

## SENATE

WEDNESDAY, FEBRUARY 9, 1966

*(Legislative day of Wednesday, January 26, 1966)*

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Donald Seaton, Christ Church, Washington, D.C., offered the following prayer:

Most holy and most merciful Father, the strength of the weak, the rest of the weary, and the refuge of Thy children in every time of need; hear us while we pray for Thy help:

When our hearts are growing cold and dead, and we are losing our vision of Thy face, and living as though life had no spiritual reality: help us, O God;

When the evil memories of the past trouble us, and we mourn over early hopes and dreams unrealized, over light within us turned to darkness, and strength to weakness: help us, O God;

When we are tempted to mean and wicked ways, and sin puts on the garments which make it seem less sinful in our sight: help us, O God;

When we are called to difficult duty, to work in loneliness among men, and to bear burdens that are hard to be borne; when we are weary of our work and think it fruitless, and duty is painful because it seems unprofitable: help us, O God;

When the unknown future troubles us, and amid our fears and anxieties we forget the eternal love and care: help us, O God;

Stir up our wills to seek Thee and to find Thee, that Thou being our companion and guide we may faithfully follow after Christ, our master. Amen.

## THE JOURNAL

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, February 7, and Tuesday, February 8, be considered as approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## PROPOSED REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

## ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the hour tomorrow immediately preceding the quorum and vote on the pending cloture motion be equally divided and con-

trolled by the distinguished majority leader [Mr. MANSFIELD] and the distinguished minority leader [Mr. DIRKSEN].

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

## UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Thursday, February 10, 1966, before the Senate proceeds to call a quorum and then vote on the cloture motion to bring to a close the debate on the motion to take up H.R. 77, that the 1 hour debate allowed under rule XXII be equally divided and controlled by the majority and minority leaders.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DIRKSEN. There is some real anxiety about completing action on the GI bill of rights, and also the so-called bank merger bill.

My understanding is that the Banking Committee met this morning and moved to concur in the House version.

This is a privileged matter, and can be taken up any time, notwithstanding the pending motion, or what will be the pending motion with respect to the so-called repeal of section 14(b).

I would have no objection if that could be done. I presume those in opposition should be notified, and I believe that is being undertaken at the present time.

The bank merger bill probably should come first, simply because, under a court decree, there is a time limit; and since the Senate will be out of session after tomorrow until noon of February 16, it makes it all the more urgent.

My suggestion this morning was that the Senate could proceed to the bank merger bill, and thereafter to the GI bill if agreeable; or the GI bill could be set for consideration tomorrow, with a unanimous-consent request that the vote come immediately after the cloture vote, and that any speeches on the subject could be inserted in the RECORD, and the Senate could proceed to vote. To that I would have no objection.

Mr. LONG of Louisiana. Mr. President, the veterans' bill involves the jurisdiction of more than one Senate committee. It is my understanding that the committee having jurisdiction of the bill with regard to most of its provisions and most of its costs has approved the measure. The Committee on Finance has jurisdiction of segments of the bill which would account for perhaps 10 or 15 percent of the overall cost of the measure; and that committee this morning agreed that it would not assert jurisdiction, and that we would suggest that the Senate go ahead and vote on the matter. I assume that this bill will be passed by a large majority. So far as I know, there is no substantial opposition to it.

With regard to the banking bill, it is my understanding that the Senator from Michigan [Mr. HART] feels that perhaps his Subcommittee on Monopoly should have the opportunity to look at the measure; and I believe that he is having

some conferences and discussions with the distinguished Senator from Virginia [Mr. ROBERTSON] with regard to the monopoly problem and the question of jurisdiction. I hope that that matter can be resolved between those two Senators, one of whom speaks for an important subcommittee and the other of whom is the committee chairman of the committee having jurisdiction of the bill.

I hope that we can proceed with the GI bill, and vote on it, and that the matter of jurisdiction with regard to the other measure can be cleared up before the Lincoln Day recess.

I point out that so far as the veterans' bill is concerned, there is no jurisdictional problem; it has been resolved. But with regard to the other matter, at this moment we are still confronted with a possible question of jurisdiction. If not, the committee may wish to look at the measure that came back from the House.

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

Mr. DIRKSEN. Mr. President, let me supplement my observations with respect to the GI bill. I had two conferences with the Senator from Texas [Mr. YARBOROUGH] yesterday, and it was agreed that it would come up on Thursday. We have had no further discussions about it, and I presume he has put the committee on notice.

With respect to the merger bill, however, I have talked with the Senator from Virginia [Mr. ROBERTSON] this morning, and I know that he and the Senator from Michigan [Mr. HART] were having a conference on the matter. The Senator from Michigan can make his motion to refer to the Committee on the Judiciary, and it can be debated. It is a debatable motion; however, it is subject to tabling also. The very question that he has raised was presented to the Senate once before by the Senator from New York [Mr. KENNEDY], and it was voted down by the Senate. So the same question recurs now. But because of the time factor involved, I believe that it would be the better part of wisdom to approach the merger bill first, and especially so in view of the understanding with the Senator from Texas [Mr. YARBOROUGH] yesterday.

Mr. LONG of Louisiana. Mr. President, I hope that the problem with respect to the bank bill can be resolved to the satisfaction of all who have an interest in it, though so far as I know at this moment it has not been resolved. I hope that we can at least vote on the veterans' measure before the Senate adjourns tomorrow, if not both measures. In view of the fact that the veterans' matter appears to be noncontroversial, I ask unanimous consent that immediately following the vote on the pending cloture motion tomorrow, the message from the House on S. 9 be laid before the Senate and the vote thereon be had immediately after the clerk reports the message on the motion to concur in the House amendment, with or without amendment.

The PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. Mr. President, reserving the right to object—and only for this purpose—it might be possible to vacate the consent request if the bill does not take too long to reach the Senate.

Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Illinois will state it.

Mr. DIRKSEN. I believe both of these bills are preferred, are they not?

The PRESIDENT pro tempore. The Senator is correct.

Mr. DIRKSEN. And they can come up at any time?

The PRESIDENT pro tempore. The Senator is correct.

Mr. LONG of Louisiana. I thank the Senator.

Mr. DIRKSEN. I thank the Chair.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

#### UNANIMOUS-CONSENT AGREEMENT

Ordered, That on February 10, 1966, immediately following the vote on the pending cloture motion, the message from the House of Representatives on S. 9, an act to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period, be laid before the Senate and that the vote on concurring in the House amendment, with or without amendment, be taken immediately after the clerk reports the message to the Senate.

Mr. TOWER. Mr. President, will the Senator from Louisiana yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. TOWER. Actually, so far as the bank merger bill is concerned, there is no question as to jurisdiction. The jurisdiction unquestionably belongs to the Committee on Banking and Currency. However, this all flows from the request of the Senator from Michigan [Mr. HART] to look into the matter.

Last year ample opportunity was given to the Committee on the Judiciary to ask for some sort of study, which it never asked for; but, in any case, could the distinguished acting majority leader tell us at approximately what point in time this afternoon the bank merger bill is likely to be laid before the Senate?

Mr. LONG of Louisiana. I do not know. I assume it would be likely to move with the conference report, which would relate to the discussions now going on between the Senator from Michigan [Mr. HART] and the Senator from Virginia [Mr. ROBERTSON]. It is my understanding that this bill, as amended by the House, is substantially changed from the bill which the Senate passed last year. I am no expert on the matter and therefore am not in a position to debate it. I do know that there is disagreement between Senators. I have been in the Senate long enough to know what Senators can do when they do not agree on something which is happening in the Senate. I have inconvenienced the Senate on occasion when I felt that something was about to happen that I believed was not a good thing.

Mr. TOWER. The reason I ask is that some Senators wish to have H.R. 77 taken

up. For their convenience, I should like to have some idea as to the prospect of considering the merger bank bill.

Mr. LONG of Louisiana. It is a privileged matter. Any Senator is privileged to call it up at any time during the day. I would hope that it would not be called up until there was some opportunity to see if the procedure could be agreed upon between Senators who would like to vote immediately and those who may wish to take a closer look at the measure.

We have had these occasions before, when a measure was considered by an appropriate legislative committee. That committee acts and recommends a bill to the Senate, and another committee which has jurisdiction, or at least is competent in experience in some matter relevant to that bill, wishes to take a look at it, although it does not have primary jurisdiction of it. This is a question which I would hope would be settled between Senators who have responsibility to the Committee on the Judiciary and those responsible to the Committee on Banking and Currency.

I am hopeful that we shall know today, in short order, what the attitude of Senators will be on this point. I would hope that they could arrange that the Senate proceed expeditiously. I do not know what the problem is, but I should like to vote on it.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1698) to establish a procedure for the review of proposed bank mergers so as to eliminate the necessity for the dissolution of merged banks, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that, without prejudice to the parliamentary rights of any Senator involved, there be a period for the transaction of routine morning business, and that statements during the transaction of morning business be ordered limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

#### THE MILITARY ASSISTANCE AND SALES ACT OF 1966

A letter from the Acting General Counsel of the Department of Defense, Washington, D.C., transmitting a draft of proposed legislation to promote the foreign policy, security and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security (with an accompanying paper); to the Committee on Foreign Relations.

#### REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the year 1964 (with an accompanying report); to the Committee on Foreign Relations.

#### REPORTS ON FINAL SETTLEMENT OF CLAIMS OF CERTAIN INDIANS

A letter from the Chief Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of the Yakima Tribe of Indians, docket No. 47-A (with accompanying papers); to the Committee on Interior and Insular Affairs.

A letter from the Chief Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of Chief William Fuller, Bertha Stewart, Henry Miller, Archie McWhinney, Saturnino E. Calac, Lawrence Burcell, and Arthur Treppa, on behalf of and representing an identifiable group of the Indians of California, known as the Federated Indians of California, docket No. 12 (with accompanying papers); to the Committee on Interior and Insular Affairs.

#### PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A letter in the nature of a memorial signed by Harry F. Cruz Rodriguez, of Camuy, P.R., relating to the form of government in Puerto Rico; to the Committee on Interior and Insular Affairs.

