is deficient, but the interpretation of that document by a majority of those who presently sit on the Supreme Court.

Before committing myself to a particular solution, I have carefully reviewed the expert testimony presented during hearings before the Subcommittee on Constitutional Amendments. Because the subcommittee chairman, Senator BAYH, wisely sought and received the testimony of the widest possible cross section 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 toward developing a sound principle of judicial power, rather than concentrating on how to allow one house of a State legislature to be apportioned on other factors than population.

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 constitutional guidelines to reduce the expansion of judicial power over the process of apportioning both houses of a State legislature. Yet, each of the amendments already proposed in the Senate would leave one house of the State legislature to the harsh mercies 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 factors 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 in such a way as to give it 99 percent of the votes in that house, or enact 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 designed to amend the U.S. 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 10 years. Thus, a bare majority of those voting in the referendum—which might be far less than an actual majority of eligible voters—could require that almost all seats be located in rural areas, or almost all seats be located in a single urban area, or that all seats be elected at large.

The referendum concept contains numerous pitfalls. 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? During a national election or during a special primary? This could greatly affect the size of the vote cast in the election.

Mr. President, to eradicate the existing distortion of the judicial institution, 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 require that one house be based on population considerations. Apportionment of the other house, however, would be left to the wisdom of the State as long as the State abided by the mandate of article IV, section 4 of the Constitution, which is reiterated in my proposed amendment: That a republican form of government be guaranteed.

I wish to emphasize that this proposed amendment would not carry us back to the days before Baker against Carr, when so many State legislatures were shamefully apportioned on the basis of obsolete census data. I 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. Once every 10 years they must consider the most recent census data in apportioning the State legislature.

Mr. President, I wish to acknowledge with appreciation the expert testimony of each of the witnesses before the Subcommittee 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 Subcommittee during our deliberations.

I read my proposed resolution for the information of the Senate.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"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.

"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 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 and the provisions of the Constitution of the United States, introduced by Mr. ERVIN, was received, read twice by its title, and referred to the Committee on the Judiciary.

SOCIAL SECURITY AMENDMENTS OF 1965—AMENDMENT

AMENDMENT NO. 213

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 supplementary health benefits 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.

AMENDMENTS NOS. 214 AND 215

Mr. RIBICOFF. Mr. President, I submit, for appropriate reference, 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 insurance beneficiaries likely to be returned to gainful work through such help. The provisions would be administered by State vocational rehabilitation agencies within the framework of the present Federal-State vocational rehabilitation program.

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 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 FROM THE TRUST FUNDS

"SEC. —. Section 222 of the Social Security Act is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"'*Costs of rehabilitation services from trust funds*

"'(b)(1) For the purpose of making vocational rehabilitation services more readily available to disabled individuals who are (A) entitled to disability insurance benefits under section 223, or (B) in a period of disability under section 216(i), 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 such sums as may be necessary to enable the Secretary to pay the costs of vocational rehabilitation services for such individuals and of so much of the expenditures for the administration of any State plan as is attributable to carrying out this subsection; except that the total amount so made available pursuant to this subsection in any fiscal year may not exceed 1 percent of the benefits under section 202(d) for children who have attained age 18 and are under a disability or under section 223, which were certified for payment in the preceding year. The selection of individuals (including the order in which they shall be selected) to receive such services shall be made in accordance with criteria formulated by the Secretary which are based upon the effect the provision of such services would have upon the Trust Funds.

"'(2) In the case of each State which is willing to do so, such vocational rehabilitation services shall be furnished under a State plan for vocational rehabilitation services which—

"'(A) has been approved under section 5 of the Vocational Rehabilitation Act.

"'(B) provides that, to the extent funds provided under this subsection are adequate for the purpose, such services will be furnished, to any individual in the State who meets the criteria prescribed by the Secretary pursuant to paragraph (1), with reasonable promptness and in accordance with the order of selection determined under such criteria, and

"'(C) provides that such services will be furnished to any individual without regard to (i) his citizenship or place of residence, (ii) his need for financial assistance except as provided in regulations of the Secretary in the case of maintenance during rehabilitation, or (iii) any order of selection followed under the State plan pursuant to section 5 (a)(4) of the Vocational Rehabilitation Act.

"'(3) In the case of any State which does not have a plan which meets the requirements of paragraph (2), the Secretary may provide such services by agreement or contract with other public or private agencies, organizations, institutions, or individuals.

"'(4) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"'(5) Money paid from the Trust Funds under this subsection for purposes of providing services to individuals who are entitled to benefits under section 223 or who are within a period of disability under section 216(i) shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid out from the Trust Funds under this subsection shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund. The Secretary shall determine according to such methods and procedures as he may deem appropriate.

"'(A) the total cost of the services provided under this subsection, and

"'(B) subject to the provisions of the preceding sentence, the amount of such cost which should be charged to each of such Trust funds.

"'(6) For the purposes of this subsection the term "vocational rehabilitational services" shall have the meaning assigned to it in the Vocational Rehabilitation Act, except that such services may be limited in type, scope, or amount in accordance with regulations of the Secretary designed to achieve the purposes of this subsection.'"

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 social security law includes a number of provisions designed to further this objective, among them one that declares it to be the policy of the Congress that applicants for disability benefits be referred to the State vocational rehabilitation agencies for vocational rehabilitation services, so that as many of them as possible may be restored to productive activity.

Arrangements under which applicants for disability benefits are referred to the State rehabilitation agencies have been helpful in leading to their rehabilitation, but there is more to the problem than getting people referred to the appropriate agency. The States, for example, give first priority to those disabled persons who show relatively good potential for rehabilitation. A person who is younger and whose disability is not as severe as that of one who is eligible for disability benefits under social security very often represents a better investment of rehabilitation resources than does the latter. Because, as a group, social security beneficiaries are given a relatively low priority by the State agencies, and because of limitations on funds and therefore on the extent of services that can be offered by the agencies, some beneficiaries who could profit from rehabilitation services do not get them.

A proposal similar to the one under discussion here has been recommended by both the 1948 and the 1965 Advisory Councils on Social Security. As pointed out by the 1965 Council: "The expenditure of social security funds is clearly justified so long as the savings from the amount of benefits that would otherwise have to be paid exceed, or at least equal, the money paid from the trust funds for rehabilitation costs. It is wasteful and shortsighted for the social security system to be paying benefits to disabled persons if a lesser expenditure of funds would assure their return to work."

The experience of certain insurance carriers in providing rehabilitation services for workers entitled to workmen's compensation tends to support the conclusion of the 1965 Advisory Council that enactment of the proposal would result in lower benefit costs under social security. Furthermore, any provision which would result in an increased number of disabled workers who are rehabilitated would benefit not only the individuals involved but also society in general. For the rehabilitated individual, the gain would not only be in increased income but also in the satisfaction flowing from his restoration to a useful economic role in society.

In order to help avoid the possibility of the legislation resulting simply in the substitution of Federal funds for State funds, as well as to avoid neglect of non-OASI beneficiaries whose rehabilitation is not financed wholly from Federal funds, the funds provided under the proposal would be allocated among the States in accordance with their ability to use the funds effectively and generally under the same rehabilitation plans now used by the States under the Vocational Rehabilitation Act. The success of the States 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 people returned to work would equal or exceed the cost of the rehabilitation services.

On page 266, between lines 22 and 23—insert the following new section:

"FACILITATING DISABILITY DETERMINATIONS

"SEC. —. (a) Subsection (b) of section 221 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)'.

"(b) Subsection (g) of such section 221 is amended to read as follows:

"'(g) In the case of—

"'(1) individuals in a State which has no agreement under subsection (b),

"'(2) individuals outside the United States,

"'(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 disability or of the day on which a disability ceased may be made (A) on the evidence furnished by or on behalf of such individual from sources of information as to examination and treatment which are designated by 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.'

"(c) The amendments made by subsections (a) and (b) shall take effect in any State which has an agreement with the Secretary under section 221 of such Act when the Secretary finds that the implementation of section 221(g)(4) of such Act can be effectuated with respect to individuals in such State without impeding the efficient administration of the disability insurance program of such Act in such State."

The explanation accompanying Senate amendment 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 adjudicate disability claims more rapidly than at present. Moreover, since determinations of eligibility for benefits will, under a provision of this bill, be made solely on the basis of total disability, i.e., without regard to whether the individual's disability can be expected to be of long-continued and indefinite duration or to result in death, some basic changes will need to be made both in the scope of development and in the adjudication of these claims. To assure prompt payment, initial evaluations should be made at the earliest feasible time and with as little delay as possible. This can be accomplished by having certain clear-cut determinations made directly on the basis of readily available evidence by trained disability evaluation personnel of the Social Security Administra-

tion, while the more borderline and difficult cases would be sent to contracting State agencies for further development and evaluation. The contracting State agencies would undertake to obtain additional evidence as necessary, including the purchase of independent medical examinations and workups of applicants to determine functional capacity and vocational capabilities. In addition, in cases initially adjudicated by the State agencies the Secretary would be authorized to terminate entitlement to disability benefits without further State action in clear-cut cases of recovery.

The proposed change is based on past operating experience acquired under the program during those occasions when the volume of claims backlog in an individual State agency reached a level requiring emergency action to assure more prompt disposition of pending cases. In these situations a temporary agreement modification was effected with the State to permit determinations to be made by the Secretary instead of the State agency in cases where a decision could be reached on the basis of evidence presented by the applicant. This modified procedure has been used effectively in the past on a selected basis, where unusually heavy workloads have developed, to expedite the processing of claims. Under the proposed change, the Secretary will be authorized to make a determination of disability only if the information submitted by the sources that the individual states treated him or examined him (e.g., his attending physician, the hospital) is sufficient to make such determination. If any additional information is needed (e.g., an examination by a medical or vocational consultant designated by the Secretary) the case will have to go to the State agency.

This change would also permit benefits to be terminated promptly (after a trial work period where appropriate), without the need for State action, when evidence is received by the Secretary that a beneficiary has returned to gainful work.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965—AMENDMENTS

AMENDMENT NO. 216

Mr. MOSS. Mr. President, there is great concern among units of local government—primarily cities, counties, and towns—that in the implementation of section 404 of title IV of this bill, their responsibility and authority will be undermined. Title IV deals with the establishment of economic development districts.

The fact is that the bill as drafted does not allow these local units to play their proper role in the establishment of these districts. This was discussed in committee. The bill was not amended, but language was written in the report as follows:

> Before the Secretary approves the establishment of any economic development district as provided under section 403, which in most cases will consist of several counties, municipalities, or other political jurisdictions, steps should be taken to obtain concurrence of the appropriate local governmental authorities in the counties, municipalities, or other political jurisdictions when such jurisdictions are wholly within the proposed economic development district.

Merely writing language into the report is not satisfactory. The effectiveness of this approach has been questioned by the Advisory Commission on Intergovernmental Relations, and by other groups. They feel strongly that the bill should be amended to give units of general local government a preference as recipients of financial 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 an opportunity to play 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 an opportunity to comment and make recommendations on any proposed economic development program submitted by an economic and planning development group where such unit of government was not represented thereon.

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 full opportunity to express their views 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 preference as to 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.

PRINTING OF REPORT ON MODIFICATION OF JOHN REDMOND DAM AND RESERVOIR, GRAND (NEOSHO) RIVER, KANS. (S. DOC. NO. 27)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a modification of the John Redmond Dam and Reservoir, Grand—Neosho—River, Kans., authorized by the Fish and Wildlife Coordination Act approved 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.

PRINTING OF REPORT ON MODIFICATION OF JOHN DAY LOCK AND DAM, COLUMBIA RIVER, WASH. AND OREG. (S. DOC. NO. 28)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report dated August 28, 1963, 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 approved 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.

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 Secretary of the Army, transmitting a favorable report dated April 13, 1965, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on Lafayette and Big Pine Reservoirs, Wabash River Basin, Ind., in partial response to resolutions of the Committee on Public Works of the U.S. Senate, adopted May 9, 1949, and May 6, 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 FANNIN, BENNETT, JORDAN of Idaho, YOUNG of North Dakota, ALLOTT, THURMOND, SCOTT, and DIRKSEN, 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 certain actions 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 him named 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, BURDICK, CASE, DOUGLAS, FONG, MCCARTHY, 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 opportunity for all Senators to join as cosponsors 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, JAVITS, KENNEDY of Massachusetts, KENNEDY of New York, MILLER, MONDALE, MONTOYA, MOSS, NEUBERGER, RANDOLPH, TYDINGS, WILLIAMS of New Jersey, and YARBOROUGH.

Mr. AIKEN. Mr. President, at its next printing, I ask unanimous consent that the names of Mr. MCGEE, Mr. DOUGLAS, Mr. WILLIAMS of Delaware, Mr. DOMINICK, Mrs. NEUBERGER, Mr. RANDOLPH, Mr. JORDAN of Idaho, Mr. HRUSKA, Mr. MOSS, Mr. BENNETT, Mr. FULBRIGHT, Mr. FANNIN, Mr. BARTLETT, Mr. WILLIAMS of New Jersey, and Mr. RIBICOFF be added as additional 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

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. 1792) to provide 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 prevention and control of crime, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF FLOYD R. GIBSON TO BE U.S. CIRCUIT JUDGE, EIGHTH CIRCUIT

Mr. LONG of Missouri. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearing has been scheduled for Thursday, June 3, 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 OF DONALD FRANK TURNER 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 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. DODD], the Senator from Missouri [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from North Carolina [Mr. ERVIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Mr. DIRKSEN], 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 HEARINGS ON NOMINATIONS OF FRED J. NICHOL TO BE U.S. DISTRICT JUDGE FOR SOUTH DAKOTA, AND IRVING HILL TO BE U.S. DISTRICT JUDGE, 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, Southern District of California, vice William C. Mathes, retiring.

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. 800) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels; and research, development, test, and evaluation, for the Armed Forces; and for other purposes.

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, in which it requested the concurrence of the Senate.

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. 1453. An act for the relief of the Jefferson Construction Co.;

H.R. 1870. An act for the relief of Edward G. Morhauser;

H.R. 2139. An act for the relief of Mrs. Mauricia Reyes;

H.R. 2354. An act for the relief of William L. Chatelain, U.S. Navy, retired;

H.R. 3995. 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 previously 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. 8122. 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.

ADDRESSES, 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:

Patriotic poem by William E. Archey, of Sherrard, W. Va.

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 bloody 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 new blood was needed to rebuild the war 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 encouraged by a totalitarian government 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 Nations has repeatedly adopted resolutions condemning the brutalities perpetrated there upon a freedom-loving people. Yet the decimation of the Hungarian populace continues. Americans of Hungarian descent, many of whom fought in the revolution of 1956 to regain their stolen freedom, urge their adopted nation to call upon the imposed government of their homeland to repeal the edict which is slowly destroying the population of Hungary and nibbling away at the proud cultural heritage which has been theirs for centuries.

Mr. SIMPSON. Mr. President, I am pleased that Senators have chosen to make comments today regarding the continuing effort of Hungarians and other Eastern Europeans to realize a measure of individual freedom and independence. It is particularly fitting that these remarks come as the Senate nears the end of debate on a historic voting rights bill.

We have debated for more than a month the right of minorities in the United States to enjoy an electoral voice in our governmental process. Our concern is perhaps justified, but what about the right of Eastern Europeans for representation through the vote?

Even as the Senate has debated the voting rights bill, there has been a barrage of speeches from protagonists and antagonists of the administration's Vietnam and Dominican policy. I am pleased that the bulk of the comment has been in support of the administration's action on both fronts. And yet, again the paradox emerges. What about Eastern Europe? Why are voices stilled on the right of these peoples to fight for their independence?

The administration, despite its firmness and determination in support of the American commitment against Communists in Santo Domingo and southeast Asia, is making utterances on the subject of "building bridges" to Communist-controlled Eastern Europe.

Mr. President, as these paradoxes unfold, I think it well to comment on the captive nations in the light of American conduct elsewhere in the world and in the Congress.

The Senate concerns itself properly with voting rights and civil rights, but what about these issues in Eastern Europe? The World Federation of Hungarian Freedom Fighters, headquartered in New Jersey, points out that even as the Congress debates the human rights of Americans, there is a "minority" of something like 98 percent of the Hungarian people who do not have the basic human rights of self-government, freedom of travel, freedom of speech, equal justice under law, freedom of religion, freedom to grow in a competitive economy, and freedom from the control of foreign troops.

In Hungary today the people are governed by a Communist hierarchy comprised of about 2 percent of the population. The Communist Party, as the government, controls the people. There has been no shred of evidence since the end of hostilities in 1945 to indicate that the captive peoples of Europe, or Cuba for that matter, would willingly embrace the political or economic philosophies of communism. But the fact remains that in Hungary and other captive countries, the people have no choice. The will of the 2 percent—the Communists who rule and control—is enforced in Hungary by a Soviet Army of some 80,000 troops. Thus is compliance with the "law" assured in Hungary.

The civil right of freedom of religion is virtually unknown in Hungary. There is a partial agreement between the Vatican and the Hungarian Government which was designed to be a compromise to preserve some religious life in the nation. On December 9, however, Father Laszlo Emody, Roman Catholic priest, was sentenced to 5 years in jail because he committed the grave sin of providing children with religious education. This, the Communist government decreed, was contrary to the law.

And what about the civil right of freedom of speech? The Hungarian Freedom Fighters tell us that the slightest non-Communist criticism of political personalities or of the programs of the Communist Party is punishable by long prison terms.

And what about the civil right of social, religious, or political gatherings? Again, we look to the words of the Hungarian Freedom Fighters who tell us that the freedom of assembly does not exist. They point out that the Hungarian Boy Scout Federation was disbanded in 1948. Protestant and Catholic social organizations, Freemason lodges, and private associations are still victims of the Communist regime and are still forbidden.

And the civil right to compete in a relatively unrestricted economy? Again, the freedom fighters:

> All sectors of the Hungarian economy have been forceably nationalized.

We learn also that at present 92 percent of the arable land is managed either under the cooperative system or as part of large national farms.

The world is today witnessing a massive commitment by the United States to maintain the integrity of the non-Communist world, but what about the world of Eastern Europe that has no wish to be Communist?

It seems to me an untenable paradox that the President, who importunes the Congress to appropriate $700 million to prosecute an undeclared, but necessary, war in southeast Asia, could at the same time draft plans for the "building of bridges" to nations which are governed by the Communist apparatus against which we are already fighting.

Mr. President, one of the most cleverly peddled pieces of propaganda associated with the long history of the cold war is that by pouring the materialistic products of our private enterprise economy into Communist nations we can somehow increase the political power of the populations. Those who sell this thesis in the market of public opinion are laboring under a very false major premise: That in Communist nations, the people govern.

In the United States, popular dissatisfaction with an administration or with a Member of Congress leads to the ouster

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 not 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. The credentials for political perpetuity in Eastern Europe and other Communist satellites are not political, but military.

In Hungary the 2 percent of the population which is Communist makes the decisions, produces the leaders, genuflects to the Soviet heirarchy and governs in concert with the Red Army. By sending items 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 dictatorship which governs them. 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 the people we seek to help.

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 benefit the people of Hungary. It should not in any way assist the Communist government in consolidating its power.

The only way the United States can bring about some easing of the burden of the captive peoples of Eastern Europe by the building of bridges is 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 monolithic aspect of communism. A distinguished student of international affairs and Sino-Soviet studies, Kurt 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 we cannot, without great risk to ourselves and the free world, assume the Communist problem has left us. Gradually, a new type of communism, under whatever name, may develop with the support of both the U.S.S.R. and Red China—either in combination or as schismatic camps. So long as the Soviet Union's great power continues to support Marxism-Leninism, be it orthodox or reformed, and so long as Red China remains in the throes of revolutionary ardor, we cannot anticipate an end to the struggle for the world.
>
> I do not mean to imply that disintegration and erosion are impossible, but they seem to me unlikely in the near future. We must never forget that the history of international communism has demonstrated an astounding resilience, that the movement has rolled with the punches, and that its many oscillations have not had a truly destructive effect upon it. Communist history was, is, and will be full of surprises, and the greatest mistake we could commit is to look upon a crisis of the Socialist camp, such as the Sino-Soviet conflict, as something final and irrevocable. Nothing 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 states will be revolt. The world had a graphic picture of the futility of that course in October of 1956. Then the Hungarian people revolted, fully expecting assistance from the West, but while they fought and died, the U.N. and the West talked and vacillated. We were still talking when Russian tanks crushed the revolt, ending the first and only instance of freedom of expression the Hungarian people have had since the end of World War II.

Mr. President, the people of Eastern Europe have peace today, if peace is defined as absence from war. They have the type of peace granted the inmates of a penitentiary, but they do not have freedom of choice, freedom of action, freedom of religion, freedom to assemble, or freedom of speech.

I believe that as we approach the 9th anniversary of the gallant effort of Hungary to uproot communism, we should rededicate ourselves to securing for the Hungarians and other Eastern Europeans and to Cuba at least a measure of 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 won independence. But 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 9 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. But by 1963, the rate had declined to 2.1 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 America and Hungary; but it would be worse than disturbing to see any normalization that would serve only the one-sided purposes of Hungary's present dictatorial, 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 I do not propose 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 communistic, 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 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 communistic regime brings long prison terms.

No social, religious, or political gathering 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.

Those 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 and the principles of 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 Nation's 3,000 local soil and water conservation districts and their national association. During the period of May 23 to 30, observances are being held in literally 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

deliberations to observe Soil Stewardship Week and pay tribute to its sponsors. This includes the 45 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 our home 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. He states:

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 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 stewardship.

For the people of God, stewardship of natural resources is based upon the word of God. The Bible plainly 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 understanding, desire for profits at the risk of destruction, and distorted values that overlook the worth of the individual, we do not have to face these challenges alone. God will help His people.

It is altogether fitting that we should set aside a week when we express unto God our gratitude for His blessings upon our land and our willingness to be faithful to our stewardship. Soil Stewardship Week provides this occasion. The National Association of Soil and Water Conservation Districts renders a great service to many churches with materials for Soil Stewardship Week.

It is a genuine pleasure to serve a group that proclaims over and over again, "The earth is the Lord's."

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 build our Nation to a position 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 and millions of Americans join me in saying we are glad to have Senator RUSSELL back and 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 1 of the 19 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 Nebraska voters.

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.

The Lincoln Journal wrote:

In Nebraska, the compulsion for defeat of this measure is particularly intense.

The Scottsbluff Star-Herald declared:

If the President's action for repeal is successful, then the labor coat in Nebraska might well be sackcloth and ashes, in mourning for a freedom sacrificed to presidential ambition and lust for power.

The Omaha Ledger wrote:

It will be a sad day if pressures brought to bear by labor union bosses can take away this right.

Similar expressions have appeared in several other outstanding newspapers. This editorial survey clearly reflects the overwhelming sentiment in Nebraska. It also reflects the convictions of this Senator.

I ask unanimous consent, Mr. President, to have printed in the RECORD, some of the editorial comment on this important subject.

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

[From the Norfolk Daily News, Apr. 17, 1965]

RIGHT-TO-WORK FIGHT AHEAD

The news from Washington is that President Johnson is awaiting a lull in the press for enactment of his main legislative program to put the stress on the repeal of section 14b of the Taft-Hartley law. This is the provision which permits States to give the right to work to workers whether or not they belong to a labor union. Labor leaders on the national scene are said to be making every effort to have this right taken away from the States.

The reason that the union leaders are so urgent in their demands for repeal is not that it has any particular effect on the relations between employer and employee. Such relationships go on about the same whether or not there is a 14b in Federal law.

The right-to-work law affects rather the relationship of the individual to his union. It gives him greater freedom to express and fight for his own views of union policy. In a union strongly dominated by its leadership, individuals are discouraged from fighting for their own views which may be contrary to the program of the leadership, by the fact that if they become offensive to the officials or majority of the union, they may be suspended from union membership and thus lose their right to hold their jobs.

Under Nebraska's law, which the leadership hopes to nullify, these members, though dismissed from the union, could still hold their jobs. To meet the charge that the right-to-work law enables employees to enjoy the advantages of union activities without sharing the cost, labor contracts in right-to-work States usually contain a provision that nonunion members must pay the equivalent of union dues into the union treasury.

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 State Journal, 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 topheavy Democratic Congress goes along with the President, unions throughout the Nation will be able to negotiate closed shop or union shop contracts requiring 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 30 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 Act—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 tragically, 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 its financial support even if he did not care to belong to it and even if he were diametrically opposed to its policies and to the way its finances were spent.

On the basis of this invasion of human rights alone President Johnson's proposal to scuttle the right-to-work principle should be defeated.

In Nebraska the compulsion for defeat of this measure is particularly intense. The State's right-to-work provision, guaranteeing a degree of freedom to workers and employers that is denied in many States, has been a prime inducement to industries seeking new locations.

Repeal of section 14(b) will not automatically require Nebraska workers to belong to a union. Contracts requiring union membership would have to be negotiated with employers before the action would be effective. But this in itself could create intense 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.) Star-Herald, May 20, 1965]

LABOR LEADERS TO GET PAYOFF

President Lyndon B. Johnson is a man of many coats, but when he dons the garment of union labor he indicates a preference in quality and coloration that's been amazingly consistent over the past few years.

There are those, and we are numbered among them, who fail either to understand or to appreciate the basis for his choice.

Our inclination to criticize the presidential taste is rooted no doubt in the fact that, as Nebraskans, we have already chosen a labor coat of different cut and style and aren't likely to take kindly to an attempt from Washington to dictate a fashion rejected in this State many years ago.

The Nebraska labor coat carries the label "right-to-work," by virtue of constitutional law approved by Nebraskans under permission expressly granted by section 14(b) of the Taft-Hartley Act.

The President says this is a bad situation, that the laboring man should be compelled to join a union as a condition of employment, and that the offensive section 14(b) should be repealed by the Congress. If the President has his way, the right-to-work principle adopted in Nebraska and in 18 other States, including neighboring Wyoming, will be destroyed.

Why Mr. Johnson should be permitted to operate as a labor fashion designer may never be known, but the reason for his move in this direction, started officially Tuesday, is as plain as the nose on your face.

Mr. Johnson is preparing to pay the union labor leaders for the votes they delivered to him last November 1964, in the general election.

One of the things the labor leaders demanded and got, as a price for their support, was a promise to initiate legislation to deprive the States of the right to ban compulsory union membership.

If the action is successful, and we'd guess it will be, considering the President's record of success and the makeup of the Congress, the laboring man in the United States will be consigned into the hands of the union labor leaders whether he likes it or not.

His right to make a free choice will be obliterated, while people in high places, with the approval of the President, will prepare to divide up the areas and the crafts and the workers who represent the raw material in the labor mill, into regions of influence and power. Ours will become a labor government, as a consequence, and free enterprise may exist in name only.

Then, the labor coat in Nebraska might well be sackcloth and ashes, in mourning for a freedom sacrificed to presidential ambition and lust for power.

[From the Omaha (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 of our 50 States. At 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 any State or territory 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 acclaimed by law in France as early as 1791, and virtually every country in Europe actually used the term as a legal phrase in subsequent years.

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 *Truax* v. *Raich:* "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 fishermen of Japanese ancestry their right to work at their occupation of fishing in coastal waters.

In modern times, 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 freeman's right to work.

It will be a sad day if pressures brought to bear by labor union bosses can take away this right. Clearly the Congress needs 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 congressional battles this session, the fight over repeal of section 14(b) of the Taft-Hartley Act is likely to be detemined in the House of Representatives.