A resolution adopted by the executive board of the United Steelworkers of America at Philadelphia, Pa., favoring the repeal of section 14(b) of the Taft-Hartley Act; ordered to lie on the table.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance, without amendment:

H.R. 10185. An act amending certain estate tax provisions of the Internal Revenue Code of 1939 (Rept. No. 956).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 187. Resolution to provide additional funds for the Committee on Aeronautical and Space Sciences (Rept. No. 957);

S. Res. 212. Resolution to provide additional funds for the Committee on Armed Services for making certain studies (Rept. No. 958);

S. Res. 173. Resolution authorizing the Committee on Banking and Currency to make certain investigations, and to provide additional funds therefor (Rept. No. 959);

S. Res. 172. Resolution to provide additional funds for the Committee on Banking and Currency (Rept. No. 960);

S. Res. 213. Resolution to authorize the Committee on Commerce to make certain studies (Rept. No. 961);

S. Res. 214. Resolution to provide additional funds for the Committee on Foreign Relations for making certain studies (Rept. No. 962);

S. Res. 183. Resolution authorizing the Committee on Government Operations to make investigations into the efficiency and economy of operations of all branches of Government (Rept. No. 963);

S. Res. 186. Resolution to provide funds to study and evaluate the effects of laws pertaining to proposed reorganizations in the executive branch of the Government (Rept. No. 964);

S. Res. 182. Resolution authorizing the Committee on Government Operations to examine, investigate, and make a complete study of all matters pertaining to foreign assistance operations by the Federal Government (Rept. No. 965);

S. Res. 218. Resolution authorizing the Committee on Government Operations to study the origin of research and development programs financed by the departments and agencies of the Federal Government (Rept. No. 966);

S. Res. 205. Resolution authorizing a study of intergovernmental relationships between the United States and the States and municipalities (Rept. No. 967);

S. Res. 181. Resolution to study certain aspects of national security and international operations (Rept. No. 968);

S. Res. 171. Resolution to provide additional funds for the Committee on Interior and Insular Affairs (Rept. No. 969);

S. Res. 190. Resolution to study administrative practice and procedure, and for other purposes (Rept. 970);

S. Res. 191. Resolution to investigate anti-trust and monopoly laws of the United States (Rept. No. 971);

S. Res. 194. Resolution to investigate matters pertaining to constitutional rights (Rept. No. 972);

S. Res. 195. Resolution to investigate criminal laws and procedures (Rept. No. 973);

S. Res. 192. Resolution to consider matters pertaining to Federal charters, holidays, and celebrations (Rept. No. 974);

S. Res. 196. Resolution to study matters pertaining to immigration and naturalization (Rept. No. 975);

S. Res. 197. Resolution to investigate the administration, operation, and enforcement of the Internal Security Act (Rept. No. 976);

S. Res. 199. Resolution to investigate juvenile delinquency (Rept. No. 977);

S. Res. 200. Resolution to investigate national penitentiaries (Rept. No. 978);

S. Res. 201. Resolution to examine and review the administration of the Patent Office (Rept. No. 979);

S. Res. 202. Resolution to investigate problems created by the flow of refugees and escapees from communistic tyranny (Rept. No. 980);

S. Res. 203. Resolution to study revision and codification of the statutes of the United States (Rept. No. 981);

S. Res. 215. Resolution to authorize additional staff for the Committee on Labor and Public Welfare (Rept. No. 982);

S. Res. 180. Resolution to provide additional funds for the Committee on Post Office and Civil Service for continuation of certain studies (Rept. No. 983);

S. Res. 206. Resolution authorizing the Committee on Public Works to make a study of any and all matters pertaining to flood control, navigation, rivers and harbors, water and air pollution, public buildings, and all features of resource development and economic growth (Rept. No. 984);

S. Res. 209. Resolution to provide funds for the Subcommittee on Privileges and Elections of the Committee on Rules and Administration (Rept. No. 985);

S. Res. 211. Resolution to provide additional funds for the Committee on Rules and Administration (Rept. No. 986);

S. Res. 178. Resolution to provide additional funds for the Committee on Small Business (Rept. No. 987); and

S. Res. 189. Resolution to continue and to provide additional funds for the Special Committee on Aging (Rept. No. 988).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration; with an amendment:

S. Res. 198. Resolution to study and examine the Federal judicial system (Rept. No. 990); and

S. Res. 193. Resolution authorizing a study of matters pertaining to constitutional amendments (Rept. No. 989).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without additional amendment:

S. Res. 188. Resolution to provide additional funds for the Committee on Labor and Public Welfare for further study of migratory labor (Rept. No. 991).

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,  
The following favorable reports of nominations were submitted:

By Mr. RUSSELL of Georgia, from the Committee on Armed Services:

Brig. Gen. Howard W. Cannon, and sundry other officers, for appointment in the Air Force Reserve.

#### EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, from the Committee on Armed Services I report favorably the nominations of 166 general officers in the Army, 63 general officers in the Air Force, and 43 flag officers in the Navy. I ask that these names be printed on the Executive Calendar.

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

The nominations ordered to be printed on the Executive Calendar are as follows:

Lt. Gen. Charles Hartwell Bonesteel III, Army of the United States (major general, U.S. Army), for appointment as senior U.S. Army member of the Military Staff Committee of the United Nations;

Maj. Gen. Andrew Jackson Boyle, U.S. Army, and Maj. Gen. James Benjamin Lamper, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. Jack D. Donohew (brigadier general, Regular Air Force), U.S. Air Force, and sundry other officers, for appointment in the Regular Air Force;

Maj. Gen. George Ruhlen, Army of the United States (brigadier general, U.S. Army), and sundry other officers for appointment in the Regular Army of the United States;

Lt. Gen. William Wilson Quinn, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Ashton Herbert Manhart, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Frank T. Norris, George E. Moore II, and Robert R. Wooding, for temporary promotion to the grade of rear admiral in the Navy;

Norvell G. Ward, and sundry other officers, for permanent promotion in the Navy;

Rear Adm. Edward J. Fahy, U.S. Navy, for appointment as Chief of the Bureau of Ships;

Vice Adm. John L. Chew, U.S. Navy, and Vice Adm. John J. Hyland, U.S. Navy, for commands and other duties determined by the President, in the grade of vice admiral;

Vice Adm. Charles L. Melson, U.S. Navy, and Rear Adm. Edmund B. Taylor, U.S. Navy, when retired, for appointment to the grade of vice admirals; and

Chaplain (Col.) Francis Leon Sampson, U.S. Army, for temporary appointment in the Army of the United States, in the grade of brigadier general.

Mr. THURMOND. Mr. President, in addition, I report favorably 485 nominations in the Army in the grade of major and below, and 4,697 nominations in the Air Force in the grade of major and below. Since these names have already been printed 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 PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Robert G. Taylor, U.S. Air Force, for appointment as permanent professor, U.S. Air Force Academy;

Mason C. Reddix, and sundry other persons, for appointment in the Regular Air Force;

Alvin D. Aaronson, and sundry other officers, for promotion in the Army of the United States; and

Nellie J. Zalesney, and sundry other persons, for reappointment in the active list of the Regular Army of the United States.

By Mr. LONG of Louisiana, from the Committee on Finance:

Lisle C. Carter, Jr., of New York, to be an Assistant Secretary of Health, Education, and Welfare.

#### BILLS INTRODUCED

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

By Mr. HOLLAND:

S. 2901. A bill for the relief of Dr. Esteban Fernandez Noda; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2902. A bill to amend title V of the National Defense Education Act of 1958 in order to authorize, as part of a State program pursuant to such title, short-term training sessions for persons engaged in certain guidance and counseling in such State; 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. SMATHERS (for himself and Mr. WILLIAMS of New Jersey):

S. 2903. A bill to amend title XVIII of the Social Security Act so as to extend through September 30, 1966 the initial enrollment period for coverage under the program of supplementary medical insurance benefits for the aged provided under part B of such title; to the Committee on Finance.

(See the remarks of Mr. WILLIAMS of New Jersey when the above bill was introduced, which appear under a separate heading.)

By Mr. BAYH:

S. 2904. A bill for the relief of Clarence C. and Lucy W. Russell; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2905. A bill to direct the Secretary of the Interior to study and formulate a comprehensive plan containing recommendations regarding the action that should be taken to preserve, develop, and make accessible

for public use and benefit the Long Island Sound and related shoreline areas in the States of New York, Connecticut, and Rhode Island; to the Committee on Interior and Insular Affairs.

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

By Mr. ERVIN:

S. 2906. A bill to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, by creating single-officer general and special courts-martial, providing for law officers on special courts-martial, affording accused persons an opportunity to be represented in certain special court-martial proceedings by counsel having the qualifications of defense counsel detailed for general courts-martial, providing for certain pretrial proceedings and other procedural changes, and for other purposes, and

S. 2907. A bill to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to authorize the Judge Advocate General to grant relief in certain court-martial cases, to extend the time within which an accused may petition for a new trial, and for other purposes; to the Committee on Armed Services.

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

By Mr. MURPHY (for himself and Mr. PROUTY):

S. 2908. A bill to amend the Economic Opportunity Act of 1964 to prevent certain employees of community action agencies and Volunteers in Service to America from engaging in pernicious political activities; to the Committee on Labor and Public Welfare.

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

By Mr. ANDERSON (for himself and Mrs. SMITH) (by request):

S. 2909. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Aeronautical and Space Sciences.

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

By Mr. BREWSTER:

S. 2910. A bill to increase the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police, and the White House Police; to the Committee on the District of Columbia.

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

By Mr. TALMADGE (for himself, Mr. SALTONSTALL, Mr. RUSSELL of South Carolina, Mr. YOUNG of North Dakota, Mr. ALLOTT, Mr. PASTORE, Mr. BENNETT, Mr. ERVIN, Mr. SIMPSON, Mr. MCINTYRE, Mr. MOSS, Mr. MUSKIE, Mr. MUNDT, Mr. BIBLE, and Mr. MONTGOMERY):

S. 2911. A bill to amend section 301 of the Tariff Act of 1930, as amended; to the Committee on Finance.

#### TRAINING SESSIONS FOR GUIDANCE COUNSELORS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend title V of the National Defense Education Act to authorize short-term training sessions for guidance counselors in elementary and secondary schools, junior colleges, and technical institutes.

This measure has been suggested to me by the New York State Department of Education as being helpful to keep these guidance counselors up to date in changing areas of concern related to their work, such as employment trends, job requirements, new and changing educational opportunities, armed services opportunities and obligations, and guidance of the disadvantaged. It is contemplated that the training sessions would be of 1 or 2 weeks' duration with speakers, panelists, and other resource persons to be drawn from colleges and universities, government agencies, business and industry.

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

The bill (S. 2902) to amend title V of the National Defense Education Act of 1958 in order to authorize, as part of a State program pursuant to such title, short-term training sessions for persons engaged in certain guidance and counseling in such State, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

#### EXTENSION OF INITIAL ENROLLMENT PERIOD FOR COVERAGE UNDER PROGRAM OF SUPPLEMENTAL MEDICAL INSURANCE FOR THE AGED

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from Florida [Mr. SMATHERS] and myself, I introduce, for appropriate reference, a bill to extend through September 30, 1966, the initial enrollment period for coverage under the program of supplemental medical insurance for the aged.

When Congress passed the Social Security Amendments of 1965, we fully intended that each and every qualified person should be able to enroll for the voluntary medical insurance program provided as part B of the medicare plan.

At the time congressional deliberations began, it seemed reasonable to believe that a deadline of March 31, 1966, would offer reasonable time for such enrollment. The legislation, however, was passed several months later than anticipated.

In the months that followed passage of the amendments, the Social Security Administration launched one of the greatest public information programs ever made in this Nation. The objective: to notify those who would lose major benefits if they did not act by March 31.

It became apparent, however, that even these great efforts would not be sufficient.

On December 28, 1965, the Social Security Administration and the Office of Economic Opportunity launched Operation Medicare Alert, to accelerate the public information program and to reach those elderly Americans—primarily those in urban areas—who have not yet registered for the voluntary insurance.

This was a commendable and far-reaching program, and I believe that the SSA and the OEO deserve considerable

commendation for their concern about many millions of Americans.

But even with these efforts, misgivings still persist about whether the March 31 deadline will suffice. I now ask unanimous consent to include in the RECORD three articles written by the authoritative columnist, Sylvia Porter. She clearly and vividly describes the potential losses to those who do not meet the March 31 deadline. I also present for the RECORD a letter which I have written as chairman of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare. The letter is self-explanatory, and it adds to the concern of those who fear that the March 31 deadline will come and go without maximum registration of those eligible for this program.

Mr. President, the text of the medicare legislation clearly states that March 31 is the deadline; it will take action by Congress to change that deadline. I believe that such action must be taken now. I ask unanimous consent to have the fact sheet and explanation which give additional reasons for prompt action printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the articles, letter, and fact sheet will be printed in the RECORD.

The bill (S. 2903) to amend title XVIII of the Social Security Act so as to extend through September 30, 1966, the initial enrollment period for coverage under the program of supplementary medical insurance benefits for the aged provided under part B of such title, introduced by Mr. SMATHERS (for himself and Mr. WILLIAMS of New Jersey), was received, read twice by its title, and referred to the Committee on Finance.

The articles, letter, and fact sheet presented by Mr. WILLIAMS of New Jersey are as follows:

#### MEDICARE ELIGIBLES SLOW IN ENROLLING

(First of a series by Sylvia Porter)

By the Social Security Administration's latest count, only 10.1 million elderly citizens—54 percent of those eligible—have enrolled in the new \$3-a-month voluntary doctor-insurance plan which, starting July 1, will cover \$1.1 billion in doctor bill insurance annually. To date, more than 1.1 million citizens aged 65 or over have flatly turned down the offer. About 7 million have not yet responded either way despite the Government's massive sales drive and the repeated urging of employers, physicians, private insurance companies, etc.

The tragedy is that millions are failing to sign up for the voluntary program because of gross misunderstanding or gross ignorance of what the insurance actually would do for them. By failing to sign up, they could be making an enormous financial sacrifice.

Studies just completed by Social Security and other agencies, both public and private, reveal these facts:

A vast majority of those whose financial condition is most precarious are precisely those who already have said no or who have said nothing about their intentions to enroll.

Among those who have indicated to interviewers that they understand what benefits will be available, 65 percent already have signed up—against a dismal 16 percent of signers among those who have indicated ignorance of what the program will mean.

While most elderly citizens are aware that medicare's doctor-insurance benefits begin July 1, few realize that the enrollment deadline for all those who were 65 or over before January 1, 1966, is March 31—3 months earlier. (For those reaching 65 on January 1 or later, the enrollment period runs from 3 months before the month of your birthday, the month of your birthday, through 3 months after it.)

Even fewer realize that unless they enroll by March 31 they will not get another chance to enroll until October 1, 1967, and they'll not be eligible for benefits until July 1968.

Of those interviewed one in five had forgotten that they had even received doctor-insurance application cards last fall and nearly as many had lost their cards in the interim.

Nearly one-third of the rejecting group reported that the reason they had turned down the offer was that they couldn't afford even the cutrate \$3-a-month premium for this medicare plan—apparently unaware that many local welfare agencies and some private employers have offered to pick up the tab for these very poor.

But the biggest tragedy is that more than half of those who said no to medicare's voluntary insurance plan did so on the grounds that they already have private insurance or some other means to cover doctor bills. A majority do not realize that virtually all private and company health insurance policies are to be drastically changed—or eliminated altogether—on July 1, when medicare benefits begin. The revised plans will be designed to take up where medicare leaves off—but not to provide basic doctor bill coverage.

Almost certain to be cut out from private health policies for the elderly as of July 1 are these costs to be provided under the medicare doctor-insurance program: physicians' fees for office, home and hospital or nursing-home consultations and services; psychiatrists' consultation fees; up to 100 home visits by skilled nurses, social workers, therapists (in addition to the maximum 100 visits provided under the medicare hospital plan); ambulance costs; surgical dressings; radioisotope treatment; artificial limbs, and similar medical hardware.

Instead, virtually all private health insurers will offer new, nonduplicating policies built around what the medicare doctor insurance plan does not cover.

Obviously, it is imperative that you find out at once what is scheduled to happen to the health insurance you now own when medicare's voluntary doctor insurance becomes effective. Also alert your elderly relatives or friends to the importance of an immediate check.

Tomorrow: What you forfeit if you don't enroll.

#### MEDICARE DEADLINE IS 2 MONTHS AWAY (Second of three articles by Sylvia Porter)

The enrollment deadline for voluntary doctor insurance under the medicare law is March 31—only 2 months away. Yet millions of potential beneficiaries are not aware of this deadline or of the consequences of not signing up before March 31. By last count, only 54 percent of those eligible—10 million—had actually enrolled.

What are the consequences to you, the citizen aged 65 or over—or to your elderly relatives or friends—of not signing up for the voluntary doctor-insurance plan in the immediate future?

If you don't sign up in time, you will not be eligible for medicare doctor-bill payments beginning, July 1—basically, 80 percent of your doctor, surgeon, and other specialists' bills for services to you at home, in the hospital, clinic, or nursing home.

If you were 65 or over before January 1, you will forfeit the chance to enroll in the

voluntary program until October 1967, and the chance to receive any benefits until July 1968. (For those reaching 65 on January 1 or later, the 7-month enrollment period runs from 3 months before the month of your birthday until 3 months after it.)

You almost surely will forfeit the chance for any reasonably priced doctor-bill insurance through private insurers, company health policies, etc. Virtually all policies now duplicating the forthcoming medicare programs—probably including any plan in which you are now enrolled—will either be greatly modified to provide only coverage not offered by medicare, or, in some cases, will be canceled altogether. Some insurance companies will offer the extra medicare-plus coverage only to those who are enrolled in the medicare voluntary doctor-insurance plan.

If you fail to enroll by March 31 you will have to pay a 10 percent higher premium for each year in which you fail to enroll. You have only 3 years in which to enroll at all.

If you insist on private doctor insurance instead of the medicare plan, you'll pay heavily for it. It's a virtual certainty that the policy would have to be drawn up for you—the individual elderly citizen—and you would not get the financial advantages of risk-spreading or the group policy. You also must make sure your insurer will actually be offering such individual policies.

If you sign up for medicare, though, you'll get an unprecedented bargain insurance rate. It's estimated that a private insurer would charge at least \$18 a month to provide the entire medicare hospital and voluntary doctor-insurance package—of which \$6 would be for the doctor insurance alone. You, of course, pay nothing for the hospital part of the plan, and only \$3 a month for the doctor-insurance plan—a sum matched by a Federal Government's contribution.

If you postpone enrollment until the final month—March—you might have to face a maddening crush at the social security office to get answers to any questions you have. The jam is expected to start in early March and to reach high intolerable proportions soon after. If you have questions, ask them now at the social security office.

What are the odds that the March 31 deadline will be extended? It is not out of the question, particularly if the enrollment lag continues. But an extension would take new congressional action and the speed of Congress' response can't be foretold.

It's plain commonsense. If you intend to sign up for medicare's voluntary doctor insurance—as employers, labor unions, private insurers, and physicians the Nation over are now urging—do so at once.

(NOTE.—If you change your mind about a "yes" decision on the doctor-insurance plan, you still can pull out any time before July 1. But a "no" decision can't be changed after March 31.)

#### MEDICARE MISUNDERSTOOD BY MILLIONS OF ELIGIBLE

(Third of three articles by Sylvia Porter)

A majority of U.S. citizens aged 65 or over today are functionally illiterate. English is a second language for nearly one in four of our elderly.

Of citizens 65 or older, one in three has a yearly income of less than \$1,500. For three out of four social security benefits—averaging less than \$1,000 a year for a retired individual—are the key sources of income.

These chilling facts help explain why there is such gross misunderstanding and ignorance of how medicare's \$3-a-month voluntary doctor insurance plan will work—and why so many millions of social security beneficiaries have failed to sign up for the plan.

Of 16 million doctor insurance application cards mailed by the Social Security Administration last September and October, only

about 11 million have been returned and only about 10.1 million of those who returned the application signed up. Social security is now in the midst of a second mass mailing to those who haven't responded or who turned down the offer. It also has appealed to 1.2 million others not now receiving social security benefits who are eligible to sign up for the doctor insurance.

The Office of Economic Opportunity has launched a \$2 million 80-city Operation Medicare Alert, employing more than 5,000 elderly citizens to promote attendance at educational meetings and personally to track down hundreds of thousands of shut-ins.

The U.S. Agriculture Department is staging a similar hunt in rural areas, using extension agents, home economists, forest rangers.

Explanations of the plan have been translated into 22 foreign languages and are now being distributed at local meetings and to foreign-language newspapers and radio stations.

U.S. corporations and unions are getting in touch with employees and pensioners now 65 or over, to give details of medicare benefits and to urge enrollment in the voluntary insurance plan.

The Internal Revenue Service has dug through tax records to find others who may be eligible—and welfare offices the Nation over are explaining details to the elderly on relief.

Physicians from coast to coast, at the request of their medical societies, are urging elderly patients to sign up for the voluntary medicare insurance.

It's the most massive sales drive for social security since the original act went on the books a generation ago for the fact is that the medicare doctor insurance plan is a bargain to the elderly. It's estimated that the entire medicare package of hospital and voluntary doctor insurance is worth \$216 a year to the insured individual. Yet he pays nothing for the hospital part of the plan and just \$36 a year for the doctor insurance part. The Federal Government is contributing a matching \$36 a year.

In instances where even the \$3 a month is prohibitively expensive to the eligible recipient, a growing number of local welfare offices and private employers are offering to take over the cost.

For the elderly who today cannot afford major medical insurance coverage, medicare's combined free hospital insurance and low-cost doctor insurance will provide key financial protection against the terror of astronomical illness expenses.

For those who today have inadequate health insurance, the package will be a substantial help.

For all, it can—and many private insurers are certain it will—become a foundation on which we'll build further health protection through private insurance.

#### U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE, SUBCOMMITTEE ON MIGRATORY LABOR.

DEAR FRIEND: The voluntary medical insurance program contained in the Social Security Amendments of 1965 will be available to persons over 65 provided they enroll by March 31, 1966. Persons who have never worked under social security or who may have worked to some extent but not enough to qualify for cash benefits are also eligible.

It is highly important that we help our elderly meet this deadline. If an individual does not enroll by March 31, 1966, he will not be eligible to qualify for voluntary medical insurance until the next general enrollment which begins in October 1967. Late enrollees will also be faced with higher premiums and will not receive actual coverage until 6 to 9 months after enrollment.

To date, several million of the elderly have not filed applications. Among these are many farmworkers who, due to their lack of education or communication with community organizations, have no knowledge of these programs. Ironically, these are the people who, because of their low income and lack of adequate medical treatment, need these benefits the most.

The Office of Economic Opportunity and the Social Security Administration have joined forces in Operation Medicare Alert to give information on the very matter discussed in this letter. This program, however, will for the most part reach only those living in urban areas. I am, therefore, asking your assistance in informing the rural elderly of the benefits which they are eligible to receive under the Social Security Amendments of 1965 and to assist them in applying for these benefits before March 31, 1966.

To learn how you may help in this endeavor, I urge that you contact your local social security office or the appropriate Office of Economic Opportunity regional office. In the event you are not in a position to take direct action, I suggest that you contact your local chamber of commerce or other civic institutions in your community.

Your assistance on this vital matter will be greatly appreciated.

Sincerely yours,

HARRISON A. WILLIAMS, Jr.

FACT SHEET ON S. 2903: "TO AMEND TITLE XVIII OF THE SOCIAL SECURITY ACT SO AS TO EXTEND THROUGH SEPTEMBER 30, 1966, THE INITIAL ENROLLMENT PERIOD FOR COVERAGE UNDER THE PROGRAM OF SUPPLEMENTAL MEDICAL INSURANCE FOR THE AGED"

PROVISIONS OF THE BILL

1. Extends from March 31, 1966 to September 30, 1966, the initial enrollment period for applying for coverage under the voluntary medical insurance provisions of the Social Security Act of 1965.

2. Allows individuals who enroll after March 31, 1966, and prior to July 1, 1966, to receive voluntary health insurance benefits as of August 1, 1966, instead of waiting until 1968.

3. Allows individuals who enroll after July 1, 1966, but prior to October 1, 1966, to begin receiving benefits on the first day of the second month following the month of enrollment instead of in 1968.

Example: If an individual enrolls on July 3, 1966, he will begin to receive benefits on September 1, 1966.

4. The bill would provide regular enrollment procedures for the period April 1, 1966 to September 30, 1966, in lieu of the present discretionary authority of the Secretary of HEW to allow enrollment during that period to persons missing the March 31 deadline for good cause. While it is hoped that the Secretary will interpret this section liberally and issue regulations aiding late enrollees to the maximum degree possible, thus far regulations implementing this discretionary authority have not been issued and it would be most unwise to assume that the discretionary authority can be used to achieve blanket extension. It is appropriate, therefore, to lengthen the enrollment period by legislation, thereby allowing all of our Nation's elderly to have adequate time to enroll for benefits.