There organized labor has what Columnist Victor Riesel describes as a "razor thin" margin which might be overcome by a determined fight on the part of defenders 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 "persuasion" if President Johnson is genuinely determined to redeem his campaign promise to organized labor.

The guessing is almost unanimous that Mr. Johnson will indeed fight to a finish, that he could not do otherwise in view of the explicit nature of his promise, 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 one instance in which the President's strenuous efforts for "consensus" will not work. Either right-to-work statutes will continue in the 19 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 go with it.

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 flaming 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 some serious attention now that Congress has received President Johnson's message on the subject.

Secretary of Labor Wirtz told a recent convention of the International Ladies Garment Workers Union that it is part of his job to press for repeal of what is sometimes called the 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 organization hopes to get repeal of section 14(b) this year.

Big labor had inveighed against 14(b) since the labor law's enactment in 1947 but in recent years it realistically hadn't done very much about it. Now 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 passage.

The Democratic Party platform last year called for outright repeal of 14(b). President Johnson in his state of the Union message stated flatly: "As pledged in our 1960 and 1964 platforms, I will propose to Congress changes in the Taft-Hartley including section 14(b)." What remained was the matter of priority.

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 evident that the administration itself wasn't going to be hurried, that "first things," in the White House view had to do more directly with the Great Society.

Now with the education bill signed into law, with medicare sliding down a clear track, with voting reforms assured (in large outline), with a water pollution bill approved, the administration is ready to give labor the opportunity to collect its bill for support of the Johnson-Humphrey ticket and 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 inoperable where they now exist. Nineteen States today have right-to-work laws.

One of these 19 is Nebraska and this newspaper trusts that this State's Washington delegation will fight to keep the right-to-work law on our statute books. The Nebraska law does not prevent a worker joining a union; 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. But the L.B.J. men look silly now attempting to take civil rights away from working people who don't happen to want to belong to a union.—G. K.

[From the Nebraska City (Nebr.) News-Press, May 7, 1965]

LET'S KEEP IT

News stories keep saying that Congress is expecting to take up changes in the Taft-Hartley law any day now, with repeal of the right-to-work section the No. 1 object of organized labor.

This, by the way, is when we discover if big union labor really owns the White House. Big labor is boasting that it elected Mr. Johnson and it will see that he puts the heat on Congress to knock out the famous section 14(b) of the Taft-Hartley law.

Big labor may have had a big part in the election of President Johnson, but so did a lot of other folks, including a majority of Nebraskans and Iowans. So, Mr. Johnson is the President of all the people.

The issue in the Taft-Hartley repealer is compulsory unionism, a state of being that is as un-American as the election laws in Soviet Russia or Red China. The American way is precisely the opposite—freedom of choice on the part of the working man to join a union or not. He need do neither in Nebraska in order to hold his job.

Nebraskans voted the right-to-work guarantee provided in the Taft-Hartley law into their constitution. The majority was a comfortable one, and we have lived with the law for a good many years. We have labor unions in Nebraska and we have nonunion working men and women.

Nebraskans are going to have their eyes on their Senators and Representatives in Congress when and if this Taft-Hartley repeal comes up for a vote. We are 100 percent sure that three of our five men will vote the way Nebraskans voted. The other two may need some encouragement from home.

SENATE 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 following its approval last week 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 often called upon to give its advice and consent to the appointments of district court judges, members of small agencies and commissions, postmasters and second lieutenants. Yet, the Congress has no voice 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 time Mr. Hoover has filled 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 greatest care and consideration be given the selection 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. The public airing of 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, preventing 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 is 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 some even call him "the best Hungarian leader in 500 years."

I do not know where Mr. Binder gets his facts or his quotations. For my own part, I find it difficult to believe that the Hungarian people have so soon forgotten their heroic 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. These people, who represent the ideals of the 1956 revolution, told me that it is untrue that there has been any basic change in Hungary or in the attitude of the Hungarian people toward the Kadar dictatorship.

They say that the only change is that the regime is now employing more subtle, more refined techniques of tyranny.

The federation has proof 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 only last December a new labor law was promulgated in Hungary, further abridging the already seriously abridged rights of labor, and that priests are still being imprisoned for teaching religion to the children.

But I think the most telling answer of all to those who now talk about Hungary as though it were some kind of Communist paradise is the fact that surgical abortions in Hungary now outnumber live births 2 to 1, and that the reproduction rate of 2.1 is lower than the death rate. This is how the Hungarian people manifest their enthusiasm in the regime and their hopes for the future.

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 this will inevitably encourage the Soviet tyrants to believe that they can get away with murder and genocide in any country, that the free world, although it may wax indignant at the moment, will, with the passage of a few years, forget its indignation and come to accept solutions imposed by Soviet bayonets as the status quo.

I still believe that the peoples of the captive nations of Europe have not made peace with the tyrannies that oppress them, that they remain dedicated allies of the free world, and that their sullen hostility to their regimes and the memory of the Hungarian revolution constitute the chief deterrents to Soviet aggression in Europe.

It is in our interest to encourage the desire for freedom, the will to resist, and

hope in a brighter future. But I am afraid we do not do so when we describe the tyrants as heroes, when we so easily forget their crimes, or when we further relax our trade barriers and give these countries favored-nation treatment.

Mr. President, I earnestly hope that the administration will review its policy in Eastern Europe, keeping these things in mind.

THE WHITE HOUSE CONFERENCE ON NATURAL BEAUTY ENDORSEMENT OF THE PRINCIPLE OF THE DOUGLAS AUTO BURIAL AND BEAUTIFICATION FUND

Mr. DOUGLAS. Mr. President, I endorse the recommendations issued yesterday by a special panel of the White House Conference on Natural Beauty, dealing with the problem of automobile junkyards. The panel recommended:

> A portion of the revenue resulting from the proposed removal of the excise tax should be preserved, or a new tax should be imposed on the industry, to alleviate some of the public problems which are caused by the use of autos.

This is exactly the proposal I made on Monday, when I introduced Senate bill 2019, which would divert 2 percent of the excise tax on new car purchases into a special automobile burial and beautification fund, which would be used to help get rid of auto junk piles.

I am glad to see this principle endorsed by the White House Conference panel.

I am also pleased that the President is proposing action to end the unsightly auto junkyards along the interstate and primary highway system. Although this is a limited action, it is a step in the right direction.

I believe, however, that a much broader program is required if we are to rid the Nation of the rusting scrap heaps that are a disgrace to America. My bill would use revenues from the present excise tax on autos to solve the junk auto problem once and for all. In effect, the tax will represent a user charge on those who buy and use autos. In this way, every new car will carry with it the funds for its ultimate burial.

Once again, I urge Congress to act on my proposal before the excise tax on autos disappears forever. Otherwise, it will be extremely difficult, if not impossible, to raise the revenue needed in order to deal with the junk auto problem.

I ask unanimous consent to have printed in the RECORD an editorial on this subject from the Washington Daily News.

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

BURIAL INSURANCE

That's what a proposal by Senator PAUL DOUGLAS, Democrat, of Illinois, would amount to. It would pay for the interment of the rusty auto corpses that disfigure the beauty of our national landscape.

The Senator proposes a 2-percent excise tax on all new car purchases, so that "whenever a person buys a car, the cost of its ultimate disposal will be included in the purchase price."

The tax would average $50 per car and produce $400 million a year. This would be set aside in a special fund to rid the Nation of ever-growing auto junkpiles.

The Senator's idea is timely for two reasons:

The auto-junkpile problem is so acute that it figured prominently in this week's White House Conference on Natural Beauty.

Congress now is 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 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 prideful 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 at this point 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, and sets forth in a most succinct way the tremendous gains being made.

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 of 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 ARE CHANGING

Many youngsters in the South used to go North in search of a good college education. Now they can go to school near home.

Reason: Southern colleges and universities are improving.

It's part of the change that is sweeping the South.

Now you can add colleges to the list of things that are growing and improving in the changing South.

An areawide campaign to step up the quality of education in southern universities and colleges is beginning to show results.

Standards are being raised. Faculties are being enlarged and salaries increased. Spending for higher education is going up year after year.

This change, spurred in part by the growing industrialization and rising prosperity of the South, has significance for the entire Nation.

It comes at a time when colleges all over the country are becoming overcrowded, and growing numbers of high school graduates are looking for places to get a higher education.

GO NORTH NO MORE

Fading, as southern colleges improve, is the notion long held by some southern families that to get the best in education their youngsters must go North to college. Northern youngsters now are being attracted to southern schools in increasing numbers. More and more universities in the South are acquiring prestige to rival that of previously better known institutions in other parts of the country.

All this, and more, shows up in surveys of educational trends in the South.

Winfred L. Godwin, director of the Southern Regional Education Board (SREB), reports that progress in the South is showing up at every level, from grade school through postgraduate study.

"The South is joining the national drive for better education," he says.

"We're getting aggressive political leadership under pressure from all our people—businessmen, bankers, farmers and everyday folks—to give our youngsters a chance at a really first-class education here in their home region.

"It's a terrific strain, economically, but we are clear about the need, and we are moving."

The area supporting the Southern Regional Education Board includes the 11 States of the Civil War Confederacy, plus the border States of Maryland, West Virginia, Kentucky, and Oklahoma.

In that 15-State area, in 1964, all State appropriations for colleges and universities totaled more than $600 million for the next 2 years.

That was an increase of 29 percent over 1962—and 1962 appropriations had been almost double those of 1960.

A BILLION A YEAR

Add Federal aid, and you find that total spending for higher education in the entire area has run well above a billion dollars every year since 1960.

You see the results on almost every campus. New laboratories in modern designs of concrete and glass are rising among old buildings of traditional brick and limestone. Everywhere are throngs of students.

Undergraduate enrollment in the area has more than doubled in 10 years—up to 1.2 million by 1963, and still rising.

New 2-year "community colleges" and vocational schools 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.

Florida pioneered 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—although that's important. 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, 15 out of 1,000 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 doctorates.

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 1963, he finds, 28 different universities awarded more than 75 Ph. D. degrees each. Universities in Texas alone granted more than 400 in that period.

This means, according to Dr. Miller, that "the traditional southern dependence upon eastern and midwestern graduate schools for new faculty" is being reduced and the steady migration northward of our best faculty people is being cut down."

Even greater effort to boost graduate schools is necessary, in the opinion of some southern educators.

Dr. Lloyd Berkner, director of the newly established Graduate Research Center of the Southwest, in Dallas, says: "The coming of science-based industry and the massive flow of people from the farm to the city in 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."

ROLE OF RESEARCH

In part, the crisis is laid to the recent location in the South and Border States of huge new Federal research centers. Young scientists at these centers demand the chance to continue their education.

The University of Alabama, as one example, has opened at Huntsville a full-scale branch—offering undergraduate and graduate courses—for people working at 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, 32 percent by the National Aeronautics and Space Agency, 38 percent by contractors in the missile and space industry—and only 14 percent paid their own way.

The University of Tennessee has announced that it is opening a branch at Tullahoma that will accommodate young scientists working for the U.S. Air Force at the Arnold Engineering Development Center.

The University of Florida, at Gainesville, now is offering courses leading to graduate degrees in engineering by closed-circuit television to other parts of the State. More than 300 engineers employed by Government agencies and space industries around Cape Kennedy are studying under this system.

At Newport News, Va., NASA is cooperating with three universities in the State—the University of Virginia, the College of William and Mary, and Virginia Polytechnic Institute—to establish the Virginia Associated Research Center. Students working on research projects for NASA at the Center will be given academic credit toward advanced degrees.

STRONG MEDICINE

The Department of Health, Education, and Welfare is also helping to spur higher education in southern and border States.

In the past 10 years, HEW grants have gone to build, or modernize, medical schools and hospitals throughout the region. And an increasing proportion of research grants from the National Institutes of Health has been going in recent years to southern universities and medical schools.

NIH announced in February of this year that it was setting up a vast new Environmental Health Center in the research triangle area of North Carolina. The triangle is land set aside for research and research-oriented industry. It is located about midway among the University of North Carolina at Chapel Hill, Duke University at Durham and North Carolina State University at Raleigh. All three institutions cooperate in a research institute in the triangle.

The Texas Medical Center, in Houston, is recognized as one of the finest in the United States. It has reached this status in large measure through its association with Baylor University's school of medicine, medical scientists say. NIH grants have helped Baylor a lot in recent years.

Ten years ago Baylor received only $200,000 in NIH grants. In 1964 it received more than $9 million.

FUNDS FROM INDUSTRY

Along with the increase in Federal grants and State appropriations, southern universities are beginning to attract more funds from industries in the area for research institutes.

These institutes are usually joint enterprises involving more than one university or college, such as the Research Triangle Institute in North Carolina.

Almost every southern and border State has 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, Louisiana State University, and seven Texas universities announced that they were joining with the Southwest Research Institute to form a new combined research organization, Gulf Universities Research Corporation. Estimated cost of the first 5 years: $25 million.

One big advantage of these research institutes, according to George R. Herbert, director of the Triangle Institute, is that they are serving local business and industry directly. 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.

Triangle Institute's Mr. Herbert believes the gap to be closing, however. It works this way, he suggests:

"As educational opportunities increase, more bright young people will be attracted to college. Many of them will become teachers. With these bright young teachers on hand, research-minded industry will increase its interest in the South. That will increase job opportunities. And as more people have better jobs, they will insist on better schools for their children. And so the whole educational establishment will be upgraded."

Many observers say that is what is happening in the South now.

As one college administrator in the South put it:

"We are abandoning the traditional double standard by which southern institutions are compared only with others in the South. Now they stand comparison with those anywhere in the Nation."

PROTECTING THE PUBLIC INTEREST IN PUBLICLY FINANCED RESEARCH

Mr. YARBOROUGH. Mr. President, the following very 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, there is seldom if ever any question about its right to the patents that may emerge. The same principle 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 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 in the areas which are the proper province of the entrepreneur. But in areas where public funds are involved, where the taxpayers' dollars have laid the groundwork or have paid the whole bill, private interests should not reap a windfall profit at the expense of the public purse.

Yet we saw the communications satellite giveaway, by which technological knowledge developed through the expenditure of public funds was turned over to a monopoly which is to be the sole body to be allowed to make use of this knowledge 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, by a public subsidy to private interests, in the form of Government-financed research to which private companies will acquire monopoly patent rights. They raise no end of phantom arguments in an attempt to mask their real interest. 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.

It is true that there are areas of knowledge which are so unexplored that private companies might be unwilling to undertake research, because the cost would be too great in relation to the probability of profits. In such instances it is proper for public funds to be expended—but for the public good, not for the sake of private gain. One possibility here is to give the private company an exclusive right, for a limited period of time, if the company has made a substantial financial contribution to the research and development, and if the exclusive right will promote the utilization of the development and will also promote the public welfare. This approach has been utilized by the distinguished Senator from Louisiana [Mr. LONG] in an amendment which he has offered to House bill 2984, the Health Research Facilities Amendments of 1965.

In this struggle between the public interest and those who seek a public subsidy to enrich private coffers, the stakes are immense. The Federal Government every year becomes more involved in the financing of scientific research. This being the case, it is the responsibility of Congress to protect the public purse,

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:

[From the Washington (D.C.) Post, May 26, 1965]

HASSLE OVER PATENTS

The long smoldering dispute over the patenting of discoveries made in the course of federally financed research and development work has flared up again. Senator LEE 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 the patent rights to ideas developed with Federal funds should be awarded to the contracting business firm or nonprofit institution.

"Lobbying" is a pejorative, often imprecise term, 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 articulate a clear policy in this troublesome area.

Some Federal agencies, notably the Atomic Energy Commission, follow a clear and consistent rule. Except in cases where the research contractor already holds patents in closely related areas, all patents issuing from Federal contracts automatically revert to the Government. But other agencies are permitted by law to waive the patent claims of the Government.

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 important bills which uphold that principle. The patent law bar, industry groups and many universities are ranged on the other side. They contend that the prospect of owning patent rights provides an important incentive to solve problems quickly. And they raise the question of whether the Government has the right to patents where the contracting researcher draws upon a previously acquired expertise.

In October 1963, 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 contracts and pays for research and development work, there is seldom if ever any question about its right to the patents that may emerge. The same principle 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 then turn over to the adequately compensated contractors exclusive patent rights.

To be sure, the rights 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 in turn 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 actions of our President in defense of freedom and in opposition to Communist tyranny and aggression are fully supported.

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 communistic infiltrated 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, Department of Texas, fully 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 national convention.

Eighteenth district resolution committee,
EARL BASKETT, *Chairman.*

Members:
JAMES D. O'DANIEL.
W. L. THOMAS.

Date May 2, 1965, action approved.
By vote of the 18th district convention.

———— ————,
Adjutant, the American Legion, Department of Texas.

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 Voice 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:

SENATE CONCURRENT RESOLUTION NO. 6 BY JUDICIARY AND RULES COMMITTEE

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 Jews are referred to as constituting the major faiths of the State; and

Whereas the Eastern Orthodox Church, by reason of its long and illustrious history, 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; be it further

Resolved, That the secretary of state is hereby directed to transmit suitable copies of this resolution to the Most Reverend Archbishop Iakovos, Archbishop of the Greek Orthodox Church of North and South America, Primate of the Greek Orthodox Archdiocese, to the Reverend Father Constantine S. Palassis, of Idaho and eastern Oregon, and to all news media of the State of Idaho.

———

THE VOICE OF GREEK ORTHODOXY IN AMERICA,
Washington, D.C.

Re the four major religious faiths: Protestant, Catholic, Orthodox, and Jewish.

To the MEMBERS OF CONGRESS,
Washington, D.C.

DEAR SENATOR JORDAN: 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 major faiths—Protestant, Catholic, Jewish—we of the Voice of Greek Orthodoxy in America give you this background information.

1. The Greek Orthodox Archdiocese reveals that there are approximately 7 million Eastern Orthodox in America. Statistics show that there are 60 million Protestants, 40 million Roman Catholics, and 5¼ million Jews in America. Thus by statistics alone Orthodoxy is one of the four major faiths.

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 Armed Forces in 1955 changed their regulations to permit Eastern Orthodox identification in the servicemen's records and their identification (dog) tags. Prior to that time there were only three designations—Protestant, Catholic, Jew.

4. Eastern Orthodox chaplains were permitted for the first time in 1951 although the Eastern Orthodox strived all through World War II for that cherished 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. History reveals that 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 refer to 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 REVITHES,
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., Crops 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 unwise 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 letter was ordered to be printed in the RECORD, as follows:

SAN ANGELO, TEX.,
May 15, 1965.

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 the producers in this 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 Schriever, Jr., Eola, Tex.; Frank Culley, Route 3, Box 131, San Angelo, Tex.; J. H. Sims, Route 2, Miles, Tex.; H. E. Hurst, Route 3, Box 387, San Angelo, Tex.; L. J. Seidel, 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 wildlife benefits 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 an honor; not because of the size of the structure—for it indeed is small compared to Grand Coulee, Hoover, Glen Canyon, or even Oahe Dam—but because of what it represents to people like you and me who have learned the value of water conservation through personal experience here on the drouthy plains.

Most of you present today are products of the James River Valley; so am I. We have seen the "Big Jim" in all its moods, ranging 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 South Dakota or California—is in harmony with the Almighty's plan.

This dam was built at the request of Huron to supplement that city's water supply. And, by the way, we are exploring the possibilities of constructing another dam in the vicinity of Mitchell to meet that city's water needs.

We were happy to respond to the appeal by the mayor of Mitchell and his city council, and the urgent request for swift action by Senator GEORGE MCGOVERN. Though this request came to us only a couple of weeks ago, the Bureau of Reclamation already has a reconnaissance study underway, at my direction.

The James River Dam and Reservoir will not only double Huron's water supply, it will 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 a feature of the Oahe Unit—that half-million-acre irrigation project, which will mean so much to the economy and welfare of this State.

Five recreation areas will be developed under an agreement with the South Dakota Department of Game, Fish and Parks. Two will be here, one on each side of the dam, and the other three along the reservoir at several-mile intervals upstream. Shady picnic areas and boat ramps will provide facilities for lots of fun and relaxation.

Four more areas are being set aside for wildlife habitat along the reservoir. 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 this development will accrue not only to us and our children, but our children's children as well.

A community 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 an engineer, advising the city of Los Angeles when it 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 on our productive farmland. I'm talking about the proposed Oahe unit and what it can do to open the doors of economic opportunity in our State, 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 1956, a study was made on the North Platte project in western Nebraska and southeastern Wyoming, which is a 350,000-acre project, first irrigated in 1908. The lands extend over a distance of 110 miles, from Guernsey, Wyo., to Bridgeport, Nebr.—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 little irrigation. I don't need 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, population of the irrigated area increased 18 percent. In the adjacent dryland areas it decreased 12 percent. Similar contrasts can be drawn on project after project throughout the West. It is the story of reclamation.

Past experience with 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 they would be raised in different proportions.

Likewise, we would raise the same types of livestock we have now. But, instead of shipping them out of the State to be fattened, we would fatten them on our own farms here in South Dakota, and the livestock products would be processed right here in our own State.

What does the Oahe unit mean to South Dakota? Let me give you a capsule idea:

The gross value of crops sold after irrigation development would triple, from $8 million to $24 million.

Estimated annual value 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 $108 million compared to about $32 million, without irrigation—an increase of $76 million, or four times. Cash farm outlay would increase by some $42 million, representing purchases of supplies and equipment, wages for labor, and other items which keep the wheels of commerce 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 management, ranging from 40 to 100 percent per farm.

This is why your Oahe Conservancy Subdistrict board and manager, and others like them, are working so hard to make the Oahe unit a reality. And, when you consider the many related benefits, such as municipal water supplies, recreation, fish and wildlife, flood control, and pollution control, the picture looms bigger still.

Construction of the Oahe unit can bring a new era of prosperity to South Dakota. Irrigation is only part of it. Stabilized output of agricultural products and the confidence that comes from knowing that year after year there will be a steady flow of products, will attract processing industries. There will be more retail business and commercial activity, more construction of highways, store buildings, plants, warehouses, schools, and churches. All these, in turn, will make jobs for more people. More people, more activity, more property, make for a broader tax base. All these things are the result of developing natural resources.

Water resource development is long-range work in which a great deal of planning and study are involved. The Oahe unit fits this category. It takes considerable time to study, plan, and build large projects. In the case of Oahe, much of the study effort is completed. The Bureau of Reclamation will have its revised report on my desk this summer. There are many steps a project must go through before congressional authorization. I will not go into all these details.

However, I do want to say that reclamation law requires repayment of certain reimbursable costs of reclamation projects. Contracts between local groups that will operate and use the project, and the United States, must be successfully negotiated and executed. These contracts must be ratified by a vote of the residents within the districts, which are parties to the contracts.

Through the work of the Oahe Conservancy Subdistrict you have come a long way. Work is going forward on not only the master contract covering the entire Oahe unit, but on the so-called participating contracts as well between the subdistrict and the two newly formed irrigation districts on the lake plain.

Formation of the two new irrigation districts was a great stride forward last winter. To take the next step, however, and all those that must follow, will require the continued interest and support of potential irrigators in the irrigation districts. More than this, it will require the steady support of all the people of this area.

This dam and reservoir mark the beginning of a new era in the James River Valley and in South Dakota. In the future there will be huge conveyance works consisting of large canals, reservoirs, and pumping plants bringing enormous quantities of water from the Missouri River to the area to enrich the lives of thousands of farm families and town folks as well.

We all look forward to that time. And today, as we dedicate this dam and reservoir to the prosperity, welfare and enjoyment of the people in this community, let us also dedicate ourselves to the great unfinished task of resource development and conservation 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 intelligence—for the bountiful benefits which flow from these wise investments in developing our resources will enrich the lives of Americans 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," which was 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 capture just about everything else. In a sensational 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 goodly number of businessmen to go along with his "new economics" 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 if not a formidable opposition to serve at least as auditor of the books and watchdog of the public business. And we are glad to discover that at least on one recent occasion Republicans lived up to their responsibility and opportunity. We refer specifically to the part which a small group of them played in that great congressional springtime festival—the hearings on the President's Economic Report and the annual report of his Council of Economic Advisers.

At the conclusion of these hearings the heavily weighted Democratic majority of the Joint Economic Committee filed a report that in effect bangs a rubberstamp on just about everything in the President's message. But six Republicans, including men of such diverse views as Senator JAVITS, of New York, and Representative TOM CURTIS, of Missouri, refused to be mesmerized. Their minority report is by no means a masterpiece of English prose: it is badly organized, hastily written, includes internal dissents, and in some instances is subject to varying interpretations. But, on net balance, it is a constructive and needed document. In this instance, at least, Republicans have used their critical faculties without turning reactionary. They got back into the dialog.

REWRITING HISTORY

Not the least important contribution of the minority report is its insistence on keeping the record straight and its refusal to allow the administration to rewrite history on its own terms. After over 4 years of enormous economic expansion, it is tempting for any government to claim that "we planned it that way," and advocates for the Johnson administration have not been above this temptation. Yet, as the minority report makes clear, the recovery of the economy from its 1960 levels to those of 1965 was brought about by many complex forces, including the resilience of American business itself, and things did not always go according to schedule. This is specifically true of the great tax-cutting experiment of 1964, which the President has claimed marks a turning point in domestic economic policy, as may well be the case. But no one is quite sure even today about the exact effects of tax cutting and more certainly the experiment worked in ways unforeseen by the Council of Economic Advisers, and by almost everybody else.

During the great tax debate, members of the council and Government spokesmen argued that the stimulating effect of the tax cut would be nullified if Federal expenditures were held down. However, Republicans conditioned their support of the experiment on trying to do just that, and in the end this position more or less prevailed. In the opinion of the minority report this was just as well, for "if the tax cut had been accompanied by large increases in Federal spending on the order of the previous 3 years, it is likely that the Nation would have experienced a serious inflationary overheating of the economy."

TOOLS AND WORKMEN

While events turned out fortunately in 1964, the future is not one great rosy glow. Despite some efforts at economy, the Republicans point out, the present boom since 1961 has been accompanied by continuous and big deficits in the Federal administrative budget. It has also been fed by a relatively easy money policy, with an expansion of bank credit by some 8 percent per year, and a rapid rise in total money supply including time deposits. All this could give rise to inflationary pressures now and a slowdown later when "the underlying expansionary forces in the economy are becoming less pronounced." This is the more likely because in early 1966 the administration's budgetary policy will turn more restrictive 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 have sufficient knowledge to manipulate the new tools they hold in their hands? There is, for instance, merit in the concept of the "full-employment budget," which tells us not what Federal expenditures and revenues actually 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 also filled with statistical pitfalls. A change of only 1 percent in the unemployment standard might mean a difference of $4 to $5 billion in the full-employment surplus and would upset all calculations.

A hardheaded and modern fiscal policy should take account of these difficulties. It should recognize that as the economy grows so will Federal receipts, and hence there will be room for prudent tax reductions, and further tax reform to encourage business and individual incentives. But tax cutting should be linked with economy within the Federal Establishment, and the fiscal stimulus cannot be turned on and off like a water tap. As Walter D. Fackler, of the University of Chicago has pointed out, there will always be serious lags in policy decisions. The

danger is that by the time these decisions are carried out the need has often passed, and the effects are frequently perverse. The overriding aim of budget policy should be truly to stabilize the economy, not to destabilize it by lurches this way and that.

NO FAVOR TO LABOR

The Republicans emphasize that the economy may run into production bottlenecks well before unemployment is reduced to the 4 percent of the labor force, and they warn against taking this overall target too literally. More significantly, they challenge the prevailing view in Washington that unemployment is mainly caused by the lack of effective aggregate demand in the economy which Government spending or tax cutting can remedy. The causes of unemployment are multiple and include, among other things, maladjustment in wages.