NEED

1. Under present law, Public Law 89-97, voluntary medical insurance is available to all persons over 65 if they enroll in the program by March 31, 1966. The cost of this insurance is \$6 per month, \$3 to be paid by the applicant and \$3 by the Federal Government. Failure to enroll by the deadline date causes a loss of eligibility until October 1967—the next open enrollment date. At that time the premiums increase and coverage does not begin for 6 to 9 months there-

after—the spring of 1968. This on its face creates a severe hardship in that there is a 2-year denial of these benefits for our Nation's elderly.

2. The difficulty, in communicating the 1965 act's provisions to our Nation's elderly is further compounded by the fact that over 2 million people who have never enrolled in social security are eligible for the voluntary medical insurance. To date, there is no effective method of reaching these people.

3. Of the Nation's 19.5 million people over the age of 65, only 11.5 million have presently enrolled. One million who have been contacted have refused enrollment; another million are currently having their applications processed. Of the remaining 6 million, 4 million have been sent mailings and applications. However, wrong addresses, lack of knowledge and communication with community organizations, causes which are most prevalent among our Nation's poor, no replies have been received from these 4 million elderly. An additional 2 million people have not been contacted at all in regard to the program—mainly those who previously were not covered by social security. As many as 6 million of our elderly, comprising our Nation's lowest economic groups, are still to be reached.

4. The elderly who have not been contacted are those who need medical insurance most. Of the members of our population 65 and over, 23 percent live on charity, 31 percent must still work for a living, and 27 percent are dependent on pensions, social security, and support by close relatives.

5. During the less than 40 working days, excluding Sundays, remaining before the first enrollment period terminates, it will not be possible to contact these 6 million elderly citizens who, as a result, will have to wait almost 2 years before becoming eligible for voluntary medical insurance. Therefore, those people Congress intended to help the most by the 1965 act will be excluded from coverage for 2 years due to their failure to meet a fast approaching deadline.

6. Both Social Security and the Office of Economic Opportunity have combined their efforts in Operation Medicare Alert in order to reach these people before March 31. This is a most worthwhile project. However, it is not yet fully in operation and in the less than 2 months remaining cannot possibly reach a significant number of the people remaining to be contacted.

7. Operation Medicare Alert will only be in effect in areas where community action programs are in existence. This excludes most rural areas where, because of the lack of communication and community organizations, there is little knowledge of the voluntary medical insurance program.

OTHER CONSIDERATIONS

1. Extension of time for initial enrollment will not, according to the Social Security Administration, significantly affect actuarial tables or increase the cost of the program. It will give a realistic additional period of time for the 6 million elderly people not yet directly contacted to be reached and enable the congressional intent in enacting Public Law 89-97 to be realized.

2. Public knowledge of extension legislation will lead to increased enrollment by increasing general awareness of the March 31 deadline.

PRESERVATION OF LONG ISLAND SOUND AND RELATED SHORELINE AREAS

Mr. RIBICOFF. Mr. President, near the end of the last session, I introduced a bill—S. 2460—to establish a Connecticut River Parkway. It would establish along the Connecticut River, as it flows

more than 400 miles through New Hampshire, Vermont, Massachusetts, and Connecticut, a true parkway—not a highway for cars, but a place for people.

It would give to New England what the great Western States of our Nation have so long enjoyed—breathing space, protected scenic lands, a place of refuge from the crowded city streets. It would preserve the scenic beauty of the Connecticut River and establish recreation areas and preserve quiet places along its beautiful valley.

Connecticut, however, has a deep and vital interest in another of America's major natural resources. The great Long Island Sound, gouged out by advancing glaciers from Labrador during the great Ice Ages, lies between Connecticut and Long Island proper. It is an arm of the Atlantic stretching 90 miles from Plum Island, Great Gull Island, and Fishers Island on the east to its narrow western gateway at Throgs Neck, where the waters of the sound meet the swift cross-currents of the East River of New York. It is an important coastal shipping route, a once rich source of lobsters, crabs, clams, and oysters as well as sport fishing of all kinds.

Its many inlets and coves provide Connecticut alone with 253 miles of coastline—over 200 miles of sandy beaches. The countless inlets and coves combined with the more than 1,000 square miles of this great inland waterway provide great recreational sailing and boating of all sorts. Further, the wetlands, marshes, and bogs have in the past provided a habitat for much of our most valued waterfowl.

But the natural beauties, past productivity, and future potentialities of the Long Island Sound, like the Connecticut River, are dangerously threatened. In this region, as in many other areas of our Nation, water pollution, shoreline erosion, destruction of marine and waterfowl life, and the ruin of wildlife protecting wetlands, has reached alarming proportions.

Pollution, dredging, silting, the destruction of wetlands, all take their toll. The oyster beds diminish, the crabs and lobsters disappear. The waterfowl go away, never to return. The shoreline erodes—the beauty goes.

This careless destruction must be checked. The Long Island Sound is a great natural, open recreational asset lying at the very doorstep of one of the world's greatest population centers. It is 1,000 square miles of natural beauty literally surrounded by our Nation's largest metropolitan area.

But it will not remain an asset of natural beauty forever. Only through the coordinated efforts of the States concerned and with the cooperation of the Federal Government will it be possible to stop the destruction of the natural resources of these areas and preserve their recreational and historic values.

I therefore introduce, for appropriate reference, a bill to provide a 3-year study to determine the best methods of coping with the problems which threaten the conservation and development of the Long Island Sound.

This study looks toward development of a master plan to preserve, develop,

and make accessible for the public benefit, inspiration, and use, the scenic and natural fish and wildlife values of the coastal areas bordering Long Island Sound in the States of New York, Connecticut, and Rhode Island.

This proposal in no way compromises the autonomy of any State or local governmental unit involved. The study and formulation of a plan would be conducted by the Secretary of the Interior jointly with the States involved. The Secretary is affirmatively directed to consult with and seek the participation of interested private groups as well as local county, town, and village officials. It thus provides through coordination what should be the objective of all—preservation of the physical integrity of the Long Island Sound.

A similar bill has been introduced in the other body by Representative WILLIAM ST. ONGE of Connecticut.

Mr. President, in addition to the preservation of the Sound, this proposal, leading as it does to a regional master plan for the conservation and preservation of an interstate area, could be a pilot program of great value to other parts of the country in the constant war against the destruction of our natural resources.

I, therefore, ask unanimous consent that the bill remain at the desk for 5 days for additional cosponsors, and that it be printed in the RECORD with my remarks.

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 Connecticut.

The bill (S. 2905) to direct the Secretary of the Interior to study and formulate a comprehensive plan containing recommendations regarding the action that should be taken to preserve, develop, and make accessible for public use and benefit the Long Island Sound and related shoreline areas in the States of New York, Connecticut, and Rhode Island, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2905

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall study, investigate, and formulate a comprehensive plan containing recommendations regarding the action that should be taken to preserve, develop, and make accessible for the public benefit, inspiration, and use, the unique scenic beauty, as well as the natural, historic, archeological, recreation, fish and wildlife values of the Long Island Sound including its adjacent shoreline, within the States of New York, Connecticut, and Rhode Island. The Secretary shall conduct such study and formulate such comprehensive plan jointly with the States of New York, Connecticut, and Rhode Island, or any one of them, if they are willing to participate in such joint study and in the formulation of such comprehensive plan, and shall consult with and seek the participation of appropriate county, town, and village officials and other interested Federal and State agencies and commissions and private groups.*

(b) The results of the study, and the comprehensive plan, shall be submitted to the President and to the Governors of the States of New York, Connecticut, and Rhode Island within three years after the date of this Act, including appropriate recommendations together with the recommendations of other Federal and local agencies involved. The President shall transmit to the Congress, within six months thereafter, his recommendation for such legislation as he deems appropriate. The study shall contain, but not be limited to, findings with respect to—

(1) the scenic, scientific, historic, recreational, and other natural values of the water and related land resources involved, the ways and means of preserving and enhancing the natural beauty of the landscape and conserving outdoor resources and the feasibility of eliminating or diminishing the pollution of the water involved;

(2) the potential alternative beneficial uses of the water and related land resource involved, taking into consideration all appropriate existing and probable uses of the land for industrial, commercial, transportation, and residential purposes and for public services;

(3) the type of Federal, State, or coordinated Federal, State, regional, and local government administrations, including consideration of a Federal-State compact that is feasible and desirable in the public interest to preserve, develop, and make accessible the values set forth in paragraph (1) of the water and related land resources involved for public use and benefit;

(4) the extent to which land or interests therein and scenic or other easements will need to be acquired by the Federal, State, or local governments and the estimated cost of acquiring, developing, and administering such land or interests therein and scenic or other easements, for public use and benefit.

(c) The Secretary of the Interior, in cooperation with the Governors of the participating States, at the end of each of the next three calendar quarters after the date of this Act, shall provide for such publicity as he deems sufficient to inform the interested public of the progress made on the study undertaken pursuant to this Act, and shall schedule hearings in each of the States involved.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary for the Department of the Interior to carry out its functions under this Act.

#### ADDITIONAL BILLS DEALING WITH IMPROVEMENTS IN THE CONSTITUTIONAL RIGHTS OF MEMBERS OF THE ARMED SERVICES

Mr. ERVIN. Mr. President, I introduce two bills dealing with improvements in the constitutional rights of servicemen in our Armed Forces. These bills, introduced in the House of Representatives by Representative CHARLES E. BENNETT, as H.R. 273 and H.R. 277, consist of the Defense Department's recommended improvements for the Uniform Code of Military Justice.

Changes in the code are now the subject of joint hearings being conducted by the Constitutional Rights Subcommittee and a Special Subcommittee of the Armed Services Committee. At the present time there are 18 Senate bills which seek to increase the legal protections available to members of the armed services through changes in the statutes governing military justice and the issuance of administrative discharges by the armed services.

The two bills which I introduce today deal with matters contained in a number of Senate bills under consideration. In most respects, these two bills are essentially the same as parallel provisions in the Senate bills; however, there are certain differences. It is my feeling that these measures should be before the Senate so that the position of the Defense Department can be considered more conveniently and clearly as we evaluate the various proposals now before us. Accordingly, I agreed to introduce them.

I am sure that as we continue to work closely with the Defense Department, our differences, and any others that may exist, will be resolved to our mutual satisfaction. H.R. 273 and H.R. 277 should promote this accommodation. It is my earnest hope that the Senate will be able to move with dispatch to pass significant and meaningful amendments to the present military justice system so that our fighting men will have at their disposal essential constitutional protections.

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

The bills, introduced by Mr. ERVIN, were received, read twice by their titles, and referred to the Committee on Armed Services, as follows:

S. 2906. A bill to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, by creating single-officer general and special courts-martial, providing for law officers on special courts-martial, affording accused persons an opportunity to be represented in certain special court-martial proceedings by counsel having the qualifications of defense counsel detailed for general courts-martial, providing for certain pre-trial proceedings and other procedural changes, and for other purposes; and

S. 2907. A bill to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to authorize the Judge Advocate General to grant relief in certain court-martial cases, to extend the time within which an accused may petition for a new trial, and for other purposes.

#### AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. ANDERSON. Mr. President, on behalf of myself, and the senior Senator from Maine [Mrs. SMITH], by request, I introduce for appropriate reference a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes. I ask unanimous consent that the bill be printed in the RECORD together with a letter from the Administrator, National Aeronautics and Space Administration, requesting the proposed legislation and a sectional analysis of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the bill, letter, and sectional analysis will be printed in the RECORD.

The bill (S. 2909) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for

other purposes, introduced by Mr. ANDERSON (for himself and Mrs. SMITH), by request, was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences, and ordered to be printed in the RECORD, as follows:

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of \$5,012,000,000, as follows:

(a) For "Research and development," \$4,246,600,000, for the following programs:

- (1) Gemini, \$40,600,000;
- (2) Apollo, \$2,974,200,000;
- (3) Advanced missions, \$8,000,000;
- (4) Physics and astronomy, \$131,400,000;
- (5) Lunar and planetary exploration, \$197,900,000;
- (6) Bioscience, \$35,400,000;
- (7) Meteorological satellites, \$43,600,000;
- (8) Communication and applications technology satellites, \$26,400,000;
- (9) Launch vehicle development, \$33,700,000;
- (10) Launch vehicle procurement, \$152,000,000;
- (11) Space vehicle systems, \$36,000,000;
- (12) Electronics systems, \$36,800,000;
- (13) Human factor systems, \$17,000,000;
- (14) Basic research, \$23,000,000;
- (15) Space power and electric propulsion systems, \$42,500,000;
- (16) Nuclear rockets, \$53,000,000;
- (17) Chemical propulsion, \$37,000,000;
- (18) Aeronautics, \$33,000,000;
- (19) Tracking and data acquisition, \$279,300,000;
- (20) Sustaining university program, \$41,000,000;
- (21) Technology utilization, \$4,800,000.

(b) For "Construction of facilities," including land acquisitions, \$101,500,000, as follows:

- (1) Electronics Research Center, Cambridge, Massachusetts, \$10,000,000;
- (2) Goddard Space Flight Center, Greenbelt, Maryland, \$710,000;
- (3) Jet Propulsion Laboratory, Pasadena, California, \$350,000;
- (4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, \$37,876,000;
- (5) Langley Research Center, Hampton, Virginia, \$6,100,000;
- (6) Lewis Research Center, Cleveland and Sandusky, Ohio, \$16,000,000;
- (7) Manned Spacecraft Center, Houston, Texas, \$13,800,000;
- (8) George C. Marshall Space Flight Center, Huntsville, Alabama, \$581,000;
- (9) Michoud Assembly Facility, New Orleans and Slidell, Louisiana, \$700,000;
- (10) Mississippi Test Facility, Mississippi, \$1,700,000;
- (11) Wallops Station, Wallops Island, Virginia, \$205,000;
- (12) Various locations, \$6,478,000;
- (13) Facility planning and design not otherwise provided for, \$7,000,000.

(c) For "Administrative operations," \$663,900,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such

conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Administrative operations" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

(h) When so specified in an appropriation Act, any appropriation authorized under this Act to the National Aeronautics and Space Administration may initially be used, during the fiscal year 1967, to finance work or activities for which funds have been provided in any other appropriation available to the Administration and appropriate adjustments between such appropriations shall subsequently be made in accordance with generally accepted accounting principles.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12), of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of \$94,500,000.

SEC. 3. Not to exceed 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (13) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be

obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473), as amended, is amended by inserting after the semicolon at the end of paragraph 203(b)(10) the following new paragraph:

"(11) when determined by the Administrator to be necessary, to enter into contracts for architectural or engineering services for highly complex research and development facilities without regard to the limitation imposed by 10 U.S.C. 2306(d) on contracts for architectural or engineering services;"

SEC. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1967."

The letter and sectional analysis presented by Mr. ANDERSON are as follows:

NATIONAL AERONAUTICS

AND SPACE ADMINISTRATION,

Washington, D.C., February 2, 1966.

HON. HUBERT H. HUMPHREY,

President of the Senate,

Washington, D.C.

DEAR MR. PRESIDENT: Herewith submitted is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes," together with a sectional analysis thereof. It is submitted to the President of the Senate pursuant to rule VII of the standing rules of the Senate.

Section 4 of the act of June 15, 1959 (73 Stat. 73, 75), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is the purpose

of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the budget of the U.S. Government, 1967 (p. 91) and the appendix thereto (pp. 867-873). The bill would authorize appropriations to be made to the National Aeronautics and Space Administration in the sum of \$5,012 million, as follows: (1) for research and development, \$4,246,600,000; (2) for construction of facilities, \$101,500,000; and, (3) for administrative operations, \$663,900,000. The bill is identical to the National Aeronautics and Space Administration Authorization Act of 1966 (Public Law 89-53, 79 Stat. 192) except for the necessary changes in dollar amounts and the substantive and editorial changes herein-after discussed.

Two changes have been made with respect to the research and development program line items. In each case the change consists of the combination of two of the fiscal year 1966 authorization act's program line items into one. That act's communication satellites and applications technology satellites program line items have been combined and appear in the enclosed draft bill as communication and applications technology satellites. The combination of last year's nuclear-electric systems and solar and chemical power program line items has resulted in a program line item denominated "space power and electric propulsion systems."

Further with respect to the research and development program line items, it is noted that the Senate Committee on Aeronautical and Space Sciences, in its report on the NASA authorization for fiscal year 1966 (S. Rept. 188, 89th Cong., 1st sess. at p. 32), requested that the Voyager program be carried as a separate program line item in subsequent years if NASA continues to support the program. The President's budget for NASA for fiscal year 1967 proposes no commitment to Voyager flight hardware, the work planned being confined to certain design studies. As such, the proposed work remains an integral part of the lunar and planetary exploration program as presently constituted and, therefore, it is not being recommended that Voyager be carried as a separate program line item in fiscal year 1967. If, in the future, Voyager is recommended to the Congress for funding as a flight program, then NASA will comply with the Senate Committee's request and make it a separate program line item. Until then, it is considered more appropriate for the Voyager study effort to remain a separate project to be described in detail as a part of the current lunar and planetary exploration program line item.

No funds are being requested for construction of facilities at Ames Research Center. Consequently, this installation has been omitted from subsection 1(b) of the enclosed draft bill as a locational line item. However, the electronics research center and the jet propulsion laboratory have each been inserted as such line items because funds for construction at these installations are being requested. In addition, the post office address of the John F. Kennedy Space Center, NASA, has been changed to Kennedy Space Center, Fla., as a consequence of a post office so identified having been established to serve the John F. Kennedy Space Center. Furthermore, the name of the facility located at New Orleans, La., has recently been changed to the Michoud Assembly Facility, and the enclosed bill reflects this change also.

Section 3 includes two departures from the text of comparable section of last year's act. One is substantive and the other merely editorial. The enclosed bill, if enacted, would authorize the transfer of 1 percent (rather than the one-half of 1 percent provided in last year's act) of the research and development appropriation to the construction of facilities appropriation, and the use of such

funds, after the requisite determination, finding and notification have been made, for construction projects not otherwise presented to, and approved by, the Congress. The justification for this change is inherent in the way that this reprogramming authority is now used. The program of this agency has matured to such a degree that, for the most part, reprogramming authority is used only because of a major and truly significant change in the program or a technical breakthrough of like proportions. Such change or breakthrough very often requires a significant change in the construction program, since, for the most part, construction is the pacing segment of the activity. Changes or breakthroughs of such nature can require new construction authority in excess of that available if only one-half of 1 percent may be reprogrammed. In order to insure, therefore, that authority sufficient to meet the exigencies of the program on a timely basis is available, the one-half of 1 percent figure in last year's act has been raised in the enclosed bill to 1 percent.

In addition, as previously stated, an editorial change has been made in section 3 of the enclosed bill. As enacted, the National Aeronautics and Space Administration Authorization Act of 1966 provided that a specified sum of construction of facilities funds "other than funds appropriated pursuant to paragraph (12)" may be used for reprogramming actions at the discretion of the Administrator of NASA. Paragraph (12) is the "various locations" line item. However, in prior years and in the draft bill submitted by NASA for the fiscal year 1966, the reference was to the facility planning and design not otherwise provided for line item, which in paragraph (13) of Public Law 89-53. The apparent error in the cross reference crept in during the course of congressional action on the NASA authorization bill for fiscal year 1966. The draft bill submitted herewith corrects this apparent error by returning the cross reference to the facility planning and design not otherwise provided for line item.

The enclosed draft bill omits the text of what was section 5 of the fiscal year 1966 act. That text related to the sense of the Congress with respect to the geographic distribution by this agency of research and development funds. The language of the section made it clear that the Congress was making a one time pronouncement intended to guide this agency for some time to come. In view of this it is deemed unnecessary to repeat the language each year.

Finally, the draft bill sets forth, in a new section 5, a substantive amendment to the National Aeronautics and Space Act of 1958, as amended. In a report to the Congress dated June 1965 and entitled, "Noncompliance with Statutory Limitation on Amount Allowable for Architectural-Engineering Services for the Design of a Facility at the Nuclear Rocket Development Station, Nevada," the Comptroller General took issue with the way in which NASA applied the limitation on architect-engineer contracts contained in 10 U.S.C. 2306(d) to the particular project involved, the construction of a complex nuclear facility. The statute limits the amount to be paid for architect-engineer services to 6 percent of the estimated cost of the project.

Prior to the Comptroller General's report, NASA had regarded this limitation as not embracing certain of the engineering work that went beyond the production and delivery of plans, designs, drawings, and specifications. This other work would, of course, be subject to the 15 percent fee limitation also imposed by section 2306(d) on research and development contracts. NASA's application of the 6 percent limitation was believed to be in line with earlier decisions of the Comptroller General. However, the June 1965 report of the Comptroller General has given rise to questions as to how the

statutory limitation is to be applied in the future to complex research and development facilities. Since the building of such facilities today involves far more than the type of traditional architect-engineer services to which the 6 percent limitation had originally been intended to apply, it is evident that a need exists for clarifying legislation. In fact, the Comptroller General's report itself suggested the desirability of legislative action to deal with this problem. Section 5 of the enclosed bill would provide the necessary clarification.

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Bureau of the Budget has advised that its enactment would be in accord with the program of the President.

Sincerely yours,

JAMES E. WEBB,  
Administrator.

Enclosures: 2.

SECTIONAL ANALYSIS OF A BILL TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR RESEARCH AND DEVELOPMENT, CONSTRUCTION OF FACILITIES, AND ADMINISTRATIVE OPERATIONS, AND FOR OTHER PURPOSES

SECTION 1

Subsections (a), (b), and (c) would authorize to be appropriated to the National Aeronautics and Space Administration the sum of \$5,012,000,000, as follows: (a) for research and development, \$4,246,600,000; (b) for construction of facilities \$101,500,000; and, (c) for administrative operations, \$663,900,000. Subsection 1(a) for research and development is further subdivided into 21 line items comprising the various NASA research and development programs. Subsection 1(b) for construction of facilities, is further broken down into 13 line items—11 locational, one consisting of a number of projects at various locations, and 1 for facility planning and design not otherwise provided for.

Subsection 1(d) would authorize the use of appropriations for research and development for: (i) items of a capital nature (other than the acquisition of land) required for the performance of research and development contracts; and, (ii) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive therefrom benefit adequate to justify the making of that grant.

In either case no funds may be used for the construction of a facility the estimated cost of which, including collateral equipment, exceeds \$250,000 unless the Administrator notifies specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified in an appropriation act, (1) any amount appropriated for research and development or for construction of facilities may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities and support services may be entered into under the administrative operations appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed \$35,000 of administrative operations appropriation funds for scientific

consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that no funds appropriated pursuant to subsection 1(c) for maintenance, repair, alteration and minor construction may be used to construct any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

Subsection 1(h) would provide that, when so specified in an appropriation act, any appropriation authorized under this act to the National Aeronautics and Space Administration may initially be used, during the fiscal year 1967, to finance work or activities for which funds have been provided in any other appropriation available to the administration and appropriate adjustments between such appropriations shall subsequently be made in accordance with generally accepted accounting principles.