In the view of the Council of Economic Advisers, excessive wage increases are bad principally because they tend to push up prices and so cause inflation. The minority report cuts deeper when it says that "any action which raises wage costs too rapidly tends to eliminate job opportunities. This is particularly true in the case of teenagers when the lowest wage is set above their worth to an employer. * * * High wage rates have an unfavorable effect on some of those who need jobs the most." Senator JAVITS registered a dissent on some of these views, emphasizing that racial discrimination and other factors are crucial in explaining unemployment. But he also states that the impact of the minimum-wage laws should be taken into account in devising effective retraining programs.

The Republicans do not have the courage to demand a reduction in the power of trade unions to force up wage rates year after year no matter what the condition of employment and unemployment may be. But they do call for freeing up the labor market and suggest many possible reforms for making it more flexible—more emphasis on training and education by industry and Government alike, better statistics, and better information services on where job opportunities exist. The minority report recognizes that the technological revolution will, of course, have adverse consequences for certain classes of workers. It stresses, however, that demand for labor is rapidly rising in the service industries—particularly "home services." And on balance, it holds with the view of Prof. Yale Brozen, of the University of Chicago, who has said: "The primary effect of automation is not a reduction in the number of jobs available. Rather it makes it possible for us to do many things which otherwise could not and would not be done."

THE OPEN WORLD

In emphasizing that deficit spending is not only cure for unemployment at home, the Republicans have made a contribution toward alleviating some of the country's pressing economic problems abroad. For it cannot be doubted that hot pursuit of the full-employment goal through persistent deficits and relatively easy money has played a part in causing the gap in the U.S. foreign balance of payments. The report cites the opinion of the National Industrial Conference Board to the effect that the U.S. economy has "been very nearly flooded with liquidity." Such liquidity, of course, encouraged the outflow of U.S. funds overseas, which in late 1964 completely upset the calculations of the administration as regards the U.S. foreign position.

This position cannot be entirely rectified by direct Government action for restraining capital outflow. Such measures at best paper over a basically unsound situation, and if they work, entail hidden costs on the free economy. Says the report: "The whole approach to controls, whether voluntary or not, over U.S. loans and investments is wrong because it tends to subvert actions dictated naturally by market conditions. Rather than working against the market, the administration should try to work with it."

Specifically, the Republicans call for making investment opportunities more attractive within the United States, for reviewing foreign aid, and for prudent monetary restraint. They warn that controls could well signal "the beginning of the end for the dollar as the world's leading reserve currency * * * and the beginning of the end of the more open world which the free nations have so laboriously constructed since the end of World War II."

By holding up the ideal of his open world and by emphasizing the need for maintaining the free market both at home and abroad, these Congressmen have served their country well. They have not written a classic document, but they have set a precedent that their party might follow if it is to play the role of a constructive opposition. The report is "liberal" in the sense that it accepts many of the goals which the President has set forth for America—the maintenance of a high employment and production economy not least. It is also "liberal" in the sense that it accepts the critical role of government in achieving these ends. But whereas the administration has been long on optimism and at times euphoric, the Republican statement strikes a soberer tone. It makes plain that along with our present prosperity there are clouds, somewhat bigger than a man's hand, on the horizon, and it displays a welcome skepticism as to just how far the Federal Government can manage, and ought to try to manage, an economy as big and diverse as that of the United States.

SENATOR YARBOROUGH'S SPEECH ON MENTAL RETARDATION

Mr. RANDOLPH. Mr. President, in recent years, this Nation has made substantial progress in the treatment and cure of mental illness. The impetus for these efforts was furnished by the late President Kennedy, whose genuine interest and activity brought to bear the national pressures for our endeavors in the prevention and cure of mental illness and retardation. This is not to say that our country has been lacking in loyal and competent doctors and workers in this field, for there are many people who have dedicated their lives to the care of the mentally retarded. However, it is only in recent years that the coordinated attack of various levels of government, hospitals, and private agencies has been instituted to effectively assault the problems of mental health.

Among the active supporters of increased assistance for research, treatment, and new teaching techniques is the Honorable RALPH YARBOROUGH. As a member of the Senate Health Subcommittee, he has been in the forefront in securing enactment of legislation which will lead to the rehabilitation of our afflicted citizens, thus providing for them the opportunity to become as self-sufficient and productive as possible.

On May 14, Senator YARBOROUGH spoke to a statewide convention of the Texas Association for Retarded Children in Amarillo, Tex. In his remarks, he briefly outlined our objectives in creating a brighter future for the mentally handicapped. He not only pointed out significant figures evidencing this problem but also the substantial increases which have been realized in the rehabilitation process.

The senior Senator from Texas is to be commended for his meaningful remarks and for his constructive leadership in conquering the complex and difficult problems of mental health. Mr. President, I ask unanimous consent that Senator YARBOROUGH'S speech, "The Objectives and Role of the Federal Government in the Field of Mental Retardation," be printed in the RECORD.

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

THE OBJECTIVES AND ROLE OF THE FEDERAL GOVERNMENT IN THE FIELD OF MENTAL RETARDATION

(By Senator YARBOROUGH, of Texas)

One of the many debts which this Nation owes to the late President John F. Kennedy, is his keen sensitivity to the problems of mental retardation and his firm belief that our Nation could achieve and should achieve a level of excellence which could conquer the previously neglected problems in this area.

On October 31, 1963, I was privileged to attend the White House ceremony for the signing of the Mental Retardation Act of 1963 by President Kennedy since I had been a cosponsor of the bill and had worked for its passage. On that significant occasion, President Kennedy stated:

"It was said in an earlier age that the mind of a man is a far country which can neither be approached nor explored. But, today, under present conditions of scientific achievement, it will be possible for a nation as rich in human and material resources as ours to make the remote reaches of the mind accessible. The mentally ill and the mentally retarded need no longer be alien to our affections or beyond the help of our communities."

Reflecting the faith and vigor of President Kennedy, this Nation has begun an assault on the complex and difficult problems of mental health. This effort which we have undertaken is something which all Americans can be proud of, and each of you here tonight is involved in a major step forward to conquer problems which have been largely neglected in the past.

Our objectives in the field of mental retardation, as I see it, are threefold:

First, we should strive toward the goal of complete understanding of the mentally retarded—this includes the causes of it, the manifestations of it, and, of course, the best way to care for the mentally retarded person himself.

Second, we should seek to provide educational facilities and opportunities for these handicapped children so that they will be able to be educated to their highest capacity. This goal will provide this child himself with a more rewarding life, as well as improving his value in our society.

Third, complete support and necessary assistance should be given to research programs aimed at the prevention and cure of mental retardation.

The nearer we can come to accomplishing these goals, the more complete our victory will be, and the greater our society will become, for this is no small problem we are facing. In this Nation today there are about 5 million handicapped people who need special education. Unless we are fortunate enough to make major breakthroughs in prevention by 1970, the number will grow to 6 million. Half will be children. Our present needs require 200,000 teachers who are specially trained, classroom space, as well

as a comprehensive approach and program of instruction. More than $1 billion is spent each year for the special care of mentally retarded children and adults. In terms of lost productivity the cost to our society goes into many more billions.

In 1963, with the Mental Retardation 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 retardation, establishes university-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 persons can be made relatively self-sufficient by new techniques of training and rehabilitation.

In fiscal year 1964, 7,500 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 another 8,750 will be given 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 by President Kennedy is being ably carried out by our fellow Texan, President Lyndon Johnson.

In June 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 1958 it has been my privilege to serve on the Senate Public Health Subcommittee under the leadership of Senator LISTER 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 toward those goals which I outlined; that we will soon achieve a thorough understanding of the cause and manifestations of mental retardation; that we will soon have 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 forces which 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 been published in 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 McCamey News, the Ozona Stockman, 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 BARS FREEDOM CHOICE

The brevity of President Johnson's remarks relative to repeal of section 14(b) 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 ask for it. He has done that and can cite his effort when questioned. Perchance the lack of emphasis itself would antagonize labor 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 beneficial in these instances, it would seem the President takes a calculated risk even in bringing the matter to the floor of Congress. While Johnson must be looking at the votes union labor can provide on the one hand, there is a pretty fair percentage that regards the right to join a union or not to join a union as a civil right 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 guarantees of our 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 higher priorities will bar 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 preserved. We are glad to see beforehand the action of the house states affairs committee at Austin in adopting a resolution calling on Congress to turn down any repeal move.

[From the Ozona (Tex.) Stockman, Mar. 18, 1965]

A BASIC FREEDOM

The unions' all-out campaign to force repeal of section 14(b) of the Taft-Hartley Act, which permits the States to adopt right-to-work laws if they so wish, could lead unknowing people to believe that this provision is a deadly weapon aimed straight at the heart of organized labor.

Anyone who believes that would do well to read the section. It says: "Nothing in this act (Taft-Hartley) shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law."

To make that seem, in any way, an anti-labor provision, requires some massive twisting of plain language. It simply says that, in States which take advantage of 14(b), each worker will have the right to join a union as he chooses, and in either case he can keep his job. No one can make him join—and no one can prevent him from joining.

If that is not a basic freedom, what is?

[From the McCamey (Tex.) News Mar. 11, 1965]

LEGISLATIVE SWINDLE

Some of the slickest brains in Congress are working overtime trying to solve a difficult political problem. What the legislative wheeler and 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 legal 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 something. 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 of 1947, and the Supreme Court 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" efforts 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 Congressman knows that the one effective control over the political and financial abuses practiced by labor bosses on rank and file workers is voluntary union membership—in short, the right to work.

Every Congressman should also realize at this late date that an impressive majority of his fellow citizens believe in 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 Congressman would do well to tread softly and tiptoe out of any involvement in this nothing-for-something swindle.

[From Texas Parade magazine, May 1965]

IS OUR RIGHT-TO-WORK LAW IN DANGER?

From the dawn of recorded history until these early months of the Great Society it has not been required by law that any worker in Texas belong to or pay dues to any organization to hold a job. On the contrary, there has been a right-to-work law in Texas which specifically forbids any such requirement.

Texas' present right-to-work law followed an earlier measure, known as the Manford Act which established the right of the State to regulate labor unions. It was named after its sponsor who later was speaker of the house and who, after a number of difficult chores in government, is now a member of the Texas Board of Insurance.

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: Alabama, Arizona, Arkansas, Florida, Georgia, Iowa, Kansas, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Dakota, Tennessee, Utah, Virginia, and Wyoming. Total population of the right-to-work States is about 50 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, regional, or national chamber of commerce, a manufacturers' association, or other business group.

The national union bosses have another idea about the whole thing. The Meaneys, 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 laws of this State do not appear to be in danger of repeal by the current legislature. But the law in this and all other States could go out the window overnight if a majority in the National Congress should yield to the pressures and threats of the union bosses.

The rights of States are eroding rapidly before the floods of centralized power in Washington. And the union bosses are riding pretty high in the saddle right now. Texans have no cause to remain complacent 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 color, religion, race, or sex, and denying a person employment because he will not join a union. But Congress often sees issues the hard 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 membership.

Against: It is a simple 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: The so-called free-ride argument ment 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: The so-called free-ride argument is fundamentally unsound because a labor union is a private organization. All through our society 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 because of this argument why should not an individual be forced to support his community United Fund, join his chamber of commerce, his parents and teachers association, and all the movements that benefit his community?

For: Right-to-work laws depress wages and stifle economic progress in the States which have them.

Against: Latest figures from the U.S. Department of Labor show that the right-to-work States lead the rest of the Nation in the creation of new jobs in business and industry, in wage rate improvement in industrial jobs, and show a greater gain in producing new wealth and personal income than in non-right-to-work States.

These and other arguments in favor of an individual's right to belong or not belong have long prevailed in Texas. How much longer they will be reflected in the laws imposed upon this State is an issue now before a Congress that so far has not shown a deep concern for the principle of States rights.

[From the Houston (Tex.) Chronicle, May 20, 1965]

LEAVE SECTION 14(b) UNTOUCHED

President Johnson handed his long-awaited labor message to Congress on Tuesday, following his request on Monday for an excise tax cut of nearly $4 billion. Some people evaluate these two proposals as one White House prescription; give business a health stimulant, then give labor equal dosage.

The President urged repeal of section 14(b) of the Taft-Hartley Act, which reads:

"Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in a State or Territory in which such execution or application is prohibited by State or territorial law."

These 44 words give 19 States, including Texas, the right to ban compulsory labor contracts which insist that a worker join a union to keep a job. Their repeal means compulsory unionism and an end to the right-to-work law.

Capitol Hill is now braced for its stiffest political hurricane of the season, labor's forces in Congress militantly mixing it with defenders of the 44 words. And the stakes are higher than most people realize.

Unions have spent "countless millions" since 1947 fighting section 14(b). Also, the money lost in union dues not paid by millions of workers in States with right-to-work laws amounts to hundreds of millions. Even so, money is no measure of the manpower expended on this 18-year running battle.

If these 44 words are repealed, as Mr. Johnson has urged, "with the hope of reducing conflicts in our national labor policy," labor will be able to funnel millions of dollars into politics and unionization drives. And its manpower can be diverted from the fight against right to work into precincts.

The Chronicle believes in Texas' right-to-work law and opposes repeal of section 14(b). We see no merit in nationwide uniform labor laws that favor a special interest group. If a worker prefers to join a union, that's his choice. Fine. But we cannot agree that all workers should be forced to pay a union fee to hold a job. That eliminates the individual's right to choose.

The right-to-work laws of 19 States are experiments for the working man in 50 laboratories of social change. They do not discriminate against unions, because such tactics are illegal.

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 definitive list of the country's 10 most frustrated men surely would include the name of EDWARD V. LONG, a Senator from Missouri. For the past many months, as chairman of a Senate committee investigating invasions of privacy, the Senator has been trying assiduously to get information from Federal agencies on what their investigators are up to. And all the Senator has received is the royal runaround.

Mr. LONG did manage to get some limited material from the Post Office Department, about which we have commented earlier. He finally wrung from the Department an admission that certain first-class mail is in fact opened for the Internal Revenue Service, but he failed altogether in his effort to get 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, uncooperative. Last week the Senator wrathfully subpenaed 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 funds are being spent to invade the privacy of American citizens, as Senator LONG soundly suspects, the Congress has both the right and the power to get the facts.

"If it takes a year, so be 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."

We wish him all the luck in the world. When big brother is watching the people, some one—preferably the elected Congress—had better keep an eye on big brother.

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:

> Fashions in warfare changes as everything human changes, but the principles of warfare never change and the old soldierly virtues are the same that 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 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. Because 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 fittingly 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, 1948.

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 eventuality.

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 Navy Cross, the Nation's second 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 Legion of Honor; 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, of Paris; his four grandchildren; his nephew, Thomas 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 to a man so well 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 1965–66 officers of the Idaho State Society of Washington, D.C., duly convened at Washington, D.C., on the 2d day of April 1965, and considered the matter of participating in the observance of the William E. Borah Centennial on June 29, 1965; and

Whereas the date of the centennial and the desirability of the society's participation in the observance was announced at the annual meeting of the membership on the 26th day of March 1965; and

Whereas the members of the Idaho State Society of Washington, D.C., have expressed the desire to participate in activities to honor William E. Borah and to share in the observance of the centennial; and

Whereas Idahoans wish to mark a significant milestone in memory of one of Idaho's most illustrious lawmakers ever to have served in the Congress of the United States: Be it therefore

Resolved, That the Idaho State Society of Washington, D.C., pledges to initiate plans for an observance in Washington, D.C., and to cooperate in furthering those activities designed to cause a fitting and appropriate observance to be held in commemoration of the William E. Borah Centennial on June 29, 1965.

WADE B. FLEETWOOD,
President, Idaho State Society of Washing, D.C.

LEE ANNA RUTTMAN,
Secretary-Treasurer, Idaho State Society of Washington, D.C.

COTTON LEGISLATION

Mr. TOWER. Mr. President, the president of the Texas Cotton Association, Raymond S. Tapp, recently called to my attention a most worthwhile editorial published in the Dallas Morning News.

The editorial writer asks the vital question:

> Is cotton on its death bed?

In order that other Senators may share the views of both President Tapp and the Morning News, I ask that the letter and editorial be printed in the RECORD.

I hope the reading of these wise remarks will spur the Senate to greater efforts in the vital job of writing meaningful legislation which will come to grips with the problems besetting the cotton industry. We owe this great American industry no less than our careful attention and our best efforts.

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

THE TEXAS COTTON ASSOCIATION,
Waco, Tex., May 20, 1965.

Senator JOHN TOWER,
Senate Office Building,
Washington, D.C.

DEAR JOHN: Enclosed is a very apropos lead editorial from the May 18 Dallas Morning News. I hope it will help open the public's eyes as to what is happening to a once great industry and a primary source for equalization of balance-of-payments dollars.

The economy of the Southwest will suffer greatly unless we can obtain legislation that will allow cotton to be marketed through normal channels of trade at competitive prices. This can be accomplished if the following three suggestions are followed in any new cotton legislative program: (1) Payments must be made directly to the producer without discrimination for operational size and efficiency in order to maintain a healthy farm income, but in a manner that does not deny the function of price. (2) The price of American cotton must be left free to respond to world marketing mechanisms without any attempt at price edict by the Government. (3) Our present 16-million-acre minimum

must be maintained and additional acreage allotted as we regain our export markets. This type of legislation would help regain our foreign markets, discourage expansion of synthetics and foreign cotton production, therefore greatly improving and securing the farm economy of this area.

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, it is being killed by its friends, so-called, murdered with 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. U.S. farmers received $2.5 billion for the versatile 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 $237 million for the United States. And each year more of the dwindling revenue comes out of the Federal Treasury, while fewer farmers grow fewer acres of cotton.

Furthermore, Representative HAROLD COOLEY, 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 protests from many in the cotton industry, although it has some features that would improve the present cotton legislation. On the whole, the Cooley proposal is geared to the same philosophy that has created the present cotton crisis, in the opinion of most Dallas authorities who have analyzed it.

Representative COOLEY'S bill may be no more than a trial balloon. Surely, say cotton men, Congress will not enact such a monstrosity. But almost everything Congress has been doing for 30 years has headed toward destruction of the American cotton industry and has aided its competitors—foreign growers and makers of manmade fibers everywhere. And, unfortunately, the cotton industry has been a house divided on legislative matters, and still is.

Significantly, and almost simultaneously with the Cooley action, the world's greatest cotton firm has further reduced its cotton operations. Anderson, Clayton & Co., Houston, a multimillion-dollar corporation that has been a leader in enlightened enterprise and service to the grower and user of cotton, has announced a series of reductions in offices and personnel.

There can be but two reasons 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 expense of investor-owned firms.

This is done with the consent of Congress, of course. It is done with money raised through taxation. It is done with the best of intentions of helping the farmer, and in many cases it does. But, in the long run, it is giving a monopoly to a federally supported organization, and killing the competition 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 unite in asking 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 THWARTED IN DOMINICAN REPUBLIC

(By Peter T. Chew)

SANTO DOMINGO.—This half-mad city of 300,000 persons headed for a complete nervous breakdown late last week as Dominicans ravaged 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 machinegun burst, everything blew to bits in one chaotic 24-hour period. When it was over, the cease-fire had been broken by both the Communist-led rebels of Col. Francisco Caamano Deno and the junta forces of Gen. Antonio Imbert Barreras.

As this was being written, an old propeller-driven P-51 Mustang of the Dominican Air Force, which is controlled by the Imbert "government of national reconstruction," was circling in the midafternoon sun like an angry bee, while rebels, six blocks away, "brrupppd" at it with machineguns and automatic rifles. Then the plane dove into another strafing run on rebel-held Radio Santo Domingo, which had been blasted off the air in earlier attacks.

When the week was over, the already chaotic situation here had grown immeasurably more so. But despite the confusion there is ample evidence that the U.S. mission here hasn't 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 Johnson policy, a Johnson doctrine, call it what you will—even though they are denying this in Washington. He has put the Communists on clear notice that we have at last drawn the line."

The official said that Mr. Johnson had served equally clear notice on the OAS to face up—and face up fast—to the Communist threat in the Western Hemisphere and create a political and military force capable of moving quickly into such situations in the future.

If the OAS fails to do so, then the United States will not hesitate again and again to employ its awesome power unilaterally—and devil take the threadbare charges of gunboat diplomacy.

"For the first time since the end of the Second World War, your country has moved in the first second of the first round," said one Latin American diplomat in Santo Domingo delightedly.

The OAS men here are working long hours, but it is hard to determine if they are effective hours, and with each passing day more American soldiers and Dominicans are being killed and wounded. Here again, despite the perplexities of the political turmoil, it is obvious that the five-man OAS Commission has been shaken by what it has seen and heard.

Whether the small United Nations mission appointed Friday will find similarly is anyone's guess. It is supposed to report on the situation. The United States didn't want the U.N. here, and the rebels did, the OAS having shown signs of finding against the rebels.

WELCOMED BY AMBASSADORS

During the 36 to 48 hours before the marines landed on April 28, this city witnessed a reign of terror unique in recent Latin American history. "There isn't a single Latin American ambassador who doesn't thank his God that the marines came when they did, whatever their governments may be saying," says one Latin American diplomat. As it was, half a dozen Latin American embassies alone were violated by the wild mobs.

When the OAS Commission members returned to Washington to report to their organization on May 7 and 8, they met behind closed doors at the Pan American Union. In one exchange, a dubious member asked if there had really been much evidence of Communist infiltration and danger to lives.

The Colombian member of the Commission—whose own country is having troubles with Communist guerrillas—replied emotionally:

"My answer is yes. This was not a situation where there are riots or guerrilla activities where constitutional authorities and law exist. In this case there is no state. What happens then when blood is shed in the streets? What should the inter-American system do when a country collapses?

"Let's be frank. What happens when an American nation is so close to Cuba? 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."

U.S. officials are quietly bitter because U.S. newspapers, many of whose reporters here appear to have become emotionally involved with the rebel cause despite the evidence of its Communist 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.

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 revolution were released in great details in Washington.

Consequently, Mr. Caamano and his aid, Hector Aristy Pereira, who guides his every move, were able to make many telling points with American newsmen. This has now changed, and there is evidence enough for everyone to have a little. Until the rebel radio was knocked out, for example, all one had to do was listen to bring back memories of Fidel Castro. All week long it had excoriated U.S. Ambassador W. Tapley Bennett as a fiend, a liar, and far worse. The radio has charged U.S. marines and men of the Army's 82d Airborne Division with atrocities.

But with the passage of time, the true story is getting out. And if the United States has suffered a short-range blow to its image, its show of power should prove a

long-range success with now unmeasurable implications. For the ambassadors of every country are filing reports to their governments. In the relative calm of his air-conditioned embassy here one day last week, a high-ranking Western diplomat said:

"In a matter of hours, this city was turned into a civil-war battlefield, in which the city was subjected to an incredibly stupid air bombardment by the Elias Wessin y Wessin forces, and a naval bombardment. Then the rebels handed out 20,000 modern automatic weapons to their mobs who proceeded to wreak their vengeance upon their enemies.

"Floors of hospital corridors were covered with injured and dying. There was no light, no heat, no power. Doctors were operating without anesthesia. All law, order, government authority was completely gone.

"If this horror—this reign of unorganized terror—had gone on for many more hours and your marines had not come, then several extra thousand people might have been killed. These tigres, as they call themselves—young punks who would kill you for a ham sandwich—were whizzing down the street in cars shooting in all directions. It was a typical civil war—crude and cruel and insanely stupid.

"Twenty armed men came clumping up the stairs of this embassy and I dismissed them. It was all very unpleasant. Communists? The rebels are up to their necks in them."

REBELS SOUGHT VISAS

Many of the rebels, he said, sought visas from him in the past in order to make their way to Cuba and Iron Curtain countries, and he had refused to grant them. They had managed to get out anyway.

The Western diplomat, who fought as a high-ranking officer in the Second World War, said many of the street fighters of the rebel side had shown evidence of the most sophisticated urban guerrilla warfare training. It's not the sort of training that the rag-tag Dominican armed forces, whence many of the rebels came, ever receive.

Had President Johnson not moved so swiftly, many Americans at the embattled little Embassy—and hundreds of others who elected to stick it out here and not evacuate—might well have been killed.

ATTACK ON THE EMBASSY

The Embassy had been informed by both loyalist and rebel leaders that they could not guarantee the safety of Americans or any other foreign nationals. One short hour after U.S. marines raced up to the Embassy in truck and Embassy cars that had met them at the helicopter field beside the Embajador Hotel, a large force of rebels attacked the Embassy. And for 5 straight days and nights before and after the marines' arrival, the Embassy came under heavy fire.

Ambassador Bennett, a tall, sensitive man who speaks with a soft, Georgia accent—"he's hardly the 'hawk' type, he's much too subtle for that," says an aid—knew that the Dominican powder keg was due for a blow. U.S. intelligence had put together a fat dossier on Communists, and the Ambassador had reports that Juan Bosch, from his exile in Puerto Rico, was working closely with them in an attempt to regain power.

Mr. Bennett seized his last clear chance to fly back to Washington and report, and he was there when the revolution against the military-backed government of Donald Reid Cabral broke out on Saturday morning, April 24. Mr. Bennett flew back here on Wednesday, April 28. And as he drove into town from the port of Haina, where he'd been dropped by a Marine helicopter from the heli-carrier *Boxer*, he met U.S. refugees streaming down the road in cars from the Embajador Hotel. There they had been terrorized by a rebel band who had fired bursts over their heads and through the lobby.

THE MARINES LANDED

Time and time again that day he reported to Mr. Johnson on the phone that he didn't want the marines to come ashore unless they absolutely had to. Finally, at 5:14 p.m., Mr. Johnson gave the order for them to land.

The Ambassador is known to be appalled at criticism that the United States overreacted to the crisis, and that it should have expended precious hours consulting all members of the OAS. "An ambassador's first duty is to his citizens," he has said repeatedly in recent days. "Did they want me to wait until the coffin was already prepared?"

Mr. Bennett is also of the belief that Gen. Wessin y Wessin—a leader of the junta that removed Bosch from the Presidency—is not the beast that he has been painted.

Many Americans, and other nationals 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 results were undoubtedly bloody. But many there do not think it compares with the numbers killed by roving bands of rebels with guns.

The best information now is that Caamano would personally like to seek a compromise with the present Imbert junta—or even come across the lines and defect, but that he is now literally a prisoner of the Communists.

Some sources emphasize that none of the prominent political followers of Bosch who were in on 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, Caamano himself took refuge in an embassy. His name didn't figure prominently until Tuesday, April 27, by which time most Bosch leaders had fled and the Communists had moved neatly into the vacuum.

A SHADOWY FIGURE

U.S. officials here invariably describe Hector Aristy as a shadowy figure, and an opportunist. Some believe he has been a Communist all along. They say of Bosch that he is probably 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 he may yet be the winner. He has kept his leftwing credentials first class by denouncing the marines as sort of an institutionalized McCarthyism. But he has not rushed to join the rebels either, for whatever the degree of Communist control, the taint is there.

Bosch attained power in this country's first honest election, and here lies part of the tragedy of this situation. Ironically, Bosch had the backing in that election of the military, but after his election he tried to reform their varied forms of graft. At the same time, he gave encouragement to leftists. And General Wessin, himself a puritanical type of man not given to the usual corruption, genuinely believed Bosch was setting up the country for a Communist takeover.

Bosch, say officials here, was a victim of his own mercurial personality, and a dangerously divisive influence on the country. He injected a high degree of racism into his successful campaign for the Presidency. He kept using the term, tutum pote, which means the white wealthy upper class suppressors of the poor colored peoples.

He's a man of lower-middle-class background, a scholar with a rapier-like wit and scorn. These are not Dominican traits. He left many welts on assorted hides, and he absolutely refused to sit down at a table and heal old wounds.

So far, no single, charismatic Communist figure has arisen on the rebel side. Believed to be high in the Communist leadership, however, are the Ducoudray brothers—Juan Ducoudray Mansfield and Felix Servio Ducoudray, Jr.—long-time Communist leaders in this country. At a lower level is an old friend of Fidel Castro, Rafael Pichirilo Mejia, who is now leading a large armed band.

Mejia was helmsman of the *Gramma*, the converted yacht that carried Castro and 80-odd followers from Mexico to Oriente Province in Cuba. After graduating from all the best guerrilla schools and serving Castro in various capacities, this tough little Communist returned to his native Dominican Republic when Bosch came to power and served in his administration. When Bosch went into exile, Mejia and other Communists fled the country. In the intervening years, he became a gun-runner and smuggler, using the proceeds to support Red subversion.

Reports have it that he was aboard the *Santo Domingo* when that freighter was sunk last week in the Ozama River after delivering arms to the rebels on the west bank. When the 82d Airborne sank the vessel, Mejia must have escaped, because he has been seen around the rebel sector in recent days.

Obviously, not everyone in the rebel camp is a Communist; indeed, Communists are probably a minority. But this was true also 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 fatigues and beards—among the Caamano bodyguard.

Officially, the United States is maintaining a neutral stance between the Imbert and Caamano regimes until such time as the OAS can take effective political action. Unofficially, of course, the Imbert group, which is located physically within the U.S.-protected international zone—represents the friendlies and the rebels are unfriendlies.

Throughout the week, it appeared that the OAS might be making some progress, and Friday some 250 Honduran troops and a few Costa Ricans arrived. And despite continuous sniper fire and sporadic firefights between U.S. soldiers and rebels, between rebels and loyalists, and between rebels and rebels, there has been a cease-fire of sorts.

Then, on Wednesday, a large rebel group attacked a loyalist motor pool in force, technically breaking the cease-fire. The Dominican Air Force, consisting of a handful 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 82d 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 in the tower clears it. On Thursday afternoon, two P–51's and three bomb-carrying AT–6's streaked off the field and attacked the rebel radio station.

One of the P–51's started its strafing run just as it swept low over the U.S. Embassy, its guns making a frightening racket. Ambassador Bennett and his staff dived under their desks. U.S. marines guarding the Embassy grounds opened fire on the fighter, not sure of its intentions.

Enraged by the attack on his station, Caamano produced for U.S. newsmen the body of a child killed in the attack, and charged the Imbert people with breaking the cease-fire.

Well, it wasn't much of a cease-fire anyway. Every afternoon last week, for example, snipers in a construction gang on a building overlooking a U.S. marine position would fire a few bursts, then melt into the street

crowd. The marines, armed with M–14 rifles and binoculars, stalk and kill the snipers in return.

Unarmed Dominican civilians travel back and forth into the international zone—through marine and airborne checkpoints where they are frisked for weapons. Thus rebels can move about freely without arms and spot U.S. positions.

In the international zone, the native Dominicans go about their business amidst the gunfire as though nothing were happening. On Thursday, they appeared to enjoy watching the strafing runs.

In the corridor, and along the perimeter, U.S. troops are distributing food and clothing to all comers. And all the while, a battery of six mean-looking 105-millimeter howitzers—conspicuously emplaced in front of the Hotel Embajador for all to see—are pointed toward the 8-square-mile rebel sector. They could pulverize rebel town in a few days of firing if they had to.

With or without a token OAS force, it's a good bet those guns will be in place for a long time to come.

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 Propeller Club, in Newport News, Va. 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 orderly movement of our 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."

At a point in our history when 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.

Timely because the predominant share of the transport of our foreign commerce has been surrendered to ships of other nations. This has progressed to the point where the American merchant marine carries less than 10 percent of this trade. The transport of oil, bulk commodities and tramp cargoes 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.

Timely because, as V–E Day on May 8 reminded us, 20 years have passed since World War II, the era when much of our present fleet was built. It is bad enough that we carry so little, but worse that much of what we do carry 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 experts agree that the scope of our merchant marine must reflect the dynamics of present-day commerce. However, there is considerable disagreement as to the kinds of changes 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, comes at a time when practically every other maritime nation of the world is moving to strengthen their shipping and shipbuilding activities in their own self-interests.

The mere suggestion that the U.S. Government might sanction the building of ships for the subsidized merchant fleet in foreign shipyards has caused our counterparts around the world to "rub their hands together" with gleeful anticipation. Even though our Secretary of Commerce publicly asserted on March 3, 1965, that because of the balance-of-payments problem, the policy of the administration is to require ship construction in this country, the foreign trade journals continue to applaud the "build abroad" proposal suggested by the Maritime Administrator on February 9, 1965. In fact, even in this country, few periodicals mention the March 3 statement by the Secretary, and the earlier 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, because of their lower prices, will receive all of the business. It can be reasonably predicted that these fears are already being expressed in trade discussions and through diplomatic channels. And, the Norwegians are now attributing the financial plight of their shipyards to our Government's restrictions on foreign lending by U.S. banks.

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 wage rates well below one-half the level of wages in the United States, Japanese shipyards are supported by their Government to the extent of 10 percent of the actual cost price of each ship. This support, it is said, includes a subsidy on steel plates used in connection with export shipbuilding contracts plus favorable credit terms arranged under Government sponsorship and guarantees. Profits earned from export sales are also largely tax free.

These competitive advantages have prompted the Common Market countries to respond in kind. More subsidies and more liberal credit and financing terms are in the offing. Starting in 1967, it is recommended by the European Economic Community that member nations grant their shipyards a subsidy amounting to 10 percent of the actual value of newly built ships. There are indications that this 10-percent figure might be increased later. There are also reports that a separate subsidy of 5 percent on ship repairs may be proposed. France and Italy already provide direct subsidies of 15 to 20 percent to stimulate the shipyard industries.

It is important to note that all of this is taking place at a time when there are those in this country who advocate the elimination of shipyard subsidies. Other maritime nations obviously consider their shipyards of sufficient national importance to warrant greater support, and we appear to want to make it even easier for them to do so.

At this point, I should remind you that U.S. taxpayers have spent nearly $1 billion since 1945 in rehabilitating war damaged foreign shipyards and in defraying costs of mutual security contracts awarded many of the same yards. In addition, I should remind you that since the close of World War II, more than 1,000 merchant vessels totaling 18 million gross tons have been built in foreign shipyards for American interests. In the same period, U.S. shipyards delivered 581 ships totaling 7.4 million gross tons to American interests.

Against the background of what is taking place in Europe, it was interesting to read the other day that a Swedish ship operator had characterized ship construction subsidies as "formidable weapons in the hands of American owners." Rather than formidable weapons, ship construction subsidies—and also ship operating subsidies—represent nothing more, and nothing less, than payments to offset the difference between U.S. and foreign wage scales. The Joint Economic Committee of the Congress recently noted that the only Federal statutes using the word "subsidy" are those dealing with ship construction and ship operations. The term is also rarely used in Executive orders and Government regulations.

Perhaps by calling a spade a spade—by changing the designation of ship construction and ship operating subsidies to "labor equalization payments" or to some other appropriate term—many of the roadblocks associated with maritime problems in this country will take on an entirely different connotation. Then, indeed, "labor equalization payments" will be "formidable weapons" in terms of correcting the deficiencies in our merchant fleet, in preserving our shipyards, and in meeting the ever-growing threat of the Russians on the high seas.

But, the attainment of these goals will require 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 justifications for renewed faith and confidence in the future for 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 legerdemain. Nor will it be created by begging the issue of subsidies.

In point of truth, an effective maritime effort would not be possible without protective measures such as ship operating and ship construction subsidies. The focus of those who endorse revitalization of the American maritime industry while reducing subsidies has been blurred by not recognizing this fundamental reality. There is no way we can legislate away or wish away the differences in wage levels which are an inherent economic fact among nations of differing affluence. Nor is there justification to singling out the maritime industry generally or the shipyards in particular and concluding they are less efficient and more expendable than other segments of our economy.

To begin with, the issue is primarily that of maintaining the high level of well-being of our citizens. Even a minimal extent of

research quickly demonstrates that with surprisingly few exceptions U.S. products and services cost more than those of other nations. Just because many American industries and service firms receive indemnification from direct price competition with foreign concerns by indirect, oblique, obscured means, while the maritime industry receives direct open support with subsidy payments, is no reason to ignore this commonplace, basic fact of international economics. It is no reason to claim that ship operators and shipyards receive unique and special privileges.

The facts are simple. First, if we want a maritime industry, we must have protective measures. Secondly, the size and quality of the fleet and our shipyards is a direct function of the extent of these programs. 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 predicated on a firm and precise statement of national policy enumerating the benefits that accrue to our country and the American people through the existence of a well-balanced, modern merchant marine and an efficient and active supporting private shipyard industry is long overdue. In terms of a reasonable and effective program, I should like to add the following suggestions to the dialog which began with the Maritime Administrator's speech on February 9.

The basic question is not whether subsidy payments or programs of equivalent purpose are needed. The question is the most effective way to allocate the subsidy expenditures. It can be easily demonstrated that the best value is obtained by replacing old ships with new ships. One new modern ship has the capacity of several old ones, and requires a smaller crew than one of the old ships replaced. Larger size, higher speed, automated controls and cargo handling gear make this advantage possible. Accordingly, the new ship substantially reduces the labor time and cost of delivering a ton of cargo. This is the essence of automation—capital investment to increase productivity.

The wisdom of investing in automation is well known and widely publicized in the manufacturing industry. What is not well known is that the same approach with our merchant fleet will in many instances yield remarkable financial gains, and at the same time give us modern ships plus an advantage to ship operators, shipyards and the public.

A review of potential benefits with respect to bulk carriers well illustrates the point. It is estimated that 15,000–55,000 deadweight ton vessels and 35,000–25,000 deadweight ton vessels could serve potential markets and could be built at a total construction subsidy cost to the Government of $232,500,000. Based on a useful life of 25 years, the average annual cost over the life of the ships would be less than $10 million. Also, due to the high degree of automation possible, operating expenses for such vessels are said to be minimal. In other words, with a relatively modest annual expenditure, our maritime capability could be greatly improved by adding a badly-needed bulk carrying capability to our merchant fleet.

We have heard much talk lately about the sad state of our bulk fleet and its inability to handle the bright prospects for carrying bulk cargoes in the future. However, four applications for construction-differential subsidies involving nine bulk carriers have long been awaiting decisions. Three of these have been pending since November 1963, and one since August 1964.

Another application for an operating differential subsidy has been on file for almost 10 years. Talk must soon be replaced by positive action—otherwise our maritime strength will decline even further.

Clearly, the central problem is the need for funds to finance the replacement of vessels in the merchant fleet. The need has never been greater. But, the need continues to be delineated by a lack of appreciation of the problems and dangers involved. To resolve this circumstance, several approaches are possible.

We have frequently advocated the establishment of a Presidential Advisory Commission on Sea Power Superiority. It has been our view that a commission of distinguished citizens, from both public and private life, could review all of our sea power resources, including the marginal condition of our maritime capability, and recommend to the President of the United States the 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 merchant fleet. It might well chart a program pointed toward a point in time—in the not too distant future—when U.S.-flag shipping will carry more than 10 percent of our own trade and commerce.

On the legislative front, the Congress might also help in upgrading the assignment of appropriate priorities to our national maritime effort. It might well authorize the establishment of a Joint Commission of Government, Industry and Labor authorities to undertake immediately a review of the Merchant Marine Act of 1936 to bring it into line with the needs not only of today, but of the critical 5- to 10-year period ahead.

Second to the assignment 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 construction, between 1950 and 1964, averaged about $40 million annually and it is not difficult to understand why we have been steadily falling behind.

A construction reserve fund for nonsubsidized shipping operators, tramp operators, and Great Lakes operators would provide a great stimulus for rejuvenation of a large segment of our merchant marine which has received little or no attention or encouragement. Overage, uneconomic ships in these services are badly in need of replacement. Senator BARTLETT, of Alaska—a vigorous champion of a modern, well-balanced merchant marine—has introduced legislation to create a vessel replacement capital reserve fund "to promote the replacement and expansion of the U.S. nonsubsidized merchant and fishing fleets." It is not yet known whether or not this measure will be officially supported, but it has strong endorsement from labor and industry spokesmen.

Senator BARTLETT's inclusion of the needs of the fishing fleet in his bill suggests a whole new panorama of developments. Many new ocean sciences are only beginning to emerge. Oceanography, for example, has captured the imagination of many persons and companies, and we are told that future opportunities are almost limitless. But, our basic maritime research and development endeavors have failed to keep pace and leave much to be desired. In the present fiscal year, approximately $10.8 million are available for maritime research programs, and of that amount $6.5 million is allocated for 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 200 times more money than for merchant ship research. Surely, 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 competitive on a worldwide basis in spite of our higher wages and higher material costs. It should not be too difficult to prove that Federal support of a comparable magnitude would have made it possible for our 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 barge trains, nuclear-propelled vessels, and specialized unit cargo load ships are some of these. Our shipyards are equal to the challenges ahead. Who can say what the condition of our maritime and shipbuilding industry would now be had research and development in this field received the attention given to the aircraft industry? But, it can be stated with certainty that the U.S. airlines would today be in dire straits if national policy necessitated their using a large proportion of converted flying fortresses of World War II vintage.

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 Washington, D.C., at the International Inn. 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 nation in the world. She occupies a highly significant position in Asia, and is developing a nuclear capacity.

The problem posed by China will not be solved by burying our heads in the sand. I believe that one day we must undertake the patient—and no doubt frustrating—effort to establish international, 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 activities." Recently, the Chamber of Commerce of the United States unanimously recommended a similar approach.

I commend the House subcommittee for its forthright stand. Although it is essential that the United States continue to oppose aggression and subversion, it is also essential that we maintain an open mind on the China problem and possible new U.S. initiatives.

I ask unanimous consent to have printed at this point in the RECORD an article and a fine editorial, from the Washington Post, on the action recently taken by the House Foreign Affairs Committee's subcommittee. I also ask 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 the editorial were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 16, 1965]

HOUSE UNIT FAVORS EASING PEIPING 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 Democrats and four Republicans suggested that the United States indicate both to China and other countries that U.S. opposition to some of the things China is doing does not imply permanent U.S. opposition to reasonable relations with China.

The caution with 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 opposition to anything connected with Red China.

"The United States," said the subcommittee, "should give, at an appropriate time, consideration to the initiation of limited but direct contact with Red China through cultural exchange activities 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 moves to establish trade 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 strong evidence that the United States 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 guard is up."

Since the current and earlier administrations have felt it necessary to move cautiously toward easing 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, a Communist state between China and Russia. Nationalist China has strongly opposed such a U.S. move.

The subcommittee also suggested expansion of U.S. trade with Eastern Europe to loosen that area's dependence on Russia.

It suggested more cordial relations generally with East European countries that show some independence of Russia.

And it suggested that the United States should not make overt efforts to exploit the Soviet-Chinese split.

The subcommittee reported that limited escalation of the war in South Vietnam has not pushed the Russians and Chinese together, but has widened the breach.

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 successful one, this will almost certainly 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]

RELATIONS WITH 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 the initiation of limited but direct contact with Red China through cultural exchange activities."

The subcommittee, headed by Congressman ZABLOCKI of Wisconsin, suggests that priority on these cultural exchanges go to scholars and journalists. It does not urge an opening up of trade relations with China at this time, and it does not delude itself into thinking that there will be any softening of China's anti-Americanism during the next few years. What the subcommittee desires is to encourage every opportunity to increase each country's knowledge of the other, and to make it more evident that it is not the United States which is isolating China, but China itself which is discouraging such contacts.

The subcommittee report also urged that the United States consider recognition of China's neighbor, Moscow-oriented Outer Mongolia. The Congressmen were aware, however, that when the United States tried to do just that a few years ago Chiang Kai-shek's Nationalist China, which would like to reclaim Mongolia as its own should it ever retake the mainland, forced the administration to back down.

It is understood that the subcommittee members were emboldened by testimony from Roger Hilsman, the Assistant Secretary of State for Far Eastern Affairs under President Kennedy, and that their report might have been even bolder had not a few of the members pleaded digestion difficulties 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 leadership of such impeccably respectable groups as these that an administration in Washington can be persuaded to note that perhaps the old "China Lobby" really is dead and that this country now can afford to take whatever realistic steps toward China it deems necessary in order to further our national interests.

[From the Washington Evening Star, May 24, 1965]

FUTURE RELATIONS WITH CHINA

(By Max Freedman)

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 has been attempted as a brave act of public service by the American Friends Service Committee (the Quakers) in its proposals for a new policy toward China.

Quite plainly there can be no immediate change in our policy while China disturbs the security of Asia. The Quakers with all their faith in the persuasive power of good will, are not blind to political realities. Their analysis contains some of the shrewdest comments on Chinese problems that have yet been presented for public consideration. Even among officials who dissent from their assumptions and principles, this report by the Quakers has 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 Quakers ask us to weigh the gains and penalties of our policy of nonrecognition, of a trade embargo, of mutual hostility, and of armed resistance. Without denying that such a policy had its origins and its justification in the threat of Chinese aggression, the Quakers ask whether we have nothing better to expect than another generation of armed antagonism and military struggle.

The policy of ranging China and the United States as mutual enemies, disputing the position of the paramount power in Asia, merely exposes the cluster of small states in southeast Asia to the tensions and upheavals of a cruel struggle for power between two armed giants.

To break 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 they concede 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 safety and freedom of the Formosans must therefore be the first essential principle to any Chinese settlement. Perhaps such a settlement will no longer appear remote and utopian if Peiping is recognized as the government of one United China; if Formosa is granted a large measure of local autonomy and protected in its human freedoms; if the American 7th Fleet is withdrawn from those waters; and if Peiping becomes a member of the United Nations and no longer suffers any discrimination in the world community.

This clearly is a most formidable list of speculative possibilities, and any approach to China on these principles is not practical for the United States in the visible future. All the same, if we take the easy course of seeking refuge in bleak negations palatable to us if only because of their long familiarity, then we doom ourselves to an endless entanglement with the China problem in its present dangerous form.

The emergence of China as a nuclear power, still with a small and primitive capacity, but one capable of ruthless expansion in the next decade, gives a tragic and urgent emphasis to the necessity of no longer treating China as an outlaw state. Perhaps China will obstinately resist all overtures, but can anyone really argue that we have tried and exhausted all available policies?

We have been no more eager to reach an accommodation with China, in a significant and fundamental sense, than we were to

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 China's power now.

The Quakers see a useful check on potential Chinese aggression by the presence of an international force in the threatened lands, with the United Nations taking an increased role in southeast Asia.

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, given us all 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. In the State of Connecticut, those responsibilities have been met very well. Through the Hartford office alone, more than $70 million is disbursed annually to administer veterans programs. The man overseeing the activities of the Veterans' Administration in Connecticut is Col. Edward W. O'Meara. Colonel O'Meara and his staff are charged with care of the records of more than 235,000 Connecticut veterans. The programs that Colonel O'Meara administers vitally affect the lives and well-being of ex-GI's, as well as the lives of their widows and their children. Colonel O'Meara is no stranger to such responsibilities; he was the first manager of the social security office in New Britain.

Furthermore, Ed O'Meara is an old and valued friend. When Governor of Connecticut, it was my privilege to appoint him a member of my military staff. Everything Ed O'Meara does, he does well.

I ask unanimous consent that an article entitled "State VA Part of Largest Business Firm in United States," published in the New Britain Herald of May 18, 1965, and describing the fine work of Colonel O'Meara and the Veterans' Administration in Connecticut, be printed in the RECORD.

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

STATE VA PART OF LARGEST BUSINESS FIRM IN UNITED STATES

(By Arthur E. McEvoy)

Twenty years after VE day and the end of World War II the Veterans' Administration, through its Hartford office, is disbursing more than $70 million annually in Connecticut to administer many programs for the benefit of men and women who were in the military service in two world wars and their dependent survivors.

In the New Federal Building in the capital city, around which the activities of the VA in Connecticut revolve, many functions affecting the lives of ex-GI's, their widows, and children are carried out by the staff of Col. Edward W. O'Meara, regional manager.

SERVICES LISTED

These include compensation payments, pensions, educational allowances, grants to paraplegic veterans of $10,000 toward building or buying a home and benefits to widows and minor children. The extent of the transactions may be visualized by the number of checks issued in April. In that month checks went to 42,479 living veterans and 13,973 to widows, widows and children, or children alone. Of the latter figure, 6,582 went to the World War I account and 6,401 to World War II beneficiaries.

In a display case in the main corridor of VA regional headquarters is a newspaper article saying "Today, the biggest business organization in the United States is not General Motors or A.T. & T., but the Veterans' Administration. Veterans and their immediate families comprise almost half the total U.S. population and the VA has some 22 million 'customers' in its active files."

UNIQUE SYSTEM

The Hartford office has records of 235,000 of the 350,000 veterans in Connecticut. In a forest of steel cabinets are their military history, data on medical examinations and treatments, as well as two-way correspondence. A unique filing system installed as an experiment for possible use throughout the Nation enables members of the staff to find a folder enclosing any veteran's record with a minimum of time and effort.

Specialists fill many posts in the Hartford office. A tour discloses the desks of physicians, lawyers, construction experts, occupation experts, loan administration agents, insurance underwriters, and accountants, a cross section of the professional fields. Other employees vital to the operation are flexo-writer operators, stenographers, dictaphone operators. In addition are many requiring special skills or understanding.

GOOD MORTGAGE RISKS

In the Loan Guarantee Division are approximately 95,000 mortgage loans which the office has guaranteed amounting to about $1 billion. "Evidence of how our veterans have taken care of their mortgage obligations is indicated by the remarkably low loss ratio which is three-tenths of 1 percent," said Colonel O'Meara, adding, "This, I think anyone would say, is an extraordinary record."

Versatile machines speed the work and make possible swift handling of an enormous amount of business transacted. By means of a telecommunication system about 520 messages are sent out monthly and about 525 received. The office can and does "speak" with all VA installations in the country through a series of relays.

SUPERVISES ESTATES

The mail desk handles about 70,000 pieces of mail a month, 40,000 incoming and 30,000 outgoing. Of those received, about 7,000 are processed by a mechanical locator index that looked to this writer like a small scale ferris wheel. A push of a button brings within reach of the operator's hand the addresses of many thousands of veterans in the State.

Many unanticipated problems are handled by the chief attorney's office which also exercises supervision over estates amounting to $9 million of some 6,300 incompetent veterans as well as beneficiaries and minor children.

During the fiscal year 1964, $72,500,000 was expended in Connecticut to carry out various functions of the regional Hartford office. This undertaking was accomplished by a staff of 118 whose working space and appurtenances occupy 30,500 square feet, the entire first floor of the Federal Building.

Colonel O'Meara, who heads this big operation, is no stranger to New Britain. He was the first manager of the social security office in this city.

RETENTION OF SECTION 14(b) OF THE TAFT-HARTLEY ACT

Mr. TOWER. Mr. President, the Nueces Canyon Chamber of Commerce, headquartered at Camp Wood, Tex., recently endorsed the proposition that section 14(b) of the Taft-Hartley Act be retained. I fully share the view of the chamber. In order that other Senators may be advised of how Texans feel on this most important matter, I ask that a letter to me from the chamber president be printed at this point in the RECORD.

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

NUECES CANYON CHAMBER OF COMMERCE,
Camp Wood, Tex., May 20, 1965.

Hon. JOHN TOWER,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR TOWER: The Nueces Canyon Chamber of Commerce has endorsed the proposition that section 14(b) of the Taft-Hartley Act should be retained to the end that the right-to-work laws of Texas can be continued.

This action was taken by unanimous vote of the chamber membership at the last regular meeting held May 4, 1965, and the undersigned was instructed to notify you of this action and to request your cooperation in this matter.

Thanking you in advance for a reply at your earliest convenience, I am,

Respectfully,

HORACE KELLY, *President.*

THE MESS IN VIETNAM—XV; AN EX-U.S. OFFICIAL "TURNS STATE'S EVIDENCE"

Mr. GRUENING. Mr. President, books of great pertinence and value to an understanding of what is going on in Vietnam and in southeast Asia generally are now coming off the presses. Considering the great lack of reliable information about why and to what extent the United States is engaged and the omission of many pertinent facts from official pronouncements, these books are a distinct contribution to public information, and they deserve reading.

Recently, I had printed in the RECORD reviews, from "The Nation," of David Halberstam's book entitled "The Making of a Quagmire," and of Malcolm Browne's book "The New Face of War." Mr. Halberstam was for 3 years the correspondent of the New York Times in Vietnam; and Mr. Browne was there as the correspondent of the Associated Press, and is still there. Both these books revealed tellingly the efforts to suppress the bad news from Vietnam and to give the American people the rosy picture which has, up to date, been part of the official line. Both of these newspaper men were Pultizer Prize winners, because of the excellence of their reporting of events in Vietnam.

We now have a book written by a Government official, the Public Affairs Officer in South Vietnam—John Mecklin, whose book, entitled "Mission in Torment," has just been issued by Doubleday. In the May 29th issue of "The New Republic," this book is admirably reviewed by I. F. Stone, the knowledgeable editor of "I. F. Stone's Weekly." He entitles his review, appropriately: "An Official Turns State's Evidence." I recommend to all Senators the reading of this review; but even more important is the reading of the

book itself. I ask unanimous consent that the review be printed in the RECORD.

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

AN OFFICIAL TURNS STATE'S EVIDENCE

(By I. F. Stone)

The most important battle in South Vietnam was the fight to let the American people know what was going on. Two reporters who shared Pulitzer prizes for their part in it, David Halberstam, of the New York Times, and Malcolm W. Browne, of the Associated Press, have recently published their accounts of this battle between bureaucracy and press.

Now in "Mission in Torment," we have the story as seen from the other side. John Mecklin, a Time staff man, took leave of absence to serve as Public Affairs officer of the U.S. Embassy in Saigon from May 1962 to January 1964. The story he has to tell is not peculiar to Saigon. The same struggle goes on in Washington. Covering the Pentagon, the State Department, and the White House is a continual rassle between reporters trying to get the news and press officers putting out the Government's party line. If the latter had their way we would all sound like American equivalents of Pravda and Izvestia; too many do. "In Saigon in 1963," Mecklin writes, "the newsmen were regarded as enemies not only by local authorities but also by the American Mission." In this, Washington often seems to differ only in degree from Saigon.

Mecklin charges that the newsmen were rude, self-righteous, and humorless, but he substantially confirms their indictment. Where Halberstam and Browne complain of a constant effort to mislead the press, Mecklin pleads in extenuation that the higher-ups believed their own falsehoods. "The root of the problem," he says, "was the fact that much of what the newsmen took to be lies was exactly what the Mission genuinely believed, and was reporting to Washington. Events were to prove that the Mission itself was unaware of how badly the war was going, operating in a world of illusion. Our feud with the newsmen was an angry symptom of bureaucratic sickness." The defense is more damning than the newsmen's accusations. All governments lie, but disaster lies in wait for countries whose officials smoke the same hashish they give out.