#### SECTION 2

Section 2 would authorize the 5 percent upward variation of any of the sums authorized for the construction of facilities line items (other than facility planning and design) when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for construction of facilities under subsection 1(b), paragraphs (1) through (12).

#### SECTION 3

Section 3 would provide that not more than 1 percent of the funds appropriated for research and development may be transferred to the construction of facilities appropriation and, when so transferred, together with \$10 million of the funds appropriated for construction of facilities, shall be available for the construction of facilities and land acquisition at any location if (1) the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

#### SECTION 4

Section 4 would provide that, notwithstanding any other provision of this act:

(1) No amount appropriated pursuant to this act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences;

(2) No amount appropriated pursuant to this act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and,

(3) No amount appropriated pursuant to this act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of 30 days has passed after the receipt by each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such commit-

tee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

#### SECTION 5

Section 5 would amend subsection 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)) by inserting new paragraph (11) in place of that repealed by section 402(a)(34) of Public Law 88-448 (78 Stat. 495). The new paragraph would authorize NASA, when determined by the Administrator to be necessary, to enter into contracts for architectural or engineering services for highly complex research and development facilities without regard to the limitation imposed by 10 U.S.C. 2306(d) on contracts for architectural or engineering services.

#### SECTION 6

Section 6 would provide that the act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1967."

### INCREASED SALARIES FOR DISTRICT OF COLUMBIA POLICE AND FIREMEN, THE U.S. PARK POLICE, AND THE WHITE HOUSE POLICE

Mr. BREWSTER. Mr. President, no citizen can fail to be alarmed by the growing crime problem in the Nation's Capital. The situation has reached the point where it is not safe to walk on many of Washington's streets after dark. The danger is not only one faced by the residents of the District of Columbia, it is one faced by the great number of Maryland and Virginia suburbanites who commute into Washington and the hundreds of thousands of tourists that come to visit the Nation's Capital each year.

President Johnson, recognizing the gravity of the crime problem in the city, has appointed a very able Commission to study the causes of crime and evaluate possible solutions. This extremely necessary task should not stand in the way of immediate action where the need is clearly recognized and action is long overdue.

It is clear to me that we must move without further delay to raise the salaries of District policemen. We cannot expect the Metropolitan Police Department to attract capable young men to its ranks when the beginning salary is less than that for beginning policemen in most cities and for comparable Government positions. If we want to attract to the Metropolitan Police force the kind of young men who are necessary for modern law enforcement, their salary scale must be competitive with other areas of the Nation.

The policeman is the forgotten man of today. Although his job is one of the most important ones in the entire community, he is taken for granted unless he makes a mistake. Too frequently, we criticize the police for their errors while we forget to praise them for a job well done. While most policemen do not expect or want attention and publicity, the least we can do—and should do—is begin to pay him adequately for a most difficult and hazardous job.

Certainly the same statement equally applies for Washington's firemen. These are crucial positions and they must be filled by able young men. It is a short-

sighted policy to save a few dollars on low salaries for policemen and firemen when the stakes are so high and the safety of the District is involved.

Mr. President, I am today introducing proposed legislation aimed at closing the existing salary gap. My bill would provide for an across-the-board pay increase of 7 percent for District policemen and firemen. This increase is consistent with increases granted other Federal employees last year and proposed for this year. This measure, if enacted, would help to attract the high-quality personnel we so desperately need to combat crime and fire in our Nation's Capital, and furthermore, it will help to retain the qualified men already serving their community.

I firmly believe that this pay increase must be an essential part of any program to reduce crime in our Nation's Capital.

I respectfully urge my colleagues to give this legislation their strongest support.

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

The bill (S. 2910) to increase the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police, and the White House Police, introduced by Mr. BREWSTER, was received, read twice by its title, and referred to the Committee on the District of Columbia.

### AUTHORIZATION FOR COMMITTEE ON RULES AND ADMINISTRATION TO FILE SUNDRY REPORTS DURING RECESS OF THE SENATE

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be permitted to file sundry reports during the recess of the Senate.

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

### ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

Mr. MUNDT. Mr. President, I ask unanimous consent that at its next printing, the name of the Senator from Colorado [Mr. DOMINICK] may be added to the joint resolution (S.J. Res. 12) proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President.

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

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the names of Senators CLARK and SPARKMAN be added as cosponsors of the joint resolution (S.J. Res. 130) to establish May 8 to May 14, 1966, as National School Safety Patrol Week.

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

### ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of February 1, 1966, the names of Mr. ALLOTT, Mr. KUCHEL, Mr. LAUSCHE,

Mr. LONG of Missouri, Mr. PEARSON, Mr. SALTONSTALL, and Mr. SCOTT were added as additional cosponsors of the bill (S. 2857) to increase the investment credit allowable with respect to facilities to control water and air pollution, introduced by Mr. COOPER (for himself and Mr. RANDOLPH) on February 1, 1966.

**NOTICE OF HEARING ON NOMINATION OF WILLIAM J. LYNCH TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF ILLINOIS**

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, February 17, 1966, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of William J. Lynch, of Illinois, to be U.S. district judge, northern district of Illinois, vice Michael L. Igoe, 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 Arkansas [Mr. McCLELLAN], the Senator from Illinois [Mr. DIRKSEN], and myself, as chairman.

**NOTICE OF HEARING ON NOMINATION OF WILLIAM K. THOMAS TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF OHIO**

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, February 17, 1966, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of William K. Thomas, of Ohio, to be U.S. district judge, northern district of Ohio, vice Paul Jones, deceased.

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 Arkansas [Mr. McCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

**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. CHURCH:

Address entitled "Farming in Idaho: A Look Ahead," delivered by him at the farm-city banquet of the Kiwanis Club of Twin Falls, Idaho.

**STRANGE TYPE OF MALARIA FEVER AFFLICTS OUR SOLDIERS IN VIETNAM**

Mr. YOUNG of Ohio. Mr. President, in Vietnam, Okinawa, Japan, and at Clark Air Base near Manila the hospitals

of our Armed Forces are jammed with wounded and sick from Vietnam. Many GI's are being terribly wounded in jungle "booby traps" so concealed as to escape detection even if extreme care is exercised. The ratio of our wounded to those killed in combat is about 10 to 1 because of these tactics. Our fine young soldiers fighting in Vietnam are afflicted with malaria of such a virulent nature that modern medical science has been hard put to cure them. In fact, unfortunately, a number have died. Others are being honorably discharged by reason of physical disability. This form of malaria fever and other jungle fevers are taking a terrible toll.

The fact is that this vicious malarial strain is afflicting from 500 to 800 of our soldiers each month and is one of the greatest problems facing our military commanders and medical officers in Vietnam. Mr. President, there appeared in the Washington Post of January 30, 1966, a United Press International news item entitled "Strange Type of Malaria in Vietnam Vexes Pentagon," setting forth this problem in detail. I ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

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

**STRANGE TYPE OF MALARIA IN VIETNAM VEXES PENTAGON**

A Vietnam jungle mosquito that breeds "upside down" is giving Defense Department doctors almost as much worry as wounds inflicted by Communist Vietcong guerrillas.

The insect is the anopheles bacabacensis. It carries a tough strain of malaria known as fulciparum. It is felling 500 to 700 U.S. soldiers a month in Vietnam war. It is immune to malaria drugs now available.

The Defense Department has launched a \$29 million crash program to develop an effective counteragent.

Unlike other mosquitoes, this jungle pest lays its eggs on the bottom of a tree leaf. Pesticides sprayed from the air leaves the anopheles bacabacensis untouched.

Two other strains that also apparently resist present antimalarial drugs have been uncovered in neighboring Thailand, adding to the Pentagon's worries.

The new kind of malaria also has played an important role in drastic increases in quinine and quidine prices. The increases and an apparent shortage of quinine are being studied by congressional investigators and the Federal Trade Commission.

Pentagon officials said the current incidence of cases involving the new malaria is moderate. But they expect it to increase as U.S. troops move into more severely infested Vietnam areas.

Some Pentagon planners were described as having an "absolute shaking fit" over the idea of a large number of troops being infected where they cannot be treated effectively.

Quinine has proved effective against some of the new cases. But military medical officials note that quinine can cause nausea and dizziness, thus hampering a soldier's ability to fight.

The researchers hope to develop a drug that would be effective both as a treatment and a preventive, similar to the chloroquine drug used against older malaria strains.

Mr. YOUNG of Ohio. Mr. President, while hospitalized, many of our young men are placed on temporary cots. Yet,

at Oak Harbor and Port Clinton, Ohio, two 200-bed field hospitals are stored and have been stored for civil defense purposes since 1958. This outrageous situation is duplicated in other cities in Ohio and in other States. Officials of the Department of Defense should make use of such hospital beds and equipment instead of continually buying new equipment. The civil defense program has been a stupendous hoax and waste of considerably more than a billion dollars of taxpayers' money. This so-called civil defense shelter program is a huge boondoggle. The Soviet Union poses no threat of nuclear attack with intercontinental ballistic missiles. Its leaders seek coexistence. They are veering toward capitalism. No other nation has any capacity to assail us with nuclear warheads.

Mayor John Lindsey recently announced that he would abolish New York City Office of Civil Defense and said that scrapping it would mean a considerable saving for the city. Let us hope that other mayors and Governors follow this commonsense action of the mayor of New York. Finally, how can the Secretary of Defense continue to defend his waste of taxpayers' money for a civil defense shelter program which is so silly? Our efforts and money should be concentrated on saving lives of wounded GI's and those afflicted with malaria and other jungle diseases.

**VICE PRESIDENT HUMPHREY'S TRIP TO SAIGON**

Mr. JAVITS. Mr. President, I wish to say a word about the dispatch of the Vice President to Saigon and other capitals by the President.

It seems to me that recent events are now producing the American consensus on what should be done about Vietnam, and that this consensus falls into three categories:

First, to pursue the military effort within the present order of magnitude, but without escalation beyond that point.

Second, to pursue the effort to bring about a realization of the social revolution in Vietnam through an enhanced foreign aid program, and especially through the development of reforms such as sanitation, health, housing, food intake, and food supplies, with special emphasis on land tenure, because land reform in South Vietnam is very important.

Let us stop deluding ourselves about the government in Vietnam. Its military effort, with which we are associated requires that South Vietnamese reforms will have to be made on the basis of self-help and mutual cooperation. If the U.S. position there is to be tenable at all, the United States must insist upon reforms. The government in Saigon was not elected; it took power. It is impossible to do anything else, but it is also impossible to do anything else but engage in economic and social construction in Vietnam, and we must insist on it if we are to stay there.

The third part of the American consensus is to pursue the peace offensive

with undiminished vigor, notwithstanding the fact that Hanoi, Peiping, and Moscow have been so unresponsive.

I believe this is what the American people support. But the President should add a fourth element to the consensus, and that is to invite backing by Congress and the people by sending an appropriate resolution to Congress updating the resolution of August 1964, in respect of Vietnam to meet the present situation.

The President is a good enough politician to know that he has nothing to fear; that he will receive an overwhelming vote. But it would associate the Congress with him in making this portentous decision for the American people.

I see too many fissures in the President's own party, as well as in the country, for the President not to take advantage of this great opportunity to consolidate the Congress and the country with him—and I emphasize that such a partnership is needed to pursue our purposes.

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

Mr. JAVITS. I ask unanimous consent that I may have 1 additional minute.

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

Mr. JAVITS. No one is talking about victory. There is no one to vanquish. There are only objectives to attain. These objectives are embodied in the four-part consensus I have just mentioned.

Let me add one further point. When I returned from Vietnam some 3 weeks ago, I urged the President to give special attention to the real and underlying cause of war in Vietnam—social and economic privation. To meet this basic problem, I urged the President to place a top coordinator in charge of the aid program. He has done that. He could not have selected a better man than the Vice President. Now, the only action the President need take is to add the fourth point—namely, congressional action—which will show the support of the American people in such a way as to inspire the world.

The PRESIDING OFFICER. Is there further morning business?

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

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

#### COMMUNICATIONS REGARDING VIETNAM CONFLICT

Mr. MORSE. Mr. President, I ask unanimous consent that I may insert in the RECORD certain telegrams, pro and con, which I have received in connection with my statements with respect to what I have said is the unconstitutional, illegal war in Vietnam, and to also insert my answers to the critical wires.

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

PORTLAND, OREG.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
First continue your stand on Vietnam. Oregon voters back you. How can I help?  
DOROTHY MCKENZIE.

MEDFORD, OREG.,  
February 6, 1966.

Senator WAYNE MORSE,  
Senate Building,  
Washington, D.C.:  
Congratulations on your efforts to expose the waste in our foreign aid efforts, and we confirm your judgment of getting out of the Vietnam war.

Sincerely,

Mr. and Mrs. RAY F. BAKER.

TILLAMOOK, OREG.,  
February 9, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
May I please add my name to your growing list of Oregon voters re your Vietnam stand. I am

BOYD E. HARTMAN.

PORTLAND, OREG.,  
February 7, 1966.

Hon. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Congratulations and continued support to you, Governor Hatfield, and the Members of the Congress of the United States who seek peace rather than war. The war should be on poverty and disease, not the creator of both as in Vietnam.

NONA GLAZER.

EUGENE, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Behind you 100 percent. Keep up your work to end the war now.

Mr. and Mrs. PETER SHROYER.

KENILWORTH, ILL.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Can I as an individual help stop this madness in Vietnam with my best individual cooperation. Our double-talking President is getting completely out of hand.

H. H. HANLON.

EUGENE, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Salute your courage and strength on Vietnam war opposition. Please don't be pressured into silence.

LAURA BOCK.

PORTLAND, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.

DEAR SIR: We support your voiced opinions 100 percent. Listening to televised investigation with full attention. Be assured of Oregon's support Democrat and Republicans as this family represents.

Sincerely,

Mrs. H. E. HOWARD.

FORT WORTH, TEX.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:  
Bravo. Stay in there and pitch.  
MAC BROWN.

WHITE PLAINS, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Congratulations your recent stimulating speech regarding Vietnam.

Capt. JOHN S. BURROWS.

WEST PALM BEACH, FLA.,  
February 1, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Press for McNamara public hearing, American role on foreign aid. Appreciate your attitude and concern.

Mrs. GEORGE R. WEAVER.

FLUSHING, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Chambers,  
Washington, D.C.:

Please accept our thanks for your intelligent, courageous, sane views on Vietnam.

DAVID and ELLEN PATRICK.

LOS GATOS, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

For the sake of the lives of our boys and welfare of all mankind we heartily endorse your opposition to President Johnson's policy in Vietnam.

Dr. and Mrs. GEORGE A. MUECH.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
U.S. Senator from Oregon,  
Senate Office Building,  
Washington, D.C.:

Congratulations and heartfelt thanks for your magnificent stand against that obscenity in the White House who should be impeached. How proud Oregon and Alaska must be of their Senators who show such integrity of mind. How I wish New York could feel the same about their Senators.

PHYLLIS LLEWELLYN.

BRIGANTINE, N.J.,  
February 8, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Approve unqualifiedly your challenging statements to the President. Have we forgotten Eisenhower's farewell address when he warned us to beware of the military industrial complex.

PAUL M. COPE.

DUQUOIN, ILL.,  
February 8, 1966.

Hon. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

You have demonstrated an unquestionable concern regarding a matter of serious consequence to every inhabitant on earth. Through the public hearings on foreign relations you have made it possible for many to object or agree with U.S. policy while having reasonable understanding of the facts.

Thank you, Senator.

MARTIN A. ODOM.

OAKLAND, CALIF.,  
February 8, 1966.

HON. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

My wife and I wholeheartedly support the inquiry into the administration policy in the Vietnam war. We believe the Nation's foreign policy needs to be evaluated to determine whether it is really furthering the democratic ideals that this country is supposed to stand for in such places as Vietnam and the Dominican Republic and with hindsight, Cuba.

ROBERT L. REYNOLDS.

KALAMAZOO, MICH.,  
February 8, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We support your Vietnam policy.

Mr. and Mrs. KENNETH IRISH.

BROOKLYN, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

DEAR SIR: Thank you.

ROBERT M. MESSINGER.

FAIRFIELD, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on your bringing before the public an intellectual discussion of the Vietnam situation. Also please extend congratulations to General Gavin for his outstanding efforts on behalf of our country.

DONALD G. VINZANT.

PENNYAN, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
U. S. Senate,  
Washington, D.C.:

We commend you and agree completely with your statements of concern over the speech given by President Johnson, in Hawaii. Regarding Vietnam. Please keep your sensible statements coming to the public. Although your statements are in disagreement with the strategy advocated by President Johnson and advisers, it is only through dissent that the democratic process can survive.

MARGUERITE and DAVID PFFIEFFER.

STOWE, VT.,  
February 9, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Very interested in discussions of South Vietnam. No one I have discussed this problem with from Ohio, Indiana, Pennsylvania, New Jersey, New York, Vermont, have agreed with administration policy. That is Congress should decide if we're going to engage in a war let our Representatives decide it. In other words I agree with you implicitly.

JOHN H. CHAMBERS.

KNOXVILLE, TENN.,  
February 9, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I find thousands of Tennesseans believing that the legislative branch of the U.S. Government should act in behalf of citizens in war declaration and war actions and not the executive branch of U.S. Government. The people are beginning to question why 400 men should be elected to the legislative branch of the Government since their judgment and actions are relegated to the judgment and actions of 12 men in the executive branch of the Government. Why the 12 judgment predominating instead of the 400

judgment. Us people elected and depend upon to act for us under U.S. Constitution.

R. E. CARROLL GRAY.

ST. LOUIS, MO.,  
February 9, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Please accept my thanks and encouragement for the Vietnam hearings. This open discussion is past due; hope the American people will learn about the terrible prospects of escalation and find a way with your guidance for an honorable settlement.

LEONARD ZWEIG.

BEVERLY HILLS, CALIF.,  
February 9, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We support your stand on Vietnam. Please continue cry out against this illegal war.

MARION and JEROME B. LINDEN.

DEERFIELD, ILL.,  
February 9, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We have sent telegrams tonight to the President, to our Senators, and our Representatives asking for a change in our Vietnam policy. We applaud your efforts to restore sanity to our foreign policy. You are a beacon of hope in a sea of despair.

A. J. SCHAPS.

LOS GATOS, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Your speech exposing Johnson hypocrisy in Honolulu was great, you have our gratitude and support.

Dr. and Mrs. ROBERT W. FAN BRUGGEN.

STOCKTON, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Keep up resistance to administration insane Vietnam policy.

SYBIL STICHT.

NASHVILLE, TENN.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thanks for your American approach of February 4. My regards to your supporters.

GENE H. PARRISH.

LOUISVILLE, KY.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senator from Oregon,  
Washington, D.C.:

DEAR SENATOR: Bravo for you in speaking up for the American people. There isn't anything going on in a foreign country that is worth one American life. Charity and aid belong at home first and with all that is needed here in America I think it about time we have the proper representation such as you so openly and unafraidably give.

Sincerely,

VIRGINIA KENDALL, (Mrs. G. H.)

HILLSDALE, N.J.,  
February 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Bravo, keep up the good work. I admire your stand on Vietnam.

Mrs. FRED SCARANO.

GREENVILLE, N.C.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on your stand for the secrecy on the Vietnam conflict for a confused citizen.

ELWOOD R. EDWARDS.

LAFAYETTE, IND.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations. You have just stated the minds of millions of Americans regarding open hearings. Stand by your convictions.

WALTER E. KLINKER.

INDIANAPOLIS, IND.,  
December 4, 1965.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I watched you this morning on TV. I agree with you and I thank you for your time and I appreciate what you think. You are for us and our taxpayers. I am a Hoosier agreeing with an Oregon Senator.

S. P. SHERRIN.

JERSEY CITY, N.J.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I watched you on TV. Think you right.

JOHN McLAUGHLIN.

BRAINTREE, MASS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Heartily concur with televised remarks regarding secrecy. Congratulations on courage.

CLARA CULLEN DONATELLO.

NEW ORLEANS, LA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We agree with you. Stand your ground.

Mr. and Mrs. J. G. HAMMOND.

BROOKLINE, MASS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thank you very much for your courage. God bless you.

Dr. and Mrs. WILFRED CALMAS.

UTICA, N.Y.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on your open committee hearings. Keep pushing.

JOHN PULCINI.

PERTH AMBOY, N.J.,  
January 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Three cheers your stand against closed sessions for McNamara and Wheeler. Please give my congratulations to Senator CASE supporting you.

JAMES T. BIRCHALL.

COLORADO SPRINGS, COLO.,  
January 4, 1966.

HON. WAYNE MORSE,  
Foreign Affairs Committee,  
Washington, D.C.:

Please, for sake of people, do all you can to get McNamara in public session.

Mrs. SCHERER.

ORLANDO, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate Office Building,  
Washington, D.C.:

Keep up the good work in your debate.  
We Americans are behind you.

DELORES KENDALL.

CALABASAS, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Many mature responsible people back your  
views on Vietnam. We cannot have compas-  
sion and support needless slaughter. I am  
at your service.

Mrs. CLAUDE (PAT) SMITH.

PUTNAM, CONN.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Lust for power in White House. Protect  
our country. Stop war. Stop spending.  
Close pocketbook.

Mr. and Mrs. CAPELETTE.

COLLEGE STATION, TEX.,  
December 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Bravo. Your views on secrecy in Govern-  
ment. Can David Bell issue a direct reply?  
Please keep plugging you're our brightest  
hope yet.

Mr. and Mrs. PETER D. WEINER.

WILTON, CONN.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:

Your words condemning Government by  
secrecy refusing to allow McNamara, Wheel-  
er, and Rusk to testify secretly should be  
cast in bronze a mile high. Our country is  
in bad trouble. We, the people, want to  
know why and how so we can do what is  
necessary to get back to a free, open consti-  
tutional Government. Letter follows.

Respectfully,

WARD M. STERLING.

FORT WORTH, TEX.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We were exceedingly interested and share  
your views that the American public should  
be thoroughly informed on the true picture  
of all the facets regarding the escalating war  
in Vietnam.

Mr. and Mrs. J. D. BALDRIDGE.

LODI, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee,  
Washington, D.C.:

We support your views on illegal war in  
Vietnam.

Mr. and Mrs. CLIFTON J. PRATT.

PORTLAND, OREG.,  
February 8, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We support your effort to force congres-  
sional investigation of undeclared Vietnam  
war. Good work.

Dr. and Mrs. K. N. TANNER.

EUGENE, OREG.,  
February 8, 1966.

Senator WAYNE MORSE,  
U.S. Senate, Washington, D.C.:

We are proud of your stand on Vietnam.  
Don't let the brutes grind you down.

Mrs. RUTH BUEHLER.

CORVALLIS, OREG.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Your stand on Vietnam in best American  
tradition of freedom and dissent. We support  
you wholeheartedly.

THERESE AND CHARLES CORMACK.

LOS ANGELES, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Tonight on TV we were proud of you.

WARDEN McDONALD AND FAMILY.

FLUSHING, N.Y.,  
February 7, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

God bless you for Viet stand. Continue to  
speak out. Save us from war III.

MARY ROBBINS.