Mecklin lets us see that even this was not the whole story. There were falsehoods the officials believed and falsehoods they told deliberately. "To the best of my knowledge," Mecklin writes, "no responsible U.S. official in Saigon ever told a newsman a really big falsehood. Instead there were endless little ones." When the newsmen didn't fall for them, Washington complained. "There was a patronizing holier-than-thou tone in the official attitude toward the press," Mecklin relates. "We repeatedly received cables from Washington using expressions like 'tell the correspondents' to do so and so or 'explain how they were wrong' to write such and such. This was like trying to tell a New York taxi driver how to shift gears." This also goes on in Washington where Johnson sometimes seems to think the Constitution made him not only commander-in-chief of the Nation's Armed Forces but editor-in-chief of its newspapers.

In one of his last dispatches as a Time correspondent in Saigon in 1955 after Diem had been in office 9 months, Mecklin quoted an unnamed "prominent American journalist" as saying after his first interview with Diem, "Sort of a screwball, isn't he? His eyes don't even focus." By the time Mecklin got back to Saigon 7 years later, U.S. information policy was designed to make sure that nobody else's eyes focused properly on Vietnam either. Mecklin's book reveals that the notorious State Department Cable No. 10006, of February 21, 1962, which the Moss subcommittee of the House on Government Information Policies later exposed, was regarded within the bureaucracy as liberalizing press relations. This basic directive was drafted jointly by Arthur Sylvester at Defense and Robert Manning at State; it reflects the animosity to a free press characteristic of both departments. "It was 'liberal'," Mecklin comments wryly, "In the sense that it recognized the right of American newsmen to cover the war in Vietnam, but it was otherwise little more than codification of the errors the mission was already committing." Conveniently, the text was classified but the Moss subcommittee was allowed to reveal that newsmen were to be advised against "trifling criticism of the Diem government" and not to be taken along on military activities likely to result in "undesirable 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, General Westmoreland. Every few months, it would seem, Harkins would issue a statement saying that victory "is just months away"—this was his prediction, Mecklin recalls, the very day Diem was overthrown. His deputy and successor seems to be the same type. But when Westmoreland stepped into his old commander's shoes, the tired Army mimeograph machines ground out the same old tripe. "Like Harkins two years earlier," Mecklin notes, "Westmoreland's press notices described him as a 'no-nonsense' officer."

A major example concerns the State Department's recent white paper. The Mecklin book, like Browne's, rebuts its central thesis. "Like everything else in Vietnam," Mecklin writes, "statistics on infiltrated material and personnel from the North were highly debatable. There was no question that significant Chinese and North Vietnamese supplies had been smuggled. * * * But the vast bulk of Vietcong weapons and equipment were American." Mecklin also has "no doubt that several thousand Vietcong officers and other trained personnel had infiltrated from the North" but he adds that "the overwhelming majority of their forces were recruited locally." The white paper was intended to prepare public opinion for the bombing of the North. Mecklin says that by destruction of factories and training camps in the North "the Vietcong would be weakened, but probably not much more than the efficiency of the Pentagon would be reduced if the air conditioning were shut off." For Mecklin the talk of bombing supply routes "made even less sense" because most of the smuggled supplies were moved on foot or in sampan. In a graphic simile Mecklin writes, "As the French discovered so disastrously at Dienbienphu, air attacks on coolie jungle supply routes is like trying to shoot a mouse hiding in a wheatfield from an airplane with a rifle."

Two hitherto undisclosed scenes stand out in the Mecklin book. One was an interview with Kennedy on April 29, 1963, when the President asked him, "Why are we having so 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 "excessively optimistic public statements" in Washington and Saigon and the habit of "complaining" to editors and publishers "about unfavorable stories" from reporters in the field. Mecklin says he found Kennedy "skeptical but willing to try."

One wonders whether Mecklin was not naive. We know from Halberstam's book that Kennedy himself tried to persuade the publisher of the New York Times to transfer him out of Saigon. Six months later Kennedy was to issue the biggest optimistic whopperoo of the war—the McNamara-Taylor statement at the White House, October 2, 1963, that all was going so well in Vietnam we could withdraw 1,000 men by the end of the year and complete "the major part of the U.S. military task" by the end of 1965. The desire to primp up the face of truth was not confined to the lower echelons. Mecklin forgets to mention that speech by Carl Rowan, now again in charge of Vietnamese "information," about the public's "right not to know" which the Moss subcommittee protested. Nor the way this echoed Kennedy's speech to the publishers after the Bay of Pigs on the need for greater "restraint" in covering undeclared wars.

Another White House scene on which Mecklin lifts the curtain for the first time was a special meeting of the National Security Council on September 10, 1963, when the Buddhist crisis was about to bring down Diem. The Bay of Pigs made Kennedy aware of how wrong the Joint Chiefs of Staff and the CIA could be. Had he lived longer, he might soon have come to feel the same way about their advice on Vietnam. Mecklin was invited to be present to hear a report from a special two-man mission Kennedy had hurriedly sent out to Saigon for a fresh look at the state of the war and of popular support for Diem. The mission was composed, Mecklin relates, of a Pentagon general and a senior Foreign Service officer, "both relatively unknown, though experienced Vietnam hands." Each reported separately. Their reports turned out to be so different that when they finished, President Kennedy asked, with that dry wit which made him so winning, "Were you two gentlemen in the same country?"

Mecklin writes that security regulations prohibit him from reporting anything further about the meeting. He does say that while every other agency thought the time had come to reform, or get rid of, the Diem regime, "the Pentagon, unpersuaded 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." This should be read with Halberstam's and Browne's accounts of how stubbornly deaf General Harkins and the top CIA man in Saigon, Richardson, remained until the very end when their junior officers in the field tried to tell them what was going on. The lack of congressional or popular control over these huge military and intelligence bureaucracies allows them to go on being wrong with impunity. Each "mistake" leads on to a bigger one.

Yet Mecklin would drag us further into the Asian morass. He advocates the use of combat troops to take over the war in South Vietnam, he believes the national interest requires it and he thinks the war can be won in no other way, though it may take many years and many men. At one point he talks of the need for an army of 1 million men. I wonder how he reconciles this with his observation that we have been losing because we have not won the peasant over to our side. The peasant, Mecklin says, in the most perceptive passage in his book, is aware "if only intuitively" that the United States is in Vietnam for "global strategic considerations, not because of sympathy for the Vietnamese people." To step up the bombings north and south as we have been doing, and to follow this with combat troops as we have begun to do, means to burn up much of Vietnam for those global strategic considerations. This is unlikely to endear us to the least intuitive peasant in Vietnam or anywhere else.

SOIL STEWARDSHIP WEEK

Mr. DOUGLAS. Mr. President, during the period May 23–30, churches of

all denominations throughout the United States are observing Soil Stewardship Week. This annual observance is sponsored by the Nation's 3,000 local Soil and Water Conservation Districts. "Challenge 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.

To each among us, God has assigned 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 for 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 essence of our being—that from soil we came, 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.

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

FROM THE ADMINISTRATOR: STEWARDSHIP AND GROWTH

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 "The Challenge of Growth." 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.

A beautiful countryside stems from a prosperous soil and clean-running streams. We have accomplished much to preserve the beauty and prosperity of our land and to restore it where the soil and waters have been mistreated or uncared for. We must 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 care of the land. What account can we make of our stewardship?

With the cooperation of an interested and farsighted Congress, the soil and water conservation program has made significant advances. SCS conservationists have worked for more than a quarter of a century with local district supervisors and with farm and ranch cooperators 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 livability on land that once was unlivable. But not all the land. We have progressed; we have not yet arrived.

In resource conservation, each success is a benchmark. We can never be satisfied until all the land is used within its capability and assured that it will continue to be used wisely through enduring application of sound soil and water conservation practices.

This is a constant task, as constant as the need of living things for nourishment. The conservationist is concerned with keeping the land alive. He knows 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 topsoil, to scourge our streams and reservoirs, to undermine the foundation of our existence. A recent interpretive report of the National Inventory of Soil and Water Conservation 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 cropland, 73 percent of the non-Federal pasture and range, and 55 percent of non-Federal forest and woodland.

To these rural needs must be added the 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 the countryside has been sacrificed. The Nation could not afford this to happen, but it did happen. It happened because stewardship of the land was wanting; because as 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 shallow layer spread over an inhospitable landmass. When it is gone it cannot be replaced. When it has gone, as history tells us, nations and entire civilizations have declined and vanished.

We know what it takes to protect the life-giving soil and to keep the water running clean, as we build a greater America. We know that growth can be accomplished without destruction of the basic resources upon which our prosperity and future depend. This, indeed, is our stewardship responsibility.

The immediate need is to conserve. Prevention is our first responsibility. It is, by far, the least costly of the alternatives.

Prevention is the soul of the program of the Soil Conservation Service. And as we work to prevent destruction and loss of our most precious natural resources—which includes the beauty of the lanscape—we build.

D. A. WILLIAMS.

"THREE-STAR EXTRA"—A DISTINGUISHED RECORD OF BROADCAST JOURNALISM

Mr. SIMPSON. Mr. President, on April 19, a voice that has been familiar for some two decades to the American radio audience told a disappointed audience:

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.

Dismayed as I was at hearing Ray Henle's decision to terminate his award-winning "Newspaper of the Air," I nevertheless realize that after some 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 two of his newsmen, Ned Brooks and Fred Morrision, 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.

During "Three-Star Extra's" 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" found that a small 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 disclosure was that top echelon authorities ordered the scientists admitted, and the U.S. space program received a big boost. In another development that had world effect, "Three-Star Extra's" probing in 1954 helped to disprove Kremlin representations that Outer Mongolia was a bona fide sovereign state. Armed with the facts, the United Nations voted against letting this Communist puppet become a member.

"Three-Star Extra" has in recent months devoted many minutes of many broadcasts to telling the truth about the deplorable Otto Otepka affair, in which a much decorated State Department security evaluator is being stretched over a political rack for having the courage to tell a Senate committee the truth about security lapses in the State Department.

For its diligence in ferreting out and reporting the truth, "Three-Star Extra" has been cited many times. Among the prominent citations are the Dupont Award and five Freedom Foundation George Washington Medals of Honor.

Heading "Three-Star Extra's" staff of 19 is Managing Editor Ray Henle. He has covered the Washington scene for more than 40 years. He also covered 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 Brooks, and David Wills, "Three-Star Extra's" foreign-affairs expert. They were, in turn, backed up by other renowned and respected reporters, includ-

ing Victor Riesel, Gerald Waring, John Barnes, Edward Tomlinson, Bill Henry, Jim Simpson, Frank Forrester, John F. Lewis, James Galbraith, C. William Cardin, and the program's announcer, Hugh James.

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 this 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 meeting 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 relieved from the pressure of day-to-day broadcasting with the tensions of meeting deadlines 5 nights a week.

I have been at radio news microphones now steadily for 20 years over the airwaves—18 of them as editor in chief of NBC's "Three-Star Extra," sponsored by Sun Oil Co. And 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 and 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 institution, and I shall have other interests alined 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 received nothing but the finest cooperation and encouragement. Tonight I think you will be interested to hear a letter I have received from Mr. Robert G. Dunlop, president of Sun Oil Co., after my decision to retire as editor in chief was accepted. I will ask Ray Michael to read this.

"I am sure you know from your many contacts with members of Sun Oil Co. management how highly we regard all that you have contributed to our company through your 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 competence, added distinction and luster to our corporate name.

"Your decision to engage now in less exacting pursuits is one that engenders mixed feelings. We shall miss you; but on the other hand you have earned respite from the daily demands that today's world places upon those who seek and report the significant news and its background."

For that letter from Mr. Dunlop we are deeply grateful.

I might say it originally was our intention to announce our termination at a somewhat later date, but the news, as it inevitably will, got 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 flashing back 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, S. 9, be reported favorably to this body, it is extremely important that we recognize the economic and social significance of providing an opportunity for 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 18, 1965.

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

DALLAS, TEX.,
May 18, 1965.

Hon. RALPH YARBOROUGH,
U.S. Senate Building,
Washington, D.C.

DEAR SIR: 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 advanced education, or desire further advanced education, have families or many more responsibilities and financial burdens than young men fresh out of high school. Most veterans are more 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 your bill is so important.

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. Section 313 of H.R. 6675, which is the version of the bill that was passed by the House, provides that tips should be so included.

In my judgment, 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 part of their incomes.

Mr. David Siegal, who is president of the New York City Joint Executive Board of the Hotel and Restaurant Employees and Bartenders 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.

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

LOCAL JOINT EXECUTIVE BOARD
OF NEW YORK CITY,
New York, N.Y., May 10, 1965.

Senator HARRY F. BYRD,
Chairman, Senate Finance Committee, Senate Office Building, Washington, D.C.

DEAR SIR: On behalf of the 70,000 members of the Local Joint Executive Board of New York City, Hotel and Restaurant Employees and Bartenders International Union, AFL–CIO and of the 12,000 captains, waiters, waitresses, busboys and other dining room employees represented by Dining Room Employees Union, Local No. 1, an affiliate, we urgently appeal to you to approve section 205 of S. 1, as passed by the House of Representatives. Section 205 proposes to right a wrong which has harmed tipped employees for many years. This type of employees tips count as wages for withholding tax purposes but don't count as wages for social security purposes. As a result, upon retirement these workers qualify for social security benefits substantially inferior to those of other workers who pay the same taxes. The difference in the rate of benefits may mean the difference between economic survival and destitution in old age. The same applies to the survivors, the widows and the orphans, when the head of the family dies.

In connection with this appeal we respectfully wish to bring to your attention the following:

1. The opposition to this bill comes almost entirely from employers. However, a considerable number of employers have expressed support for this bill out of a sense of fairness toward their employees.

2. A small number of employees have been induced to write to your committee in opposition to the bill. This is the result of a propaganda campaign launched 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 the wage portion of their earnings. Waiters 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 proprietors or managers, every night before going home; another glaring untruth.

Consequently 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 bookkeeping the complaint is grossly exaggerated. Surely a bit of bookkeeping is no reason to deprive so many workers of such vital benefits. 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 them wages, regulate their hours of work, hire or fire them, and decide their conditions of employment. The ridiculous attempt to classify them as self-employed has only one purpose—to shift the entire cost of social security on the employees.

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 by the guest to the employer and by the employer to the waiter. Why not cover all waiters?

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. Approve section 205 of S. 1.

Sincerely,

DAVID SIEGAL,
President, Joint Board.
A. SUSI,
Secretary-Treasurer, Joint Board.
DAVID SIEGAL,
President, Local No. 1.
E. SARNI 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 to humanity.

Dr. Horace Hayden, of Windsor, Conn., was a cofounder of the first dental college in the United States in 1840, and was a leader in establishing the first national dental association and the first dental journal in the world.

Dr. Horace Well, of Hartford, has been acclaimed for his discovery and use of anesthesia in 1845.

Dr. Alfred C. Fones, of Bridgeport, has been hailed as the father of dental hygiene. Dr. Emmeline Roberts Jones, of Danielson, was our Nation's first woman dentist.

I congratulate the Connecticut State Dental Association and each of its members upon their 100th anniversary 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 should begin work now for the establishment of a multinational police force to protect freedom throughout the Western Hemisphere. Already a skeleton force has been organized in the Dominican Republic. Working through the Organization of American States, we should now urge that a permanent peacekeeping unit be formed.

I first recommended the establishment of such a force in October 1963, when uprisings plagued the Dominican Republic and Honduras. Our problems in the Dominican Republic today underscore the need for a permanent police force.

The organization I envision would be equipped to move rapidly to protect popular, democratic governments against military takeovers. The force would be employed:

First, when requested by a popularly elected government to protect its own internal security; and, second, at direction of the ruling body of the Organization of American States.

Each member of the Organization of American States would be requested to designate a small contingent of troops and equipment to be available on short notice. Command of this international force would rest with OAS.

The President's action in the Dominican Republic, I believe, has successfully stopped the threat of a Communist takeover in that country. However, it is the stated intent of Cuban Communists and their friends to continue efforts throughout Latin America to disrupt and eventually replace popular governments.

A quick-acting hemispheric police force, ready on a moment's notice at the call of a nation in need, would effectively reduce this threat.

I would urge that the President instruct our delegates to the Organization of American States to begin discussions now within that body leading to the establishment of this force.

THE DOMINICAN CRISIS

Mr. DODD. Mr. President, I ask unanimous consent to insert in the RECORD two truly remarkable articles by Virginia Prewett, Washington Daily News columnist on Latin America and winner of the Maria Moors Cabot Gold Medal for outstanding hemisphere coverage in 1964.

I believe that the appearance of these articles, which bear the hallmark of unmistakable authenticity, is most timely. Indeed, I think they constitute the most effective answer that has yet been made to those reckless critics of the administration who, instead of giving their Government the benefit of the doubt, lashed out frenetically at imaginary failings and errors.

Among the false charges that were made were these:

That the President intervened against the "constitutional" rebels in favor of an unpopular military clique, that the President had acted without informing the OAS, that Under Secretary of State Thomas C. Mann had masterminded the Dominican landing.

Miss Prewett, in her series of articles for the Washington Daily News, refutes these charges and sets forth an hour-by-hour log of the events that led to the decision of intervention.

I hope that my colleagues will all find 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 advisers were discussing Vietnam at 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 props them on. On the wall nearby hung a new decoration that he proudly shows visitors—the pictures of five Presidents with whom he has worked, mounted in one frame.

ADVISED

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 port of Haina, 9 miles away. The U.S.S. *Boxer* and other naval ships had been lying off Haina since Sunday, April 25.

THE MARINES

President Johnson and his advisers now discussed sending in U.S. Marines to protect the stranded Americans.

At 6:30 the President gave an order that made April 28, 1965, one of the world's historic dates, comparable in drama to October 22, 1962, the day of the Cuban missile showdown. He sent in the Marines. 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 restore peace and help establish democratic government in the Dominican Republic.

The great majority of Americans, say 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 before and since. Most Americans, if they think about it, disapprove of the Caribbean landings of the 1920's, when Calvin Coolidge said: "The business of the United States is business."

Woodrow Wilson's still earlier Marines missions in the Caribbean to counteract German plotting during World War I and to try to help along democracy afterward were blurred by the later use of the Marines in "Dollar Diplomacy."

OUTLAY

Two criticisms greeted the Johnson action on April 28. There was outcry in the unfriendly segment of the U.S. press that the President did not amply consult our Latin American allies in the Organization of American States. Senator ROBERT KENNEDY echoed this in a public statement comparing President Johnson's action with those of his late brother, and faulting President Johnson.

Next, the President was accused of intervening to help an unpopular military clique, headed by Gen. Elias Wessin y Wessin, against constitutional rebels favoring the deposed President Juan Bosch.

The administration had to endure these charges for the moment. Refuting them would have hindered chances of progress in the fast-moving Dominican situation.

CHARGES REFUTED

But Mr. Johnson's firefighting team confounded the critics first by attempting to get General Wessin to step out in the interest of a coalition. Again, Mr. Johnson refuted the charge of favoring the military clique by sending a top team to Santo Domingo to try to negotiate a coalition headed by Antonio Guzman, a former member of Bosch's Cabinet.

Nevertheless, as U.S. efforts to help settle tangled problems of personalities and power in the tragic country continued, a world debate rolled on about the intervention itself.

Speculation returns again and again to Mr. Johnson's reasons for intervening. And the impression rolls on, often cited as a fact, that he did not bring the Organization of American States into the crisis.

MANN'S ROLE

As a corollary, President Johnson is charged with being overpersuaded by his former Assistant Secretary of State for Latin America, the present Under Secretary of State for Economic Affairs, Thomas C. Mann.

The left-of-center Americans for Democratic Action, who do not like Mr. Mann because he is supposed to have favored sending U.S. military help to the Cuban exile brigade battling at the Bay of Pigs, have officially demanded Mr. Mann's resignation for supposedly masterminding the Dominican landing.

The charge is false.

The answer to these continuing questions should not be lost to history as a new black legend of U.S. intervention hardens now in 1965. The story can now be told.

At its briefest, it is this:

The immediate reason for landing the marines was to save American lives. The growing danger of a second Cuba on the island of Hispaniola reinforced the President's determination.

MANN'S FATE

But Mr. Mann was not even present at the meeting when President Johnson and his advisers first considered landing the Marines. And incidentally, the untrue ADA attack has guaranteed Mr. Mann will be in U.S. Government as long as Lyndon B. Johnson is President.

Moreover, the charge that the United States acted without the knowledge of the other member states of the OAS is not so.

The White House and the U.S. State Department, long before the order to land Marines was given, had established contacts with Latin American Embassies over the situation. The machinery of the OAS had already been set in motion, at U.S. request. Not only were the Embassies in Santo Domingo of South American countries notified, 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 REDS SPOTTED DURING ARMS HANDOUT

(By Virginia Prewett)

Trouble broke in the Dominican Republic at 3 p.m., on Saturday, April 24. Army officers seized their chief of staff and Santo Domingo's most powerful radio station proclaimed a coup against President Donald Reid Cabral.

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. But General Wessin did not move that Saturday.

At 5 a.m. Sunday, the White House was told the revolt was serious. At 7:10, Sr. Bosch, by 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 lie offshore, out of sight.

This was no novelty. When the longtime Dominican dictator, Rafael L. Trujillo, was assassinated in May 30, 1961, the then Vice President Johnson, acting for President Kennedy in his absence, sent U.S. 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 manager around 11:30 a.m. called to urge our Ambassador W. Tapley Bennett: "Do something about your people for God's sake!" Rioting and fighting had spread. The Pepsi Cola plant, an American symbol, was burned and bottles were stolen for Molotov cocktails.

At noon Monday, the Embassy began warning all Americans to gather for evacuation at the Hotel Embajador, on the city's outskirts. About 2,500 Americans were in Santo Domingo—diplomats' families, business residents, tourists.

At 5 p.m. Sunday, the Dominican Air Force joined General Wessin. On Monday, they bombed the presidential palace and strafed the rebel-held end of the strategic Ozama bridge.

On Monday, the rebel radio broadcast the names and addresses of the pilots' families. The pilots' wives and mothers were taken to the Ozama bridge as hostages against further strafing.

On Monday, our State Department discussed the situation with the Brazilian and Chilean diplomats.

A cease-fire was arranged for from 11 a.m. till 2 p.m. on Tuesday, so the 1,170 Americans at the Embajador could be taken by bus to Haina port and evacuated.

LUCKY

Soon after 8 a.m. Tuesday, an armed rabble burst into the Embajador. They had been given rifles and tommyguns by defecting army men. They sprayed bullets over the heads of prostrate Americans inside and outside the hotel. By luck, no one was shot.

The later cease-fire held long enough for the Americans to reach Haina, 9 miles away.

That same morning, Colombia's OAS Ambassador, Emilio N. Oribe, called on Assistant Secretary of State for Latin America Jack Hood Vaughn. They discussed bringing the OAS into the crisis.

White House approval was prompt. And at Tuesday noon, the U.S. alternate representative to the OAS, Ward Allen, called an urgent meeting of the Peace Committee.

The Committee, composed of the United States, Argentina, the Dominican Republic, Colombia and Nicaragua, discussed calling an emergency foreign ministers' meeting.

ENVOYS CONCERNED

When President Johnson checked reports later, he saw that Mr. Vaughn had also briefed the Venezuelans. At 7 p.m., he learned, the Costa Rican Embassy asked U.S. aid in evacuating Costa Ricans. During the day, the Embassies of both Peru and Ecuador called our State Department to express concern about their nationals. They stressed the need to protect their nationals and to protect law and order in Santo Domingo.

A little later, L.B.J. learned with relief that the first thousand or so evacuees were safe aboard American vessels. New refugees were filling the Hotel Embajador.

General Wessin's men were attacking heavily. In the late afternoon, Molina Urena and 15 rebels, including Col. Francisco Caamano Deno, 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 morning, President Johnson 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 spotted in the operation, 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 surfacing. The TV took on "a Castro tone." Shouts of "paredon" (To the firing wall!) were increasing in the tumult.

At 10:30 a.m. Wednesday, our OAS Ambassador, Ellsworth Bunker, briefed the OAS Council.

Around noon came more messages. Colombian Ambassador Jesus Zarate 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.

YANKS 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 Americans. Police chief 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, McGeorge Bundy and Bill Moyers, came the plea for military assistance.

After discussing landing marines, L.B.J. sent out calls to other officials. They included Deputy Secretary of Defense Cyrus Vance, Ambassador Bunker, Mr. Vaughn, Under Secretary of State Thomas Mann, CIA Director William Raborn, the Chairman of the Joint Chiefs of Staff, Gen. Earle Wheeler—the full team.

The hard and historic decision had to be made.

CONNECTICUT 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 Vietnam and 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, although unsensationalized, voices of approval which represent, I am convinced, the opinions of the overwhelming majority of Americans.

Although these acts have not been characterized by fanfare and although they have received 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:

HOUSE JOINT RESOLUTION 179

Resolution supporting U.S. policy in Vietnam and the Dominican Republic

Resolved by this assembly:

Whereas there has been criticism of the actions of the President of the United States in defending the cause of freedom in South Vietnam and in the Dominican Republic; and

Whereas such criticism, however well-intentioned, may tend to create abroad a false impression that the people of the United States do not support their Chief Executive in his attempt to assist the people of South Vietnam and the Dominican Republic against subversion and aggression: Now, therefore, be it

Resolved, That we, the members of the Connecticut General Assembly, do hereby record our 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; and be it further

Resolved, That the clerks of the senate and house of representatives be instructed to send copies of this resolution to the President of the United States, the Secretary of State of the United States, and the Secretary of Defense of the United States.

———,
Clerk of the Senate.

———,
Clerk of the House.

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 the famed novelist and 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 chronicler of the 19th century West. He was one of the first students of the University of Missouri School of Journalism, the first such institution in the Nation. The author 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 printed at this point in the RECORD.

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

[From the New York Times, May 26, 1965]

HOMER CROY DIES; NOVELIST WAS 82—ALSO DID BIOGRAPHIES OF WILL ROGERS AND JESSE JAMES

Homer Croy, the novelist, died Monday evening in his home at 150 Pinehurst Avenue. His age was 82.

In 1926, Mr. Croy wrote "They Had To See Paris," which became Will Rogers' first talking 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 rarely ever mentioned—poor but honest," Mr. Croy once said. "I was born on a farm near Maryville, Mo., the year the Brooklyn Bridge was built.

"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. 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 early hatred of physical labor and love of good victuals."

Mr. Croy studied a vest-pocket dictionary as he rode a farm horse into Maryville. Soon 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 went to New York anyway, and took a job 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 terrific struggle, got it published. They paid in postage stamps."

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.

Mr. Croy cabled the Universal Film Co. for money but was stranded for several weeks because of war conditions. Finally a friend, Mae Belle Savell, whom he had notified of his financial straits, managed to get a money order sent to him. He came home and, the next year, 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," and once said that the reason Mr. Dreiser had hired him originally was because he knew that Washington, Mo., was where they made corncob pipes.

But 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."

JESSE JAMES LEGENDS

Among the many other books Mr. Croy wrote was "Jesse James Was My Neighbor" (1949), in which he drew upon his intimate knowledge of the James legends gleaned as a cub reporter on the St. Joseph (Mo.) Gazette. 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, bald, 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 bread-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-

mittee, established by the Council, to review Federal agency activities in water research.

I ask unanimous consent that President Johnson's letter accompanying the report be printed in the RECORD.

The letter was addressed to the President of the Senate.

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

MAY 25, 1965.

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

DEAR MR. PRESIDENT: Even before there was a United States, people of this land were using and developing its water resources. Over the years the nature of the problems has changed and the size and scope of the solutions has increased but our technology has kept abreast of the needs.

Today far greater demands are pressing upon both our water resources and the technology required to meet our varied water needs. Our streams and groundwater resources must meet the needs of nearly 200 million people for food, fiber, and industrial processing. At the same time we have expected our streams to carry off the waste products of our homes, industries, and farms. We must also protect our people from damaging floods such as those which have recently occurred along the upper Mississippi River.

A projection of our population growth over the next few decades could lead to the conclusion that very serious water shortages might be expected over much of the Nation in the not far distant future. Pollution has already caused serious problems in many of our streams and lakes, and, with a growing population, pollution problems could extend to almost all of our water sources.

Such predictions must not come true. Our scientists and engineers will find solutions to meet these problems as they develop, if we maintain a continuing and effective research program. Earlier this year, I transmitted to you legislation expanding and extending one aspect of the water research program—desalting. Today I am pleased to transmit a report summarizing the Federal water resources research program for fiscal year 1966 prepared by the Committee on Water Resources Research of the Federal Council of Science and Technology.

The program is not large but it is vital. The total proposed expenditure for the 1966 fiscal year is only $101 million, less than one percent of the total national expenditure on water supply, water control and waste treatment. But the Committee is at work on the preparation of a long range research program of incalculable importance to our future. I am asking the Chairman of the Federal Council to press forward on the development of this plan.

We must be sure that our research effort is adequate to guarantee sufficient water for all our future needs. On this there can be no compromise. We must, also, strive through research to find a better basis for minimizing the damaging effects of water and to preserve and protect the natural beauty of our streams and lakes for the health and enjoyment of all our people.

Sincerely,

LYNDON B. JOHNSON.

HELICOPTER SERVICE BETWEEN SAN JOSE, PALO ALTO, AND SAN FRANCISCO

Mr. MONRONEY. 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 arrangements for the bettering of service between outlying communities of metropolitan areas and our terminal airports.

I consider this one of the most forward-looking actions taken by a trunk line in helping to develop VSTOL air services where badly needed to improve general airline service. By his action in joining with the helicopter company, President C. C. Tillinghast, Jr., will not only aid and expedite transportation to and from the major airport, he will also assist in developing an entire new concept in short-haul transportation by air.

Thus, instead of letting the helicopter service go down the drain, and thereby fail to make use of the experience already gained, TWA is moving to be a helpful partner to this presently struggling means of transport. I congratulate President Tillinghast and TWA on their forward-looking action.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the complete announcement of this new aviation service.

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

SAN FRANCISCO HELICOPTER LINE TO LINK TWA FLIGHTS WITH BAY AREA COMMUNITIES

Scheduled helicopter service between San Jose and Palo Alto, Calif., and the Trans World Airlines passenger terminal at San Francisco International Airport will be inaugurated early this summer by San Francisco and Oakland Helicopter Airlines, Inc. (SFO).

Announcement of the proposed service, filed May 24 with the Civil Aeronautics Board, was made by TWA President Charles C. Tillinghast, Jr., and M. F. Bagan, president of SFO.

The new service, upon CAB approval of the agreement and of SFO's application to serve the San Jose airport, will provide convenient direct connections to and from TWA domestic and international flights.

SFO will schedule a minimum of 10 round trips each weekday over the new route and 10 on weekends with twin-turbine 26-passenger Sikorsky S–61 equipment. The one-way fare to Palo Alto will be $7.50; to San Jose, $9.50.

Flight time to Palo Alto, about 20 miles by freeway from San Francisco International Airport, will be 8 minutes. The 35-mile trip to San Jose will be flown in 15 minutes.

Palo Alto and San Jose are southeast of the San Francisco Airport, in Santa Clara County, the fastest-growing region in the bay area, with a heavy concentration of electronics and defense industry activity.

In addition to the Santa Clara County operations, SFO will reschedule some of its existing East Bay scheduled helicopter and hovercraft services to TWA's terminal area to complement its service pattern. This new distribution of helicopter services within the San Francisco terminal complex will benefit travelers from Oakland, Berkeley, and points in Contra Costa and Marin Counties with a broader choice of convenient connecting services.

Mr. Tillinghast said that "In the interests of fostering development of new and improved services for the traveling public, and at the same time contributing direct support to the helicopter industry where expansion into new markets is justified, TWA has agreed to guarantee SFO'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 implementation of TWA's policy of assistance to helicopter operators during this crucial stage of their development," he said.

TWA flies about 900,000 passengers a year in and out of San Francisco International Airport on flights serving 69 other U.S. cities and direct polar route flights to and from Europe. Currently, TWA schedules an all-jet pattern of 25 daily arrivals and departures at San Francisco.

CBS REPORT SHOWS NEED FOR STRENGTHENED TRAFFIC-SAFETY EFFORT

Mr. RIBICOFF. 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 whose test scores are known. 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 Report" 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, which long has advocated improved driver-training programs, cannot be overlooked.

As we approach the Memorial Day weekend and the coming July 4 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 is really the "nut 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 program, giving attention to the driver, the vehicle, and the roadway, 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 a general problem occurring throughout 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. The danger of pursuing the phantom of the bad driver problem is that undue concentration on the supposed bad drivers too often takes 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 would 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. Studies, 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 2.8 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 is a definite need in this area. 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 effectivenesss of training techniques.

In the many areas, driver-education programs have been limited or nonexistent, due to the lack of needed facilities, 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 carowners 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 is not unusual for inspection authorities 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 traffic-law enforcement. 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 performed at stations or garages officially operated or specifically designated and certified for that purpose by the State. By advance agreement with the States, Federal participation in the cost of the motor-vehicle-inspection incentive plan would be established as a share of the initial cost, and would terminate after an agreed period of time, following which the program would operate on a self-sustaining basis.

In addition, we need to accelerate highway-safety research and administration. Federal assistance to State and local agencies, universities, 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, driver training, and the like. There should be review and evaluation, conducted at the Federal level, of all existing standards affecting highway safety. Following this review, Federal aid should be made available in order to organize and support the necessary cooperative work required to accomplish needed improvements in existing standards. This would 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, which require our attention and 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 48,000 people to their deaths last year.

In his New York address, Highway Administrator Whitton pointed out:

The vehicle needs continuing safety improvement, too—safer occupant "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 safety 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. Recessed 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 bumber heights.
11. Standard gear quadrant P–R–N–D–L automatic transmission.
12. Sweep design of windshield wipers—washer.
13. Glare-reduction surfaces.
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 automotive vehicle passengers. 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 relocation or change in gas tanks to prevent fire after collision.

Mr. President, the question is whether there is a way by which we can assure the installation of these devices in all cars—not just those purchased by the Federal Government. Proposed legislation has been introduced by the Senator from Wisconsin [Mr. NELSON], who—both as Governor of Wisconsin and now here in the Senate—has 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 legislature 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.

There 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

Whereas, the tragic toll of death and crippling injury which accompanies today's use of the automobile is appalling to heart and mind; and

Whereas, the continual rise in number of injuries and now the increasing rise in number of deaths due to motor vehicle accidents constitutes a disheartening testimony to the limited success of past traffic safety efforts and an ill harbinger of tragedies yet to come; and

Whereas, of the three major elements in a traffic accident—the driver, the road, and the vehicle—the most difficult of these to control and improve are the driver and the road, yet these have been the subject of our traffic safety efforts while little effective attention has been paid to either the accident-producing or injury-producing characteristics of the automobile; and

Whereas, the Congress of the United States, in a pioneer effort to secure safer automobiles, has directed the General Services Administration to develop and promulgate commercial safety standards applicable to passenger-carrying motor vehicles purchased by the U.S. Government; and

Whereas, the design and production of safer automobiles is a nation-wide problem requiring the participation of the Federal Government, which, it should be noted, has been and is now participating in the regulation of the design of other transportation vehicles: Now, therefore, be it

Resolved by the House of Representatives of the Third Legislature of the State of Hawaii, regular session of 1965 (the Senate concurring), That the Congress of the United States be, and it hereby is, requested to provide for Federal regulation of automobile design and to support the research necessary to establish effective design standards; and be it further

Resolved, That certified copies of this concurrent resolution be transmitted to the Honorable HUBERT H. HUMPHREY, President of the Senate of the United States, the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives of the United States, and to the members of Hawaii's delegation to Congress.

Adopted, May 4, 1965.

Mr. RIBICOFF. Mr. President, I wholeheartedly support the efforts of Senator NELSON and his bill. I commend the Legislature of the State of Hawaii for being the first to recognize the need for Federal standards in this area.

To speed the process, however, and encourage the automakers to take voluntary action, I shall propose to the excise-tax-repeal bill an amendment which would condition the auto-excise-tax repeal, after the initial 3-year reduction to the 4-percent level, on whether or not there has been obtained from the automotive industry satisfactory assurance that GSA-approved safety-standard equipment will be made standard equipment on all new cars manufactured in this country. I am also asking appropriate Federal agencies for a complete report on the applicability of these standards to imported automobiles, with a view to introducing appropriate proposed legislation to improve them, also.

I have estimated that the auto-excise-tax-cut schedule in the House bill will reduce the cost of automobiles in the amount of $68 the first year, $67 in the following 2 years, and $90 in the last 2 years. Can Detroit meet the GSA standards at a cost of less than $100? I would not be surprised to find that that could be done and I am certain that the American people would be willing to forgo saving that amount, in order to help save their lives.

In conclusion, Mr. President, I point out that the CBS show of Monday night proved that the American people are vitally interested in traffic safety. The old adage 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 which has taken place since the day, 10 years before, when the newspaper jumped from the weekly field into the daily classification.

The growth of the Columbia Basin 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.

I ask unanimous consent of this body that an editorial and one of the articles published in the special edition be printed at this point in the special edition be printed at this point in the CONGRESSIONAL RECORD.

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

OUR FIRST DECADE IS BEHIND US: NOW FOR ANOTHER

This is the first issue of the Herald in its second 10 years of daily publication. Yesterday was the anniversary of that great day, March 28, 1955, when the conversion was made from twice a week to daily.

It's perhaps a time to reminisce. Elsewhere on this page are excerpts from editorials which appeared in the Columbia Basin Herald on its last day as a semiweekly and on its first day as a daily. The nine members of the staff who lived through that experience and are still with us have their personal recollections. Being in on the birth of a new daily is an opportunity which comes to few people, and they cherish the thrill.

The last 10 years will go down in history as those when Larson Air Force Base flourished and died. The Boeing Flight Center was built, operated full tilt for 7 years, and abandoned. A concrete blockhouse was built for Spokane Air Defense Sector, and then it too was abandoned. Three Titan I missile complexes were built, put in operation and then deactivated. Strategic Air Command took over the base from Military Air Transport Service, and now SAC has been ordered to leave and close Larson next year.

The Columbia Basin project, meanwhile, has been growing steadily. In 1955 there was water available to 251,282 acres. This year there are 482,391 acres eligible for water, nearly doubling the acreage in the 10 years. The rate of farm development has been even swifter. Where many farm units were not broken out in the earlier years, today 90 percent of the farms eligible for water are actually being farmed.

Cities and towns in the upper Columbia Basin have shot up in the decade. Moses Lake, Ephrata, Soap Lake, Quincy, Warden, and Othello in particular have grown apace. The towns of George and Royal City have been born. Schools and other public buildings have multiplied. And Bid Bend Community College at Moses Lake has come into being.

What do the next 10 years hold in store?

Development of the project must be stepped up. Federal appropriations have slowed it to a snail's pace. But there are powerful forces at work to bring an end to this stalling, to pick up the tempo and bring water to the more than 500,000 acres still to be brought under ditch. Ten more years could see the project well on its way to completion.

Our economy will be tied even more closely in the next 10 years to agriculture. The era of large military payrolls and construction work is just about over. The basin will have to adjust to this. It also can capitalize on it by using the fine facilities at Larson to lure new industries and to expand its educational plant.

As the basin project continues to grow it will spawn more and more industries. The era of agricultural processing already is here. Two new potato processing factories are being built in the Moses Lake area this year, supplementing similar plants already in operation at Warden, Othello, and Quincy. A second sugarbeet refinery, complementing the Utah-Idaho plant near Wheeler, can be expected to be established within the next 10 years. Plans for processing other crops also must come, as the production is here.

These plants breed other industries—carton plants, shops for servicing motors and air conditioning, pelleting operations, and many others.

They will be different, these next 10 years, but they will be interesting and challenging. And by reliance solely on the land and what it produces, they should be solid ones.

WHEN THE COLUMBIA BASIN HERALD BECAME A DAILY 10 YEARS AGO

When the Columbia Basin Herald became the Columbia Basin Daily Herald on March 28, 1955, it ended 19 months of twice-a-week publication.

In the last semiweekly issue, put out on Friday, March 25, the Columbia Basin Herald editorialized thusly:

"Frankly, it will be a relief. Our volume of business has increased so with the semiweekly, especially in the last 5 months, that it was too much for the staff to handle adequately. We've been working overtime, 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, 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 place, except the press, to make for a more streamlined 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 carpenters knocked out a wall separating the old space and the new, and remodeling went right ahead while we worked. Desks arrived in time for the new people, but chairs didn't and it's still a case of getting down to the office early enough to get something to sit

on. Remodeling continued this week, but we're in the new space and are able to spread out enough so we aren't tripping over one another. The painters gave us a brandnew interior finish Monday night.

"A lot of new gadgets have arrived and are taking some getting used to. There's the Associated Press teletype machine, on which we'll receive our wire news. There's another kind of teletype machine, with a keyboard built for newspaper use, for receiving news from our new Ephrata news bureau. There's the Associated Press machine on which we'll receive perforated tape to be fed through the typesetting machines. And there's the attachment on one of the Intertype machines which sends the tape through and sets type automatically.

"There also has been the cutover to dial telephones, complicated by the fact that we're going from three phone lines to four, and from five instruments to nine.

"But to get back to the semiweekly, which dies with this issue. It's been an interesting experience, but we're not sorry at its passing. When we went from once to twice a week (and that was only 19 months ago) we knew it was an interim step, that it would last only until business built up to the point where daily publication would become possible. We wouldn't recommend it as a permanent thing.

"A semiweekly is neither fish nor fowl, neither weekly nor daily. There aren't any comic strips, for example, made for twice-a-week publication. Newswise, you act something like a daily, but not quite. You carry no wire news. All the news is local—it has to be gotten and written by your own staff, with no Associated Press news to help fill up the holes. It all comes right out of your hide, like you were putting out two weekly papers instead of one.

"With the daily, we'll be beefed up for the faster operation. Everyone will have a particular job to do, and he'll concentrate on it. The editor won't also be writing sports and the women's editor won't also be covering the weather and the hospital, as in the past. We've set up rigid deadlines and we intend to stick to them, so the paper will get out on time every day.

"It's not without a bit of nostalgia, of course, that we approach this big step in our progress. We're going to try our best to retain the personal touch that goes with weekly and semiweekly journalism. But we're looking forward eagerly to next Monday when we'll become the first daily newspaper in the heart of the Columbia Basin.

"Off with the old and on with the new."

And in the first issue of the Columbia Basin Daily Herald, these editorial comments appeared:

"We're going to do our level best to give the basin the kind of daily it deserves and needs. As the first daily to be spawned in the northern and central areas of the basin, we at last are able to become an adequate medium of news reporting, analysis, and editorial influence which only the written word can provide.

"Up to now the herald has been, at times, rather provincial in its outlook, inasmuch as an overwhelming proportion of its subscribers have been residents of the Moses Lake area. Now we are reaching out, seeking to serve the residents of Ephrata, Soap Lake, Quincy, Warden, and Othello as well. So our outlook now will be broader and wider in scope.

"We only hope to play a part, for example, in bringing about a closer and warmer feeling between Ephrata and Moses Lake. Friendly rivalry has existed for years between these two communities, and that's healthy. By running full news reports daily from both cities, we hope to foster a better understanding, which should put an end to some of the bitterness which still persists.

"It isn't often that a daily newspaper is born. To those of us on the staff of this lusty infant it's a historic event, an experience which comes to a precious few persons in their lifetimes. We sincerely hope the product of our work, our talents, and our souls will prove to be the medium of expression the Columbia Basin needs and deserves."

INTERNATIONAL CONVOCATION ON THE REQUIREMENTS FOR PEACE

Mr. PELL. Mr. President, a short time ago, a most significant and important 4-day 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." I became deeply interested in this convocation during its planning stage, and was a participant in its fruition.

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, in association with Dr. Robert M. Hutchins, president of the center, and Mr. Leslie Paffrath, president of the Johnson Foundation, on the development of this meeting. The very careful preparation helped, I believe, 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: public life, the sciences, the humanities, to mention but a few. Among the distinguished participants 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, EUGENE MCCARTHY, and GEORGE MCGOVERN; and Representative WILLIAM FITTS RYAN.

The convocation was, I believe, of value in many respects. As I noted at the roundtable discussion concluding the convocation, several points are 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 freedom; 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 matter is the revision of the Charter of the United Nations. There are geographical-area problems too. We have to translate our thoughts into actions in Africa, the Congo, Asia, Vietnam. There is the question of China, with the new difficulty presented by the Foreign Minister of China when he said that peaceful coexistence with the United States is out of the question. How does one resolve that statement with the plea of the other Marxists for peaceful coexistence?

Finally, there is the question of Germany and of Berlin. It is only with the relaxation of tensions that the reunification of Germany can be hoped for.

I have long been an advocate of such an easing of tensions, to help a unified and nonmilitarized German nation to emerge.

Perhaps the greatest single benefit of the convocation was that a variety of viewpoints could be freely expressed in an atmosphere of thoughtful attention. Such free discussions are essential to peace on earth, and are in accord with our abiding resolve to achieve that goal.

One purpose of the convocation was to provide a continuing forum for further free interchange of opinion, as a means of increasing understandings and developing constructive ideas. The sponsors of the convocation are proceeding with this concept firmly in mind.

As indicative of the scope and impact of the convocation, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a list of various participants from our own Nation and from other countries; pertinent editorials and articles from the Providence Visitor, the Catholic Standard, and Sign; and excerpts from a memorandum on worldwide reaction to the convocation, prepared by the Santa Barbara, Calif., Center for the Study of Democratic Institutions.

There being no objection, the list, editorials, articles and excerpts were ordered to be printed in the RECORD, as follows:

Participants from our own country were: Eugene Burdick, professor of political science, University of California; Abram J. Chayes, former legal adviser to the State Department; John Cogley, staff director, Center's Study of the American Character; Norman Cousins, editor, Saturday Review; James Farmer, national director, Congress of Racial Equality; Jerome Frank, professor of psychiatry, Johns Hopkins University Medical School; Hudson Hoagland, executive director, Worcester Foundation for Experimental Biology; Paul G. Hoffmann, director, United Nations Special Fund; H. Stuart Hughes, professor of history, Harvard University; Robert M. Hutchins, president, Center for the Study of Democratic Institutions; Philip C. Jessup, judge, International Court of Justice; Herman Kahn, director, Hudson Institute; George F. Kennan, permanent professor, Institute for Advanced Studies; Edward Lamb, president, Lamb Industries;

Henry A. Luce, editorial chairman, Time, Inc.; Marya Mannes, author and critic; Walter Millis, staff director, Center's Study 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 Reconcilation; Fred Warner Neal, Professor of International Relations and Government, Claremont Graduate School; Leslie Paffrath, president, the Johnson Foundation; James G. Patton, president, National Farmers Union; Linus Pauling, Nobel Prize laureate;

Gerard Piel, editor and publisher, Scientific American; R. Paul Ramsey, Harrington Spear Paine professor of religion, Princeton University; Elmo Roper, public opinion analyst; Bayard Rustin, executive secretary, War Resisters League; Stanly K. Sheinbaum, economist, center staff; George N. Shuster, assistant to the president, University of Notre Dame; Carl J. Stover, executive director, National Institute of Public Affairs; Paul Tillich, John Nuveen Professor of Theology, University of Chicago; and Mrs. Dagmar Wilson, founder, Women Strike for Peace.

Participants from other countries included: A. O. Adebo, representative of Nigeria to the United Nations; Robert Albert Gaston Buron, chairman, National Commit-

tee on Productivity, Republic of France; Lord Caradon, Minister of State for Foreign Affairs of the United Kingdom; Abba Eban, Deputy Prime Minister of Israel; N. N. Inozemtsev, deputy chief editor of Pravda; Alberto Lleras Camargo, former President of Colombia; Mikhail Dmitrievich Millionshchikov, director, Kouzchstov Institute of Atomic Energy; Pietro Nenni, Deputy Prime Minister of Italy; Vijaya Lakshmi Pandit, Governor of Maharashtra, India, and former President of the United Nations General Assembly; Alex T. Quaison-Sackey, representative of Ghana to the United Nations and President of the 19th General Assembly:

Luis Quintanilla, former president of the council, Organization of American States; Abdul Monem Rifa'i, representative of Jordan to the United Nations; Adam Schaff, member of the Central Committee, United Workers' (Communist) Party of Poland; Carlo Schmid, Vice President of the Bundestag of the Federal Republic of Germany; Paul-Henri Spaak, Vice Premier and Foreign Minister of Belgium;

Kenzo Takayanagi, chairman of the Constitutional Revision Commission of Japan; Vida Tomsic, member of the Committee for Foreign Affairs, Federal Assembly of Yugoslavia; Arnold Toynbee, historian; U Thant, Secretary General of the United Nations; Barbara Ward, economist and author; Sir Muhammad Zafrulla Khan, judge, International Court of Justice; Yevgenzi Zhukov, director of the Institute of History, Academy of Sciences of the Soviet Union.

[From the Providence Visitor, Feb. 26, 1965]

CONVOCATION IN NEW YORK

Last week in the new Hilton Hotel in Manhattan, some 70 speakers, all of world renown, discussed the problems of world peace for 2½ days before 2,000 registered listeners. Among the speakers were scientists, philosophers, theologians, educators, politicians, and diplomats; there were Protestants, Jews, unbelievers, and a few Catholics; there were Democrats, Republicans, Socialists, Communists, and political neutralists. They came from nations all around the world and included such personages as Paul-Henri Spaak, Vice Premier of Belgium and former Secretary General of NATO; U Thant, Secretary General of the United Nations; and HUBERT HUMPHREY, Vice President of the United States.

Possibly the only common bond in this extraordinary spectrum of world representation was its appreciation of Pope John XXIII's encyclical "Pacem in Terris." Though all speakers would not agree on all points of the encyclical, all are of the opinion that "Pacem in Terris" provides the best basis for reconciliation of conflicting views and for a possible meeting of minds between the East and the West. Many of the distinguished speakers at the convocation spoke of Pope John and his encyclical in lavish terms. HUBERT HUMPHREY had this to say: "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 raised our hopes and exalted our vision. It is the duty of our generation to convert this vision of peace into reality." And Robert Hutchins termed "Pacem in Terris" "one of the most profound and significant documents of our age." This high estimate of the encyclical is not something new. From its first appearance it was hailed around the world, even in Russia. In the United States, Walter Lippmann commented that at last the Western World has a charter and basis for its liberties.

The paradox of all this is that almost all of this opinion is non-Catholic. The reception of "Pacem in Terris" in Catholic circles has been moderate to cool, just as in the case of its predecessors, "Rerum Novarum" of Leo XIII and "Quadragesimo Anno" of Pius XI. Private comment at the convocation, moreover, noted in some cases that Catholic participation in the convocation was disappointing.

This is a strange inversion of order. What we, as Catholics, should be preaching to others from the housetops is being taught to us by non-Catholics. For this, in a sense, we should be grateful; but in another, ashamed. We may take some consolation in the fact that at the New York convocation a goodly representation came from our own diocese and included Bishop McVinney, and that our own Senator PELL was an active figure in its preparation and program.

The failure of Catholics to heed their papal encyclicals is cause for concern, since it points to a defect of faith. Pope John, echoing his predecessors, warned us in his "Mater et Magistra" that the social teachings of the church are an integral (necessary) part of the Catholic faith. Those whose faith lacks or denies it, obviously, cannot be considered fully Catholic.

Further analyses of the failure of our schools, press, and pulpits to teach Catholic social doctrine are necessary, but so are positive programs of practical implementation of the doctrine. From the convocation we may take a tip. We have thunder in our ideological arsenals; we should let it be heard before it is stolen from us.

[From the Catholic Standard, Feb. 26, 1965]

ALL MEN OF GOOD WILL

In April of 1963 Pope John gave the world an Easter present. It was his encyclical letter "Pacem in Terris," addressed not only to Catholics but to all men of good will. "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 make up our modern world.

Pope John's statement of principles must be put into action. This will require a great deal of study and cooperation. The international convocation on "Pacem in Terris," held in New York and sponsored by the Center for the Study of Democratic Institutions, is a step toward this study and cooperation.

The convocation brought together governmental and nongovernmental leaders from Western, Soviet bloc and uncommitted nations. The talks at the convocation were to be based on the principles suggested by Pope John's encyclical.

We cannot expect a sudden turn of events in world policy as a result of the convocation. Tensions in the Middle East and in Africa will continue to exist. There is no sign that the war in Vietnam will suddenly cease to exist. Communist nations will continue in their own ways even though Communist representatives came to the convocation.

What we can hope and pray for is that the world leaders, as a result of the convocation, will realize in a practical and urgent sense what good Pope John saw: The world is becoming more and more one community and it is looking to become one ordered society.

Pope John based his vision not on any negative reason such as the fear of nuclear warfare. His encyclical took a more positive approach. Pope John saw the deepening acceptance of the sacredness of persons, the growing worldwide social and economic interdependence, the rise of the workingman and of the new nations, the new dignity of women, the growth of communication, the dissolving of barriers, and the reshaping of once rigid ideologies. Pope John called for the society based on truth, justice, charity, and freedom.

Pope John's vision calls for strength—not merely strength in weapons but strength in man himself. As Senator PELL, of Rhode Island, pointed out to the convocation, "Strength resides also in the fiber of mankind, in the human spirit—it is imperative that we develop this strength whose potentials are shared by all of us and develop it for the building of a lasting and honorable peace. The alternative as we well know can mean annihilation." If the Pacem in Terris convocation has helped the world leaders to realize the importance of the human spirit, it will have been a success now and a step on the ladder to a true world peace in the future.

[From Sign magazine, February 1965]

A SUMMIT FOR PEACE

(By Edward Wakin)

On Holy Thursday, 1963, Pope John XXIII issued an unprecedented encyclical addressed not only to the world's 500 million Catholics but to "all men of good will." Just before Christmas, 1964, the first president of the United Nations General Assembly from Black Africa demonstrated that the Pope's worldwide audience was still listening. He agreed to address the opening session of an international convocation to discuss peace on earth in terms of that encyclical, peace on earth.

The convocation, which takes place this month, is possibly the most extraordinary response in this century to a papal message. Even the Communists—whose leader could once ask how many legions the Pope had—have responded. The convocation, as appropriate a legacy as Pope John could wish, can be called his summit meeting for peace.

The road from Rome to the New York Hilton, where the meeting takes place, has been a winding one. It has led to a foundation in Wisconsin and a "thinking man's" shelter in California, and it is being traveled by world figures of many faiths and philosophies. Communist, capitalist, and Socialist, influentials and intellectuals, and churchgoers and atheists are gathering to confront the challenge of an epochial encyclical.

The invitations for the February 18–20 convocation went out from Santa Barbara, Calif., under the signature of Robert Maynard Hutchins, president of the Center for the Study of Democratic Institutions. This controversial figure, who has been described as a "natural intellectual resource" for 40 years, directs a controversial center which has been described as a shelter for intellectuals. Considering the source, the invitations represent the ultimate in secular recognition from America's thinking establishment.

The unusual ingredients of the convocation and the international prestige and power of its participants have literally been brought together by the spirit of the encyclical and its author. Mr. Hutchins explained that the encyclical was the starting point for the convocation, "because, as its worldwide reception showed, it states principles by which men of all faiths and philosophies profess to live and asks the questions they know must be answered, if the world is to have a chance of survival."

President Johnson responded with a special message to the center praising the convocation: "I have no doubt that such a discussion, under private auspices, of the problems of peace will provide a major contribution to the greatest single problem of our time." In accepting an invitation to participate, Alex Quaison-Sackey, the African president of the U.N. General Assembly, replied to the center: "I share your hope that it will prove an important contribution to better international relations and that the discussion of the principles of peace on earth will result in a better understanding of the need for coexistence and cooperation among nations."

The immediate acceptances guaranteed a summit convocation. They included Vice President HUBERT H. HUMPHREY, U.N. Secretary-General U Thant, Chief Justice Warren,

Mayor Willy Brandt of West Berlin, Sir Muhammad Zafrullah Khan, judge of the International Court of Justice and president of the 17th U.N. General Assembly, Author Barbara Ward, Historian Arnold Toynbee, Senator J. WILLIAM FULBRIGHT, chairman of the Senate Committee on Foreign Relations, and U.N. Ambassador Adlai Stevenson. There was talk of arranging an appearance by Pope Paul as well as President Johnson.

Imbedded in the encyclical 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 attainment of some practical end, which was formerly deemed inopportune or unproductive, might now or in the future be considered opportune and useful."

It all began in a personal response that would have pleased the pontiff. While the Pope lay dying, Dr. Fred Warner Neal, professor of international relations at Claremont Graduate School, suggested to Frank K. Kelly, an active Catholic layman and center vice president, that Santa Barbara's Catholic churches hold interfaith meetings in which Pope John's writings would be read.

Before the meetings could be held, Pope John died and a memorial service was held instead, with 800 Californians of all faiths in attendance. Then Professor Neal, who is a consultant to the center, sent a memorandum suggesting a convocation based on the encyclical. A major supporter of the convocation was Seniel Ostrow, a Jewish businessman who is a member of the center's board. The board approved with enthusiasm. As Frank Kelly recalled 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 the auspices of the Johnson Foundation in Racine, Wis. Around the same table sat Vatican, Western, Asian, and African officials, Soviet and Iron Curtain diplomats, U.S. Senators, Catholic, Protestant, and Jewish leaders, presidential consultants, and world-famous scholars. Pope John, who liked "to make complicated things simple," would have enjoyed hearing a Communist diplomat, Dr. Marian Dobrosielski, tell the conferees that even Communists agree with his conclusions—while rejecting his philosophy.

The preliminary meeting laid these fundamental issues before the convocation: universal acceptance of coexistence; settlement of conflicts by negotiations and the creation of mechanisms for peaceful social and political change; disarmament; creation of mutual trust among nations; elimination of racism; international cooperation in aiding developing countries; further development of the United Nations.

Pope John would have approved enthusiastically, for these issues parallel those raised in an encyclical which has been called "the symphony of peace." Its theme has been expressed in these words: "Peace among all peoples requires truth as its foundation, justice as its rule, love as its driving force, liberty as its atmosphere." But in the final analysis, Pope John pointed out, "there can be no peace between men unless there is peace within each one of them; unless, that is, each one builds up within himself the order wished by God."

In the four movements of the pontiff's symphony, peace is considered in the harmony between individuals, between individuals and political groups on the one hand and the whole community of men on the other. Philosophically, the encyclical is built on the natural law.

In his authoritative commentary on the encyclical, Father Peter Riga has delivered a challenge to Catholics in particular. He quotes Charles Peguy's remark that the reason so many Catholics do not have dirty hands is because they have no hands. They have not been involved in the modern world with all its problems. Pope John's encyclical called upon Catholics to become involved.

Thus, it is not only portentious that a secular organization has organized this worldwide summit meeting in a New York hotel. It is also ironic. The first papal encyclical not limited to Catholics may have had more response among non-Catholics. If so, the reasons may lie in the spirit of Pope John and the importance of the subject and also in what Father Riga has called "the Catholic ghetto mentality which has been prevalent since the Reformation."

As the convocation opens, four position papers help to light the way—by a Protestant theologian, a rabbi, a scientist taking a humanist view of the encyclical, and Thomas Merton. The latter's memorable essay, which contains many cogent observations, makes this point in particular: "It is the attitude of openness prescribed by peace on earth that must form our thinking as Christians in time of 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 be able to choose peace." (The four essays are being published in a pamphlet by the Center for the Study of Democratic Institutions and can be obtained by writing to the Center, Post Office Box 4068, Santa Barbara, Calif.)

The convocation is also a climatic venture for the Center for the Study of Democratic Institutions, a courageous hybrid conceived in Ford Foundation money and dedicated to a proposition embodied in two words hanging framed in Dr. Hutchins' office: "Feel Free." The center has become America's leading enterprise in intellectual worrying, its staff of consultants implemented by visiting firemen who uninhibitedly examine America's basic institutions.

Since bold confrontation has become a way of life at the center's bucolic Santa Barbara setting on Eucalyptus Hill, the convocation on peace suits its turbulent life of dialog. The convocation is an ultimate confrontation with mankind's basic differences and its very survival.

The center's style is illustrated by a question once put to America's most famous Jesuit intellectual (Father John Courtney Murray) by an Associate Justice of the Supreme Court of the United States (William O. Douglas)—"How would you like to have your confessional bugged?" As with things spoken on Eucalyptus Hill, it was bold and to the point. The topic was the first amendment and the controversy over hiding microphones in jury rooms.

From its beginning in 1952 with a $15 million Ford Foundation grant, Dr. Hutchins' organization has sailed on troubled waters. As the Fund for the Republic, it charged into the controversy over civil liberties in the midst of the McCarthy period. Its stand in favor of intellectual freedom and political dissent brought much abuse and criticism, including a public remark by Henry Ford that the fund was guilty of bad judgment. Dr. Hutchins' admirers were heard to quip that at least he hadn't built the Edsel.

In 1957, the fund, whose Ford money was not renewable, shifted gears. It changed its emphasis from grantmaking, moved its headquarters from New York, and set up its thinking-man's shelter in bucolic Santa Barbara as the Center for the Study of Democratic Institutions. Dr. Hutchins then put the enterprise to work on a sustained effort to define and clarify the basic issues confronting America. The first six targets were the corporation, the trade union, the common defense, the political process, religious institutions, and the mass media.

Out of center discussions, about 150 pamphlets, occasional papers, transcripts, and reports have resulted, with more than 4 million copies distributed. In addition, some 70 books have been triggered by its think sessions in Santa Barbara. From coast to coast, supporting members are being sought to keep its $1 million annual budget underwritten for many years to come.

More than 500 scholars and experts have crossed swords with the center's consultants and staff, who include such influential Catholics as Father John Courtney Murray, S.J., George N. Shuster, and John Cogley. They contribute as individual Americans with a Catholic point of view to an organization that is secular. Only 3 of the center's 26 board members and 3 of its 19 staff members are Catholics.

As a staff member, Mr. Cogley, in particular, has played a significant part in center activities in recent years. He directed the study of religious institutions and prepared one of three working papers for the preliminary conference on the peace-on-earth convocation. In characteristic Cogley and center style, he discussed boldly the encyclical as a guide to coexistence. Mr. Cogley observed that the Pope seemed to be saying that Catholic-Communist collaboration is "not forever unthinkable" in practical matters, though the two views of life are incompatible and call for safeguards. He argued that "the Johannine version of theism, Christianity, and natural law, nevertheless, in the interests of world peace and mankind's needs, provided for a mode of genuine coexistence between the Communist and the Christian world."

As Mr. Cogley noted in an article in the Commonweal, the convocation must confront the gulf between the Catholic and the Communist view of life and man's ends. Can their two visions of peace be reconciled? Can other religious and antireligious visions of peace on earth be reconciled as well? In his essay, Thomas Merton pointed out that Pope John sought to clear the air, morally, psychologically, and spiritually. The convocation is an important step in this direction. Then tourists, traveling salesmen, and business conventions can once again raise the roof at the New York Hilton, but—hopefully—the unprecedented "Pope John summit meeting" can help to make the world safer for them and the rest of a troubled mankind.

[From Time, Feb. 26, 1965]

THE REQUIREMENTS OF PEACE

In a time of swords, men dream of plowshares. For much of mankind the dream has seldom been as fervent—or as elusive—as it is today. History's greatest tyranny enslaves half the globe; science and technology offer not only the promise of poverty and hunger conquered but also the threat of civilization destroyed. Each day, from Selma to Saigon, brings evidence that man exists in a climate of risk. Last week the United Nations, which had earlier designated 1965 as International Cooperation Year, reached a stalemate and adjourned for 6 months.

These overtones of violence and disorder gave all the more meaning to a unique, 3-day meeting last week at the New York Hilton Hotel. There, under the auspices of Educator Robert Hutchins' Center for the Study of Democratic Institutions, scores of statesmen, diplomats, theologians, and philosophers met to discuss the means and methods of bringing peace to the world. The participants included Protestants, Buddhists, agnostics and atheists; but the framework for their thinking was the vision of world order contained in Pope John XXIII's encyclical "Pacem in Terris" (Peace on Earth).

The relevance of that vision was summed up by Vice President HUBERT HUMPHREY at the opening session. "John XXIII presented to the world a public philosophy for a nuclear era," said HUMPHREY. "It represents not a utopian blueprint for world peace,

presupposing a sudden change in the nature of man. Rather, it represents a call to leaders of nations, presupposing only a gradual change in human institutions. It is not confined to elaborating the abstract virtues of peace, but looks to the building of 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 raised our hopes and exalted our vision. It is the duty of our generation to convert this vision of peace into reality."

"Time presses," declared Robert Hutchins in his opening address. "It is time to open a new conversation about the requirements of peace, on a level somewhere between apathy and panic—and this side of the irrelevance of propaganda."

The conversation took place three times a day, and it involved an exotic mixture of personalities. On the dais waiting to deliver their addresses, Protestant theologian, Paul Tillich, sat with that outrider of neutralism, Nobel prize-winning chemist, Linus Pauling. At another panel, Kremlinologist George Kennan, onetime Ambassador to Russia and Yugoslavia, clashed with Dr. Adam Schaff, the leading Marxist theoretician of Poland.

In the audience of more than 1,500, television's Steve Allen was wedged one afternoon between two intent nuns; U.S. Communist boss, Gus Hall, amiably discussed the significance of a speech with his neighbor, a Catholic priest. The meeting also proved a magnet for pacifists and peace marchers; sprinkled heavily throughout the listening throng, they cheered at every hint of banning the bomb.

The broad generality of the topics discussed inevitably produced more cross talk than consensus on the panels. Just as inevitably, many of the grand remedies for world ills brought out in the discussions were familiar nostrums that had been heard to often before—George Kennan, for example, attempted to revive Poland's old Rapacki plan to denuclearize central Europe, while ever-hopeful Harold Stassen proposed an arms-free zone on each side of the Bering Strait. Nonetheless, the convocation served the useful purpose of providing an intellectual workshop for a far- and free-ranging discussion of some central ideas and issues that must be faced before any form of peace on earth is won.

LAW

" 'Pacem in Terris' reflects the view that men will never live in peace until they have the opportunity to obtain justice under law," declared U.S. Chief Justice Earl Warren. There were no dissenters. Obliquely and directly, a wide variety of panel speakers agreed that the basis of any orderly world community is the rule of law—law viewed not negatively as a social defense against evil but as a positive force for social order. Phillip Jessup of the International Court of Justice argued that law today is not only a series of prohibitions but "the mechanism by which society has created devices for people to work together for common ends." Internationally, this kind of positive law includes the great treaties as well as lesser but equally essential agreements that nations have created in order to solve such housekeeping issues as mail delivery and preventing the spread of infectious disease.

SOVEREIGNTY

The development of international law, Warren noted, lags behind the perfection of domestic law. The major reason is a lack of consensus on the meaning and scope of sovereignty. Sir Muhammad Zafrulla Khan of Pakistan, an International Court Justice, and Mexico's Luis Quintanilla, onetime Minister to the United States, both agreed that traditional concepts of jealously guarded sovereignty should give way to greater acceptance of reduced national autonomy and greater acceptance of international obligations. Said Quintanilla: "Anything happening in any corner of the earth affects sooner or later the entire international society in which our nations grow. Human solidarity, until recently a vague moral inspiration, has become actual interdependence."

An even sharper attack on old-fashioned nationalism came from political theorist Hans Morgenthau, who pointed out "the discrepancy between our cerebral modes of thought and action and the unprecedented novelty of the circumstances in which we now live. The present age has made the idea of the nation-state as obsolete as feudalism was made obsolete 200 years ago by the invention of the steam engine. We must face the atomic age with a transformation of the whole way our Government thinks and acts." In rejoinder, Potestant theologian Paul Ramsey of Princeton warned that immediate abandonment of the nation concept was hardly practical, and certainly not in accord with the ideas of "Pacem in Terris."

COEXISTENCE

Another barrier to East-West concord is a fundamental philosophical disagreement about the meaning of peaceful coexistence. Poland's Schaff, the most articulate of the five Communists who spoke at the convocation, described the term grandly as a "noble competition for the minds and brains of the people" between rival ideologies. Both Kennan and Belgium's Foreign Minister Paul-Henri Spaak answered that it is hard for the West to consider the competition "noble" so long as the Reds deny personal liberty and depend on rule by coercion.

Historian Arnold Toynbee defended "missionary work" in the ideological struggle but insisted that man should have freedom to listen and choose; thus the right to propagandize fell well short of enforcement by military might. Arkansas Democrat J. WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee, agreed that an ideology is "a source of strength and creative action" for men and nations, but found a measure of hope in the fact that within recent years Russia and the United States have shown a tendency to "cut their ideologies down to size." If this spirit continues, he said, both powers may become "more interested in solving problems than in proving theories."

Caught in the ideological struggle between East and West—and deploring it most loudly of all—have been the neutral nations of Africa and Asia. In a sharply worded formal statement for the convocation's record, ex-President Alberto Lleras Camargo of Colombia chided many of these hand-wringing bystanders for making a contribution to peace that adds up to zero. Said he: "Too often we apply a very high standard of performance to those powers that have done most to comply with their national and international obligations, even as we acquiesce in the fact that a huge part of the world is governed without any respect for the rights of human beings or nations. This hypocritical tendency of some of the nonnuclear countries has done a great deal of damage to the cause of peace. Countries which speak of nonalinement in this fight between the two great powers give up the quest for the triumph of human rights and jeopardize the right of nations to be free."

INSTITUTIONS

To keep ideological struggle within nonwarlike bounds, a number of panelists suggested that the world needs considerably more than its present, inadequate peacekeeping machinery. Zafrulla Khan accused both East and West of neglecting the possibilities of new instruments and institutions for promoting and enforcing world law. "There has been a tendency to attach disproportionate value to the method of direct negotiations," he said, adding that other peacekeeping methods proposed by the U.N. Charter—such as arbitration and judicial determination—"have not been used often enough in major disputes."

Talk of new peacekeeping machinery led several participants—including Secretary General U Thant—to propose a thorough reform of the U.N. Abram Chayes, onetime Legal Adviser to the U.S. State Department, argued that the U.N. simply does not have the resources to handle the problems put to it; Britain's U.N. representative, Lord Caradon, grumbled that "nobody brings things to the U.N. until they're in such a hell of a mess that there is no advantage to anyone any more." To Mexico's Quintanilla, the U.N. is now only "a rather queer and timid 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 Constitutional Revision Commission. Every nation, he argued, should adopt a version of the Japanese Constitution's article 9, which abolishes war as a sovereign right and prohibits armed forces.[1]

Much was left unsaid during the 20 hours that the convocation was in session. Apart from endorsing multilateral rather than bilateral programs of foreign aid, panelists failed to make clear how the billions of U.S. assistance dollars might be most hopefully channeled into making weak economies more productive. References to disarmament tended toward simplism, and did no more than echo the general pleas made in "Pacem in Terris."

What emerged, finally, from the days of debate was a universal yearning 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 man and man. The world must be wary, he said, "of the old hawkers' cries, offering something that will cure 'the twitch, the pitch, the pain, and the gout—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 LASTING VISION OF POPE JOHN

The document that inspired the convocation 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 good will."

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 his predecessor Pius XII. What gave these ideas freshness and new life is the warm, open Johannine spirit—the willingness to reach beyond the frontiers of Catholic doctrine and bring the church into dialog with the modern world. Perhaps more

[1] Despite the article, Japan has a 250,000-man self-defense force, partly trained and equipped by the United States, its partner by treaty in maintaining peace in the Far East.

important, they were ideas whose time had come round at last. The encyclical appeared in a season of relaxing world tensions and at the moment in history when the Christian churches had entered an era of good will—the ecumenical century.

Rights and duties: "Pacem in Terris" methodically progressed from a discussion of the rights and duties of individual men to the relations of state with state. These relations, argued the Pope, must be based on truth, justice, love and, above all, freedom. Specifically, he condemned racial discrimination, strongly affirmed the right of religious liberty, and passionately deplored the arms race.

Pope John addressed atheists as well as believers; yet "Pacem in Terris" is an unmistakably theistic work. This is hardly surprising in a papal pronouncement, but it clearly sets the encyclical apart from such purely secular documents as the United Nations "Universal Declaration of Human Rights." Time and again, Pope John argues that the rights of men and governments stem not solely from human consent but from the design of the Creator.

How is God's design to be known? In answer, Pope John turned to a cherished concept of Catholic philosophy: natural law—man's instinctive but God-given knowledge of right and wrong. It is the law of nature, he argued, that man has the right to life, education, private property and has the duty to cooperate with others in building an orderly world. Today, said the Pope, the moral order demanded by natural law also requires a supranational public authority—a world government.

Concise and limpid: Natural law dictates the relationship between men and nations. But these relationships must be ratified and established by human law, and Pope John applauded that fundamental of Western democracy, government by constitution. Rejecting government by coercion, the Pope endorsed the explicit definition of the rights and duties of governments and citizens in every nation's basic law, including a charter of fundamental human rights written "in concise and limpid phraseology."

When "Pacem in Terris" was published, the immediate response was an astonishingly broad chorus of praise. Grateful for John's favorable comments on the U.N., Secretary-General U Thant hailed the Pope's "wisdom, vision, and courage." Abandoning its traditional policy of nonresponse to papal words, the U.S. State Department heralded "Pacem in Terris'" emphasis on human liberty. Equally delighted by the encyclical's denunciation of colonialism, Europe's Communist press crowed so loudly about John's "opening to the left" that the Vatican was forced to reemphasize the church's unaltered rejection of communism.

But there were critics. Social Philosopher Will Herberg noted that the Pope's sketch of 20th century trends inexplicably ignored the spread of totalitarianism. And a number of Christian thinkers have noted that in dealing with the crucial issue of disarmament and world peace, Pope John said little more than "ban the bomb." An American Jesuit describes John's vague generalities on coexistence as "a lump of suet in a pudding."

Nonetheless, as the convocation made clear, "Pacem in Terris" remains—in the words of Robert Hutchins—"one of the most profound and significant documents of our age." What it offers to men facing contemporary risks and realities, said Economist Barbara Ward, is "a glimpse of how the world might look under the governance of love."

[From Time magazine]

A LIMIT TO HOPE

"It is understandable," declared Protestant Theologian Paul Tillich, "that a conference like this meets widespread skepticism, perhaps by some in the conference itself." He challenged both the encyclical and the possibility of realizing its dream of world order.

Tillich pointed out that the ideas behind "Pacem in Terris," being stricly Western and Judaeo-Christian, are alien to religious traditions that do not consider the dignity of man as an ultimate value, and should not be forced onto the rest of the world willy-nilly. As for the sweeping condemnation of war, "Pacem in Terris," said Tillich, did not consider the problem of resistance to violations of human dignity. "There are situations," he warned, "in which nothing short of war can defend or establish the dignity of the person."

Effective authority, Tillich said, needs power, and the conflict of authority with authority leads, inevitably, to the use of force. "But when is coercion a just expression of power, when an unjust one?" Old criteria—the medieval concept of the just war, for example—no longer serve in an age of possible atomic conflagration, and the many laws that apply to men can only obliquely serve as guides to the proper conduct of nations.

These problems led Tillich to conclude that there is a definite limit to hope for peace on earth as prescribed by Pope John. Men must "distinguish between genuine hope and utopian expectations." Genuine hope is found in such factors as the atomic threat that has imposed on mankind a common destiny, the conquest of space that makes neighbors of distant nations, international cooperation in science and medicine.

Out of this limited cooperation may emerge what Tillich called "communal eros"—the love of men for other nations. But, he said, "there is no hope for a final stage of history in which peace and justice rule. History is not fulfilled at its empirical end; but history is fulfilled in the great moment in which something new is created, in which the Kingdom of God breaks into history conquering destructive structures of existence. This means that we cannot hope for a final stage of justice and peace within history; but we can hope for partial victories over the forces of evil in a particular moment of time."

[From Life magazine]

A SEARCH FOR SOMETHING MORE THAN A COMMUNITY OF FEAR

(By John K. Jessup)

The guest list would have done credit to a U.N. charter meeting or a state funeral: the Secretary-General of the U.N., the president of the Assembly and two former presidents; the Vice President and Chief Justice of the United States, an associate justice and four U.S. Senators; Belgium's Foreign Minister Paul-Henri Spaak; the Italian Deputy Prime Minister, Pietro Nenni; leading officials from Russia, Poland and Yugoslavia; two justices of the World Court; historian Arnold Toynbee and Theologian Paul Tillich; all told, 2,000 delegates from 20 nations of the Communist, neutralist, and Free Worlds.

If the dramatis personae were impressive, the subject matter of the 3-day "Pacem in Terris" convocation was even more so. The participants aimed to explore the requirements of a durable world peace through panels covering the rule of law, peacekeeping institutions, a solution to Europe's territorial dilemmas, the problems of neutralists and non-nuclear nations, the terms of coexistence, and the implications of the papal encyclical for U.N. policy. The approach to these great issues was a series of panel discussions conducted by the most prestigious delegates.

Was all this too ambitious even for so august an assemblage? In his opening address, Vice President HUBERT HUMPHREY thought not, "Pacem in Terris," said he, offers "a public philosophy for a nuclear era." The Pope did not write "a Utopian blueprint for world peace, presupposing a sudden change in the nature of man. Rather it represents a call to action to leaders of nations, presupposing only a gradual change in human institutions * * * the building of a world community." The audience was highly receptive to this kind of hopeful talk. Consisting mainly of intellectuals, clerics, and foreign affairs experts, it was conspicuously short of representatives from the Pentagon and Red China. As a group, it was a little too quick to applaud any mention of world government, banning the bomb, and stopping the war in Vietnam. But this was very much in the "Johannine mood," and the author of "Pacem in Terris," who was very much a yea-sayer for peace, would no doubt have heartily approved of this convocation.

Not all the participants found Pope John's underlying assumptions so congenial. Some of them skipped, some of them explicitly 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 expectations he found in the encylclical. Its "determining principle"—that justice is based on the equal dignity and rights of every individual—is only agreed on, said Tillich, in "Western, Christian-Humanist culture, but not essentially beyond it." Other cultures and religious traditions do not value these concepts so highly, and furthermore "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, deploring all of them; but it contained no adequate discussion of the use of coercion in the just exercise of power.

PEACE THROUGH FEAR

Tillich brought up the question, which the Pope had not, of whether human nature is even capable of peace on earth. Man's will being hopelessly ambiguous, he said, one should not address an encyclical to "all men of good will" (as the Pope did) but to all men, since there is bad in the best and good in the worst. Finally, Tillich distinguished between Utopian hopes of a world ruled by peace, justice, and love, which must await the end of history, and more realistic hopes for a world community capable of avoiding self-destruction. He named several grounds for such genuine hope, including the "community of fear" created by the horrors of nuclear war itself. This negative ground, he said, at least makes the conflicting powers conscious that there is such a thing as "mankind with a common destiny."

Belgium's Paul-Henri Spaak developed this negative ground for hope a step further. A major reason why men have fought wars throughout history is that one side or both could look forward to victory. The bomb has removed that reason; neither side can expect to "win" in a nuclear war, argued Spaak, a point on which all thinking men agree, and on which even Khrushchev had expressly concurred with the Pope. Thus there need not be a nuclear war despite man's natural bellicosity. In a similar tribute to the deterrent effect of mutual terror, Luis Quintanilla, Mexico's onetime minister to the United States, nominated the bomb for the Nobel Peace Prize.

As the panelists got down to work on such practical matters as German reunification and foreign aid, the question about war and human nature went underground for a while. But it surfaced again in the final session when Novelist Eugene Burdick complained that he had heard too little discussion of whether man is really a peaceloving or even a rational creature. He was answered first by psychiatrist Jerome Frank, who pointed out that while man is indeed a bundle of

hostilities, modern war is an elaborate social institution that has to be taught to each generation and can be untaught as well. The problem, thought Frank, is not how to create total peace on earth, but how to make the world safe for man's natural aggressiveness by limiting the scope of 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 put it, "both killer and saint."

The consequence of this duality of man's nature for the preservation of peace was crystal clear, said Lawyer Grenville Clark, coauthor of "World Peace Through World Law"; the nations must grant powers to a supranational body sufficient to curb the destructive impulse 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 nations, were a recurrent theme throughout the 3 days of discussion. Several participants quoted the papal encyclical (which called for "public authorities * * * on a worldwide basis") as having at least made the subject respectable.

Even Herman Kahn, the Rand Corp.'s tough-minded nuclear strategist, felt that "a rather bad world government might be better than no world government." Political scientist Hans Morgenthau of the University of Chicago, while not expecting sovereignties to be abolished overnight, thought statesmen should think of themselves as "nothing more than the caretakers of a bankrupt national regime which they have to transform, slowly, into a new one."

Some of the statesmen present were willing to go pretty far in this direction. Spaak, long well known as a prophet of political unity in Europe, further advocated the general renunciation not only of nuclear war, but of all wars whatsoever, including "wars of national liberation" and wars "in defense of democracy." Quintanilla, speaking in the session 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, weighting Assembly votes to represent populations, and giving the organization a monopoly of nuclear force. At the same session, the chairman of the Constitution Revision Commission of Japan, Kenzo Takayanagi, reported that his commission had decided not to recommend any change in Japan's famous "pacifist" clause, article IX of the Constitution, which renounces Japan's sovereign right to wage war and possess armaments. Japan should keep article IX, he said, in the hope that it will be a model for future constitutions and the amendment of old ones. (At the end of the meeting, Host Robert Hutchins announced he would spend the rest of his life lobbying for a U.S. constitutional amendment like article IX.)

PIECEMEAL PEACEKEEPING

Such radical talk naturally met counterargument in several panels from the more cautious spirits, the believers in "piecemeal" peacekeeping. Sovereignty and nationalism drew a kind word from Muhammad Zafrulla Khan, of the World Court, who pointed out that only a fully sovereign nation can make a firm treaty, or even cede part of its sovereignty to the authority of world law. His U.S. colleague on the World Court, Phillip Jessup, emphasized the coral-like way in which law grows; the fact that much international behavior, such as air routes, mail and weather information, is already governed by a network of law, which can and does grow; and that "leg over leg the dog went to Dover."

Another spokesman for the piecemeal approach was Abram Chayes, former counselor to the State Department, who pointed to the sad record of the 19th Assembly as a poor omen for U.N. Charter revision and said "we are lucky to have the charter we have" and had "better work with it." Lord Caradon, British Ambassador to the U.N., took a more hopeful view of the U.N. as it is, but also pleaded eloquently for more respect for the disinterested motives of its secretariat. But Secretary General U Thant himself, in the address winding up the conference, said "in all frankness" that the peacekeeping provisions of the U.N. Charter are "somewhat out of date," that the anachronism was responsible for the U.N.'s current constitutional crisis, and that the U.N. faces a "great debate" over the distribution of peacekeeping functions between the great and small nations.

The small nations, as represented in the panel on non-nuclear powers, showed less interest in reforming the U.N. than in getting more aid through it. Nigerian, Jordanian and Yugoslav spokesmen emphatically agreed that they preferred this multilateral source of aid to bilateral aid from a great power, on the ground that the latter carries the smell of cold war bribery, whether there are strings on it or not. (There are no strings on U.S. aid to Latin America through the Alianza program, said Colombia's Alberto Lleras Camargo.) British Economist Barbara Ward, chairing this panel, said of all underdeveloped nations that "the sense of their own nationhood has simply got to be the starting point of any type of world order." It appeared from this panel's discussion that nationalism is a new virtue in young, poor countries, but in old, rich ones is an obsolete vice—as Nigeria's Chief Adebo put it, "simply deplorable."

In the next day's panel the old, rich countries had more say on the terms of coexistence. It was chaired by 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 proposed that both the United States and U.S.S.R., in order to make their peaceful coexistence less precarious, should subordinate their respective ideologies to "the human requirements of a changing world."

THE COMMUNIST TWIST

The Communist spokesmen on this and other panels (Yevgenyi Zhukov, the leading Soviet historian; M. N. Inozemtsev, a top 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 worldwide republic of eggheads." He agreed that peaceful coexistence is a necessity; but now that war can no longer settle things between great nations, their ideological conflict—"a noble and rational rivalry"—must now grow more intense, and also more mutually influential. He took a Socialist pride in descrying a growing American tendency toward economic planning, and in return predicted the gradual political democratization of Polish communism.

The Russians declared that states with different social systems can and must coexist, but only on the basis of sovereign equality and noninterference; there can be no coexistence between "oppressor and oppressed." U.S. libels to the contrary, said Inozemtsev, Marxism does not advocate the export of revolutions. But it also opposes "the export of counterrevolutions" (i.e., outside support of resistance to Soviet-approved rebellions), and that, said both Russians, is why the Soviet people are "gravely concerned" about the U.S. role in the Congo and Vietnam.

Thus, went the Russians' logic, "wars of liberation" are still legitimate exceptions to the Soviet opposition to war, as they were in Khrushchev's last speeches. Zhukov gaily invoked the American war of independence to validate current Communist revolts, which he said are just as historically irreversible. But this analogy fell rather flat, and the "coexistence" panel wound up considerably short of agreement, except on FULBRIGHT's plea for mutual tolerance and "the cultivation of a spirit in which nations are more interested in solving problems than in proving theories."

Prudently, the sponsors of the convocation had disowned from the start any intention to reach an agreement. The illumination of issues and the stimulation of further dialog was their goal. And there was plenty of reason for further dialog, not least among the Americans present. Two Americans, former Ambassador George F. Kennan and Nobel Prizeman Linus Pauling, launched much more vitriolic attacks on U.S. policy than the rather circumspect Russians.

Kennan demanded a wholesale change in our European policy, even to the point of military disengagement in Germany, and a revision of our assumptions, which are the basis of NATO, about Soviet aggressive intentions.

Pauling found the United States wholly responsible for the war in Vietnam. Pauling's indignation threw a strange light on another suggestion in his speech, which was echoed later by his fellow scientist, Hudson Hoagland. It was that since the language of science is more truly international than that of politics, and quicker to bypass ideological road blocks, scientists should have a larger say in questions of peace and war. This brief hint of an international technocracy gave Pauling's hearers an additional reason, besides the horror of nuclear war, to hope that the world's present political leaders will not fail their peacekeeping responsibility.

NEW MEANS OF CHANGE

The convocation produced two other ideas that may cast a more lasting illumination. One came from Arnold Toynbee and was supported in a separate discussion by Jerome Frank. They suggested that a new means of effecting social change may already be at large in the world, a way of appealing to the conscience rather than the fears of those in authority—namely, nonviolent resistance. Gandhi used it to overthrow the British raj in India, and Martin Luther King won his Nobel Prize by proving it could work in America as well. It was perhaps underemphasized that nonviolent resistance, to be effective, must choose an adversary with a conscience, and that some governments are not so equipped. But even so, as Frank pointed out, the Gandhi-King example may have a permanent influence on accepted definitions of manliness, which for thousands of years has been associated with readiness to fight. Some day it may be thought that "if you resort to violence then you are a coward."

GLOBAL GREAT SOCIETY

The other illumination was best expressed by Abba Eban, deputy prime minister of Israel. He declared that after millennia of national histories, mankind has now entered "the first era of global history"; and he proposed that all heads of state, large and small, devote 1 week of their working year exclusively to the problems of "the human nation" instead of their own. He gave them an agenda: Overpopulation, malnutrition, illiteracy, gross inequality of incomes, and the repair of the physical damage man has done to his planet since creation.

Eban's plea for a great society of mankind won a standing ovation from the audience. It expressed a conviction heard earlier from others, that when nations collaborate on joint projects for human betterment transcending their own parochial interests, they are likelier to understand each other and less likely to go to war.

Eban's speech also reflected the ecumenical spirit which imbued this whole convocation, the spirit which Pope John XXIII released throughout the Catholic world, and which is still expanding today through other churches, chanceries, and faiths.

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 on thousands of radio and television newscasts.

(2) The largest diocesan newspapers in the United States—the Pilot, published by Cardinal Cushing in Boston; the New World, published by the Archdiocese of Chicago; the Tidings, published by Cardinal McIntyre in Los Angeles; the Long Island Catholic, reaching hundreds of thousands of Catholics in the New York area; the National Catholic Reporter, published in Kansas City but distributed nationally; the Catholic Register, published in Denver but also distributed in churches across the country; the Catholic Star Herald, the weekly with the largest circulation in southern New Jersey; and other large Catholic papers—gave the convocation 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 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 two articles, highly favorable.

(3) The Johnson Foundation reported that their clipping service had sent more than 1,400 separate news stories. They reported many editorials and bylined articles by columnists, and declared: "In the whole batch, there are perhaps three or four somewhat negative comments."

(4) Presbyterian Life, a magazine published by the Presbyterian Church, with a circulation of 1,141,000, declared that "rarely, if ever, has there been such a coruscating assemblage of first-rate minds under one roof."

(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 negatively in the fear rampant in the minds of men, the fact that areas of agreement did appear in the course of this convocation suggests that more positive motivations may come to play a role."

(6) Time, Life and Newsweek gave substantial attention to the conference. An article by Roland Gammon is in preparation for This Week, which claims a circulation of 14 million. Reader's Digest also is considering an article. The New Yorker's March 6 issue contained an article about Fred Neal and the convocation in positive terms. Pageant magazine is coming out with an article on the center and its importance to the world—an article now scheduled for the May issue.

(7) With the cooperation of Life, pocket book editors are working on a paperback book about the convocation, designed to hit newsstands 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 for continuing discussion of these statements in meetings to be held in many parts of the United States.

(9) America, a magazine read by all the Catholic bishops and leading clergy of the United States, glowingly endorsed the convocation in an editorial in its March 6 issue, declaring: "The convocation performed a notable service to peace."

(10) The Christian Peace Conference, headed by clergymen from Czechoslovakia, Hungary, France, India, Soviet Russia, Uruguay, East Germany, and other countries, sent a letter of congratulations and asked for copies of all papers delivered at the convocation. This organization has its headquarters in Prague.

II. INTEREST IN FOLLOWUP MEETINGS EXPRESSED 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 from the president of the American Library Association, declaring that he would do everything possible to give currency to the ideas put forth at the convocation—show that there are strong currents of excitement running in many places.

Arnold Toynbee said: "I felt that it was very much worthwhile and that it was going to lead on to other things." The president of the University of Windsor, Ontario, said: "I have been attending various symposia, congresses, conferences, and conventions for the past 30 years, in a wide variety of contexts, public, academic, and religious. Your convocation was by all odds the most impressive such gathering I have ever had the privilege of attending. I was deeply impressed and stimulated throughout the sessions * * *." Like other university presidents who wrote to you, he said he was astonished by the interest he had found in continuing the discussions.

William Baggs, editor of the Miami News, has reported that he has received more than 200 letters from persons seeking films or booklets or other material growing out of the convocation. J. Duane Squires, chairman of the department of social studies at Colby Junior College in New Hampshire, wrote you: "I am preparing a résumé of the conference to be used in the New Hampshire press, and I have already been invited to speak about the gathering to several meetings in this vicinity."

The Chatauqua Association, the National Association of Catholic Colleges, and a number of student groups have already made inquiries about the possibility of getting material in film or printed form for meetings. Peggy Kerney McNeil, president of the Trenton 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."

In an article printed on the front page of the Rochester diocesan paper, the Catholic Courier, Rabbi Herbert Bronstein of Temple B'rith Kodesh wrote: "What was the tremendous power that brought thousands of people surging into the hall of the U.N. General Assembly, among them easily recognizable statesmen of East and West, former presidents of the United Nations, leaders of the American civil rights movement, clergy of all faiths and denominations, scholars and scientists? What was the power that drew all these races, religions, all ages and tongues, and all political ideologies together? The example of Pope John XXIII against the fatalism and cynicism of our time * * *" Rabbi Bronstein also wrote to you and said he wanted to organize meetings in the Rochester area to carry on the work.

James W. Bush, Jr., of Boston College wrote * * * to say that the college, Fairfield University, and the College of the Holy Cross were sponsoring a conference on Pacem in Terris * * *.

* * * * *

The New York Times said: "The encyclical has the rare capability of providing a common ground on which people of all kinds—priests and rabbis, pacifists and Communists, philosophers, and nuns—can consider moral and religious problems beyond the thicket of sectarian and doctrinal differences. This capability is an outgrowth of one of the late Pope's most important points—that differing ideologies are not a barrier to coexistence, and that coexistence does not mean giving up beliefs or the surrender of any side to any other."

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; and it is an uncommon experience of political life when a practical plan to bridge the gap between these often divergent forces is advanced.

Such a plan was put forward this week by the distinguished Senator from Maine [Mr. MUSKIE] in the form of Senate bill 2022, the Orderly Marketing Act of 1965, which I am proud to cosponsor.

All of us, I am sure, would like to live in a comfortable world in which the various national economies would be perfectly complementary, and in which trade would mean equal opportunity for each trading partner. We have, to be sure, taken several steps toward this ideal goal, through the Trade Expansion Act; but no one can deny that in this country there are some critical pockets of economic distress, resulting from inequitable trade; and, unfortunately, one of them is in my own State.

I refer in particular to the wool-worsted textile industry, in which production declined by some 10 percent last year, while imports accounted for approximately 20 percent of the American market. Since 1950, approximately 50 woolen-worsted plants in Rhode Island 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 need. The bill will establish a well thought-out, systematic way in which import controls can be invoked, in the event of 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 has increased by 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.

Obviously, the ratio of imports to dwindling domestic production would be even steeper.

We who represent this beleaguered industry have been 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 PASTORE, who has done 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 Foreign Service officer 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 woolworsted 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 spelled out that proposal at a recent meeting of the Rhode Island Textile Association; and I ask unanimous consent that the text of my speech there be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, the Department of State has taken cognizance of my proposal; and in this connection I ask unanimous consent that a letter from Assistant Secretary of State Douglas MacArthur II, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PELL. 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 for deadlines for negotiation. 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 palpable 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 hope the Department of State will continue to press for every avenue of relief; but in the event its efforts do not bear fruit, we must, perforce, 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 presume to represent myself as an expert on your industry. My senior colleague, JOHN PASTORE, has done a wonderful job and deserves most of the credit for implementing the seven-point relief program which has brought so many benefits in the past 3 years. He 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 a long while 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 respective States and districts. I noted with interest in this regard Governor Chafee's letter to the Woonsocket Call the other day regarding the woolen-worsted situation. I am delighted to know that we have his full and vigorous support in coping with this problem.

Obviously, each of us 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 for one will continue to bend every effort 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 our way in the Federal system. I would deceive you if I were to pretend that this is not the case.

We had a remarkable demonstration of the efficacy of multiregional coincidence of interests 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 vast textile complex—from the cotton farms of Louisiana to the mills of Maine. All in all, about one-third of the Congress was directly affected—about 40 Senators and approximately 130 Members of the House.

The results that have flowed from that program have been dramatic indeed.

The one-price cotton law which was signed last year and which we will work to continue far beyond its scheduled expiration in 1966, has been cited as the most important factor in a general resurgence of strength in the textile industry triggered by the administration program. Consumption of 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 at competitive prices.

I am well aware also of current interest in a special subsidy for dyers, printers, and finishers, providing these processors do not already benefit from the one-price subsidy. I will do everything I can to promote consideration of this proposal.

Another factor is the new, rapid depreciation schedules on textile equipment and the 7-percent investment credit, which last year was improved to provide that claiming of the credit would not reduce the depreciation basis of a new asset.

The result of these reforms has been a recordbreaking infusion of the new investment in plants and equipment in the industry as a whole. Capital expenditures, which averaged $414 million in the 1950–60 period stood at $750 million in 1964 and might go as high as $950 million in 1965. The 1964 expenditures stood at 13 percent of the industry's net worth, the highest of any major industry.

Still 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 your own textile training center. I was pleased to attend the opening 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. In this connection, 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 1962, the Manpower Development and Training Act has resulted in approved training courses for 1,197 Rhode Islanders with a dollar commitment of $2,195,996 through January of this year. During approximately the same period of time, the Area Redevelopment Act has brought our State approved training for 1,225 persons with an expenditure of $949,-815.

The Senate Subcommittee on Employment and Manpower recently held hearings on the Manpower Act amendments which would extend this valuable program to June of 1969. April 13 brought final House action on this measure, and I expect President Johnson to sign this act shortly. This could bring to Rhode Island over $1,600,000 in Federal matching funds on a 90-to-10 basis for training programs.

Up to January of this year, training was approved for 120 automatic spindle weavers under the Area Redevelopment Act. Under the Manpower Act, training was approved for 24 loomfixers and 12 loomfixer apprentices. The courses in loom fixing ran 24 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 18 bilateral agreements with cotton textile producing countries, binding them to reduce shipments if the importing country makes a finding of market disruption.

These agreements have led to restraint in several lines of products, although I understand not all. At any rate, imports of textiles in 1964 were down approximately 6 percent below 1963 levels; according to the American Textile Manufacturers Institute. And what seems most encouraging is the fact that U.S. exports rose by at least 10 percent over 1963 levels.

Now I realize all too fully that only a portion of the Rhode Island textile industry participated in these encouraging trends and that many of you, because you are so heavily concentrated in the woolen-worsted sector, did not benefit at all.

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 as against 6½ percent 4 years ago.

Production of woolen and worsted fabric 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 10 years ago.

Seventeen more wool 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 unpleasant facts was that many woolen mills were realistically shifting to manmade fibers—production of which increased by 25 percent during the 1963–64 marketing season, or 10 times the rate of growth of wool production. It seems to me that this is an inevitable trend and one to which Rhode Island mills should adapt whenever possible—as I know many of you are.

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 elements of the textile industry 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 imports at reasonable levels. He pledged the efforts of the administration to convene a multination meeting to work out an international marketing agreement, like the one now regulating cotton trade.

I can assure you that the administration is still committed to this goal even though results have not yet been forthcoming. As recently as last December, at the meeting of the International Wool Study Group in London, the United States restated its plea for convening such a regulatory conference.

The reason why our efforts have not borne fruit is simple. The other nations involved are not willing to participate. Whereas a substantial group of countries had a direct interest in negotiating the international cotton agreement for their own good, the list of wool exporting nations is much narrower and their control of the market much tighter.

The principals involved are the United Kingdom, Italy, Japan, and Hong Kong, and I am informed that at least two of these exporting areas have stated flat opposition to a regulatory conference.

As a former Foreign Service officer, I can well appreciate our Government's desire to control the wool import problem by multilateral agreement rather than by national action. The multilateral agreement protects us in advance from retribution. There is no doubt that this is a much tidier and safer mechanism for our diplomats.

Looking at the problem from my present vantage point on the Senate Foreign Relations Committee, however, I am not indefinitely sympathetic to the sensitivities of the diplomatic corps. It seem to me that we have just about exhausted our capacity for a tidy, diplomatic solution, and that you here on the homefront have had to pay far too high a price to tolerate further dabbling at diplomatic niceties.

What I propose is this: It seems to me that the United States should serve notice to the wool-exporting nations that we cannot continue to tolerate the extremely difficult position in which our domestic industry now finds itself. We should invite these nations, one last time, to sit down and work out a reasonable international marketing agreement, specifying a definite date to convene the conference—such as next July 1. Then we should serve notice that if reasonable progress has not been reached toward such an agreement by another fixed date—say October 1—we should take steps to invoke unilateral quotas and restraints.

I have no special insights as to whether such an approach would work, and, given the rather limited base of power for wool textiles, which I have already described, I can make no guarantee that we can commit the Government to such a "get tough" policy. But I promise that we will never stop trying.

Alternatively, perhaps the executive branch can be persuaded to move directly to unilateral quotas without making the one final effort to a diplomatic solution. I would certainly support this move too, if it has any chance of success.

At any rate, 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.

EXHIBIT 2

DEPARTMENT OF STATE,
Washington, D.C., May 17, 1965.

HON. CLAIBORNE PELL,
U.S. Senate.

DEAR SENATOR PELL: The Under Secretary has asked me to reply to your letter to him of April 30, 1965 concerning the wool textile import problem.

I was very much interested to read your address before the Rhode Island Textile Association and have noted your suggestion that the administration set a cutoff date to its efforts to find a multilateral solution to the problem of import competition in wool textiles.

The Department certainly appreciates the importance of the wool textile industry to the economy of New England and in particular to the State of Rhode Island. As your statement recognizes, we have been making repeated efforts over the last few years to find a multilateral solution to this problem. The United States first raised this issue at the seventh plenary of the International Wool Study Group in London in December 1962, and since that time, the Department has raised the matter repeatedly in bilateral discussions with senior government officials of the major wool textile exporting countries. Several high-level missions have been sent abroad for this purpose.

More recently, as reported to you in Mr. Lee's letter of February 5, 1965, the President personally raised this problem in his discussions with Prime Minister Sato during the latter's visit on January 12 and 13, 1965. As a result, Japan has now agreed to a joint government-industry meeting in Tokyo during the week of June 7, which will give the United States an opportunity to review with Japanese Government officials the effect of imports on the U.S. wool textile market and to present our case for an international wool textile conference. This will be the first United States-Japanese meeting of this kind, convened specifically for the purpose of reviewing this problem.

As you are aware, the Governments of the other principal exporting countries have been reluctant to discuss this matter and have not agreed, as of this time, to participate in an international conference. In the light of this, the Department finds it difficult to project the progress of our efforts to find a multilateral solution to this problem and hence does not consider it desirable to set a specific deadline to discussions at this time.

The Department realizes that some of those affected by competitive imports of wool textiles find the idea of unilateral U.S. action attractive but continues to believe that a solution to this problem must be found through the multilateral approach. In 1964 U.S. imports of wool textiles amounted to approximately $234 million. Unilateral action with respect to this trade would, under GATT rules, lay the United States open to retaliatory action or payment of compensation to the countries affected by such a move on an equivalent amount of trade, for example, through withdrawal of tariff concessions. Conceivably unilateral action might even endanger the existence of the long-term cotton textile arrangement. It is for this reason—to avoid injury to other segments of the U.S. economy, including possibly large segments of 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 recess 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 social development commission with help from other civic groups and community leaders.

The result of these efforts was the creation of Youthpower, Inc., a private enterprise, nonprofit, job placement house operated by and for 16- to 21-year-olds. The plan for the firm came from Elmer Winter, a brilliantly successful Milwaukean 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, Youthpower processed 4,700 job applications and filled 1,276 jobs. Salaries ranged from 50 cents an hour for yard work to $120 a 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 and supervisors who hired them.

A detailed description of Milwaukee's summer job placement program was given in an article by Mary Ann Robertson, which appeared in the May 1965 issue of Better Homes & Gardens magazine.

Mr. President, I ask unanimous consent to place the article, entitled "Found: Summer Jobs for Teenagers," in the RECORD.

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

FOUND: SUMMER JOBS FOR TEENAGERS

(By Mary Ann Robertson)

It isn't easy for young people to find summer jobs—and the problem gets tougher all the time. This summer an avalanche of teenagers will be unleashed on the job market. Youth, energy, ambition they have in abundance. What they lack, obviously, is experience. It's the old dilemma: If you don't have experience, you can't get a job—and if you can't get a job, you can't get experience.

What's the solution? One answer might lie in the experience of Milwaukee—a city that saw the problem and met it head on. At a meeting of the youth committee of the social development commission in April of 1963, civic leaders were told that no less than 14,000 unemployed teenagers would be thrown on the Milwaukee area job market that summer. The businessmen were urged to suggest ways of findings jobs for the young people.

The plan that was adopted came from Elmer Winter, president of Manpower, Inc., a Milwaukee-based company specializing in temporary business and industrial help, and chairman of the Voluntary Equal Employment Opportunity Council in Milwaukee. He suggested the formation of Youthpower, Inc., a private enterprise, nonprofit, job clearinghouse to be operated by, and for, 16- to 21-year olds.

After winning the quick approval of the social development commission's youth committee, Winter enlisted the support of The Other 98—a youth service group dedicated to publicizing the activities of the nondelinquent 98 percent of Milwaukee's young people.

On June 1, 1963, Youthpower, Inc., opened its doors for business. Manpower, Inc., had provided office space, furniture, telephone service, and supplies. The young organization had its own president, vice president and public relations director, and office manager. Altogether the staff of volunteer workers numbered over 80.

Thanks in large measure to extensive advance newspaper coverage, the immediate response to Youthpower was overwhelming. Nearly 750 young people filed into the Youthpower office the first day. By the end of the summer, total number of applicants reached 4,700, and total number of jobs filled, 1,276.

Youthpower operated much like any other job placement agency, in miniature. However, no fee was charged for the job placement service, and wages were left to employer and teenager. Salaries ranged from 50 cents an hour for yardwork to $120 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 by phone, letters, and personal calls—and mailed out 10,000 postcards to homeowners.

What kind of jobs did Youthpower uncover? Out of the 1,276 total jobs filled, 292 were housework-babysitting; 273 lawnwork-handyman; 194 sales jobs; 119 office work. The miscellaneous other 398 jobs ranged from blending spices to helping Milwaukeeans clean up their flooded basements after a rainstorm.

To equip teenagers for specific work areas, Youthpower sponsored several training programs, such as the sales clinic where young people learned selling techniques and met with prospective employers. Over 90 applicants for sales jobs were hired on the spot by 14 sales companies participating. Other highly successful training experiments were the baby sitting clinic and a hostess helper training clinic.

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 a manpower office. Principal requirements for setting up a Youthpower-type job clearinghouse are:

1. A group of adult sponsors: This could be a manpower office, or a civic club or service organization, a local business firm, or PTA group. Main responsibilities of the parent group would be to enlist the support of the business community; provide an office, office supplies, telephone service, and financial assistance to cover costs of advertising and mailings. Once the project is underway, the teenagers can and should assume responsibility for operating the job bureau.

2. A capable staff of volunteer workers: Enlisting young people to man the job bureau should begin as far in 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 volunteers were signed up through "The Other 98"—a teenage service group. College students interested in business administration, personnel work, public relations, and advertising make particularly 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 wih Youthpower objectives.

3. The backing of the community: Obviously, the more backing the project has, the more new job areas it can open up for teenagers. Make sure the business leaders of the community are contacted while the project is still in the planning stage. Seek their counsel at the outset—and keep them posted every step of the way via meetings, letters, mailings, personal contact—and personal "thank you's" whenever they hire a teenage worker.

In winning the support of the community at large, local newspapers—as demonstrated by Youthpower's experience—can be of inestimable value—and it should be simple enough to enlist their help. Newspaper editors are exposed every day to the consequences of teenage idleness, restlessness, and rootlessness. And most of them will bend over backward to support any community effort to solve the problem. In Milwaukee, radio and television interviews and public service announcements gave added impetus to the project. Other ways to alert the community: mailings to businessmen and homeowners calling attention to specific jobs teenagers can fill; a "speakers bureau" of young volunteers to address civic clubs, women's clubs, PTA groups, etc.; advertisements in daily and neighborhood newspapers.

While the Youthpower experiment in Milwaukee represented community-wide effort to meet the problem of teenage unemployment during the summer, the basic idea could be carried out successfully on a much more modest scale—confined, say, to a single school or neighborhood. Why not suggest it at your next civic club or PTA meeting? Certainly it's more constructive than worriedly wondering "what the younger generation is coming to."

WISCONSIN WINS ONE-MAN, ONE-VOTE FOR COUNTY BOARDS

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 this 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 the mass migration to 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 looking backward, 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 State assembly districts, the Wisconsin Legislature recently overhauled 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 census results, it has eventually done so. This has not always been true of apportionment for the State senate and State assembly, unfortunately.

The legislature was forced to act following the 1960 census by former Attorney General John W. Reynolds. Reynolds took the legislature to court and continued the court battle after he was elected Governor in 1962. Reynolds won his court battle and Wisconsin's legistive districts were reapportioned by the State supreme court.

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 November 1 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 industry replaced agriculture as 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 are not 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.

ADJOURNMENT

Mr. PROXMIRE. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 7 o'clock and 29 minutes p.m.) the Senate adjourned, under the previous order, until Thursday, May 27, 1965, at 12 o'clock meridian.

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, 1965.

Richard Graham, of Wisconsin, for the term expiring July 1, 1966.

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, 1969.

Eileen Hernandez, 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 qualifications therefor as provided by law and regulations:

I. For appointment:

To be senior surgeon

Paul D. Pedersen

To be senior assistant surgeons

Alan I. Levenson
Amos C. Lewis

To be senior assistant sanitarian

William P. Wollschlager

II. For permanent promotion:

To be assistant pharmacist

Douglas O. Sharp

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) [1]

("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." [2]

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*.[3] 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.[4] 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 referendums for new schools, streets, libraries, and other local improvements.[5] Most of the deliberate efforts at invidious restriction of suffrage have received searching analysis by 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 outmoded State residency requirements for voting, was omitted from the long list of "problems still unsolved" which was compiled by the Commission in 1961.[6]

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 inveterate movers.

Geographic mobility has intensified at a comparatively steady rate in every decade since 1900. Historical census data indicate that the percentage of persons who do 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 (26.1 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 rura. 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.]

[1] Professor of political science, State University of Iowa.

[2] *Asbury Park Press, Inc.* v. *Woolley*, 33 N.J. 1, 11, 161 A. 2d 705, 710 (1960).

[3] 369 U.S. 186 (1962).

[4] See 1961 U.S. Commission on Civil Rights Report, bk. 1, 5.

[5] See Washington Post, Oct. 8, 1962, p. B–1, col. 6; id. Nov. 27, 1962, p. A–16, col. 1.

[6] 1961 U.S. Commission on Civil Rights Report, bk. 1, 5–6.