NEW YORK, N.Y.,  
February 8, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Have just heard your clear precise analysis  
on television. Thank heaven the voice of  
sanity can still be heard. I wish you were  
our Senator from New York.

ROBERT SCURLOCK.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We are appalled at President Johnson's  
airport speech and militant policies and we  
applaud and fully back the comments you  
made about it on television. You have cou-  
rageously represented the truth about Viet-  
nam from the beginning and millions of us  
from Maine to Hawaii give you our allegiance  
and gratitude for your fine work.

Mr. and Mrs. THOMAS J. KNOWLES.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We approve your stand on Vietnam. We  
believe that you represent the hopes of mil-  
lions of Americans to stop the war in Viet-  
nam and the danger of escalation into a  
suicidal world war. We look to you in our  
hope that we will not be led into a dictator-  
ship.

Respectfully,

H. MARCUS.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

May God grant you strength to continue  
your loyal opposition and your courageous  
fight against this illegal war. We support  
your bill to rescind the blank check resolu-  
tion passed at time of Tomkin Gulf incident.

Mr. and Mrs. I. R. NEUGEBAUER.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Representing many silent Americans, may  
I take the liberty of expressing our spirits in  
asking you to continue your courageous  
stand in Congress for your country and for  
so many Americans who look to you for  
leadership? You have been brave in ex-  
pressing our conviction. We are not weak.  
We love our boys who are dying in the Asian

land war. Please, Mr. Congressman, finan-  
cial interests are keeping Americans like me  
and my silent friends quiet when American  
motives are being challenged by the world.  
Maybe we are not the money conscious peo-  
ple the world takes us to be. We have a  
choice of financial loss—higher taxes and  
more American boys dying, or the loss of some  
countries. We never belonged in E.G., Aus-  
tralia, the Philippines, and Hawaii and the  
loss of revenue in those countries.

We have a conscience and would rather  
die in brotherhood and poor than have the  
horror of continued American aggressions on  
our conscience.

VIRGINIA DOWNES.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

The whole question of our Asian policy  
may be at last investigated. Support for  
your position is widening daily.

STEVEN HLADIS,  
JAMES SCHULER,  
FLORA STERNER,  
LIEF ANDERSEN,  
EDWARD MELCARTH,  
DANIEL BROWN,  
WILLIAM TARMAN.

SAN FRANCISCO, CALIF.,  
February 7, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We support you completely in your efforts  
to end war.

FAMILY R. ARON.

SANTA BARBARA, CALIF.,  
February 7, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We appreciate and actively support open  
debate on U.S. foreign policy.

Thank you.

DAVID WEAVER FAMILY.

EVANSTON, ILL.,  
February 7, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

I support your views on Vietnam 100 per-  
cent, I thank God for your courage.

Mrs. LLOYD L. SHANKS.

LOS GATOS, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

1. Proud of your stand on Vietnam war  
Poau 1633 Massachusetts Avenue NW., Wash-  
ington 6, D.C., tells us its religious war is  
mostly Buddhists versus few Catholics.

We believe in religious freedom. Do our  
war leaders? Surely there is a better way.

2. Please vote for cable TV up McKenzie  
River. Few get any good TV why deny us any  
clear TV? In FCC now.

GENEVRA DAVIS.

NEW YORK, N.Y.,  
February 7, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Get copy of miracle plan solutions to Viet  
crisis from Fulbright.

OLIVER H. PERREAULT.

DETROIT, MICH.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Your reply to President's speech in Hawaii  
expresses my own thoughts. You have my  
support.

ARNOLD SABAROFF.

MERCED, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I do not approve of the President's policy of escalation in Vietnam.

HARRY WOOLSEY.

LANSING, MICH.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thanks for your courageous answer to the President. We are those millions who were hoodwinked by his peace platform, however there is strong undercurrent among Democrats for no confidence vote for those supporting this administration's naked aggression and two-faced policy.

STANLEY H. SHIIP.

WILMINGTON, DEL.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.

SIR: May I respectfully suggest Contours of American History by William Appleton Williams, pages 422 and on, as a source of reference for relations with China past and present. If the mayor with this work good thank God and a few brave men for some truth about present policies of our Government.

F. S. LOGUE.

PALO ALTO, CALIF.,  
February 8, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thank you for courage above and beyond the call of duty. You are not alone.

Mrs. BETTY FERREIRA.

HAYWARD, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Warmly applaud Foreign Relations Committee and you especially for exposing Johnson's tragic folly in Vietnam.

Ed and VIRGINIA PEET.

LONGMONT, COLO.,  
February 8, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on your persistence of investigation of Vietnam policy.

PEACE PROMOTERS.

SOYSSET, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations and many thanks for your mockery statement. We resent Presidential welcome to South Vietnamese dictators and his debasement of American name and peace intentions.

Mr. and Mrs. E. R. STABLER.

LOS ANGELES, CALIF.,  
February 8, 1966.

Hon. WAYNE MORSE,  
U.S. Senator,  
Washington, D.C.:

Keep up the pressure. Your efforts are indispensable.

DAVID M. CALLAHAM.

SAN FRANCISCO, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

I support your position on Vietnam; make administration tell us when this fiasco will end.

J. SPIRER.

CLEVELAND, OHIO,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

The President had no right to commit us to the Vietnam war. The right to declare war is a legislative power and cannot be delegated to anyone else by Congress. President had no moral right to deliberately waste American lives in a useless, meaningless war which no one wants. Only a courageous stand will prevent the national catastrophe which is facing us. Keep up the good work.

HENRY and SARAH DU LAURENCE.

KANSAS CITY, Mo.,  
February 8, 1966.

Senator WAYNE MORSE,  
U.S. Senate Office Building,  
Washington, D.C.:

We applaud your courage in taking such a courageous stand against the Johnson-Rusk foreign policy. Please continue to be the conscience of our country.

Mr. and Mrs. IRA STEIN and family.

SAN MATEO, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

You are one American that has the courage to stand against the warmakers. I support you.

GERTRUDE R. ANDERSON.

LOS ANGELES, CALIF.,  
February 8, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We strongly support your efforts to obtain an open hearing on our policies in Vietnam and are so advising our two Senators.

Mr. and Mrs. HOWARD L. HOOVER.

POMONA, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We support your position on Vietnam 100 percent and urge that you do your best to get McNamara in open session before the Senate Foreign Relations Committee so that all Americans can know what's going on in Vietnam.

AL RAMPERSHAD,  
HUGO CELAYA,  
JACK MORNOE,  
SAM LASALA,  
School Teachers.

BROOKLYN, N.Y.,  
February 8, 1966.

Senator MORSE,  
U.S. Senate,  
Washington, D.C.:

Strongly support your speech deploring resumption of bombing. Urge strenuous opposition to illegal administration position.

GIFFARD.

SEACLIFF, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:

Hold firm. Thank you and God bless you. Mr. and Mrs. J. E. ISBELL.

DETROIT, MICH.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I applaud your courageous response to President Johnson's slur on the peace forces

of the Nation. You are an inspiration in your struggle for a real congressional debate. You are representing not just Oregon but all of us who don't want to see a nuclear war and perhaps the end of civilization. Thank you and keep up your brave struggle.

JOHN G. CONLEY.

ALTADENA, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on stand opposing Vietnam war. We must stop senseless slaughter of Vietnamese and Americans.

Mrs. GERTRUDE KLAUSE.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Heartily support your opposition to Vietnam policy. Hope you will continue your courageous stand.

OLGA GECHAS.

BRENTWOOD, CALIF.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I fervently support your action and view in regard to Vietnam policy.

NATHAN FISHER,  
Brentwood Pharmacy.

DAYTON, OHIO,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I heartily agree with your views on our unfortunate involvement in Vietnam, on the right of American people to know how taxes are spent, on State and Defense Departments. Many Americans grateful to you and Senators GRUENING, FULBRIGHT, and others concerned for humanity. Your reply today to President excellent.

MARGARET STEINDORF.

BELLEVUE, WASH.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

American people need to be reminded our military might did not force on China the government we chose for her. It only changed China from friend to enemy. We applaud your effort to show who it is that is blind to experience in Asia.

Mr. and Mrs. PATON B. CROUSE.

CHICAGO, ILL.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

You represent not Oregon but thoughtful Americans everywhere as you fight TN. God bless you.

Mr. and Mrs. ROSCOE HILL and STEPHEN.

SANTA BARBARA, CALIF.,  
February 8, 1966.

Hon. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.

SIR: You have our continuing support for your courageous and forceful stand in opposing executive military adventures. In particular we support your stand on the Vietnam military involvement.

We extend our personal regards as former constituents and Salem-Oregonians.

Mr. and Mrs. ROBERT E. EYRE.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.

HONORABLE SIR: We applaud your position on Vietnam war. Please continue the fight with our wholehearted support.

Respectfully,  
Mr. and Mrs. ISIDOR SCHLANGER.

BROOKLYN, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We are in support of your stand on American foreign policy in Vietnam.

Dr. and Mrs. MARTIN ROSHCO.

STATE COLLEGE, PENNSYLVANIA,  
February 8, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Our admiration, gratitude, and support for your accurate appraisal of the Vietnam mess and the administration's attempts to keep this from the public.

PAUL C. SHAW,  
JAMES W. CLARK.

St. LOUIS, Mo.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Keep up the gallant effort. Your questions are helping the people see the truth.

GARNET BLAKE.

SHELBYVILLE, KY.,  
February 6, 1966.

Hon Senator WAYNE MORSE,  
U.S. Senate, Washington, D.C.:

Public Foreign Relations Committee hearings are reestablishing the authority of Congress. Press hard for public testimony from Rusk, McNamara and others. Our Nation's greatness is badly marred by this illegal and unnecessary war on a small nation. Our involvement there is bad world leadership.

W. FOREST SMITH.

JAMAICA, N.Y., February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We share your deep concern with the direction of U.S. involvement in Vietnam. Agree that there should be discussion and reevaluation of our policy. The stopping of bombing of North Vietnam and negotiations with the national liberation front are vital factors. All measures to bring peace should be investigated.

JAMAICA COMMITTEE FOR SANE  
NUCLEAR POLICY.

DES MOINES, IOWA, February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We are for you.

QUENTON and LEONTINE HILL.

MEMPHIS, TENN.,  
February 6, 1966.

Senator WAYNE MORSE,  
Capitol Building,  
Washington, D.C.:

Heartily agree your feeling and views re public appearance McNamara and Wheeler before your committee.

For sake of American people please pursue this to maximum length.

ED. E. WALSH.

HOUSTON, TEX.,  
February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We favor your investigation of our involvement in the Vietnam war, we agree with your views on the war and urge you continue your fight against it.

Mr. and Mrs. HAROLD BELIKOFF.

SAN FRANCISCO, CALIF.,  
February 6, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Support your stand against Vietnam war and oppose sending Americans to fight against their will.

EDWARD DE WATH.

BERKELEY, CALIF.,  
February 6, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Keep up protest wholeheartedly support pulling troops out Vietnam war.

GENE BERNARDI.

AUSTIN, TEX.,  
February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We approve and support your views on Vietnam.

Mr. and Mrs. C. J. ZERN.

OKLAHOMA CITY, OKLA.,  
February 7, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Our family appreciated the patriotic stand you have taken on Vietnam. Thank you for your effort. We back your opinions.

THE DALE CARGILL family.

LOS ANGELES, CALIF.,  
February 7, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Hail your leadership in fighting for peace in Vietnam. Approve fully a public hearing.

RUTH LOWENKRON,  
Queen Anne Democratic Club.

MAPLE HEIGHTS, OHIO,  
February 7, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on Vietnam public hearing stand. All Americans, indeed all world involved when American blood flows. We all have need to know effects.

Dr. and Mrs. JOHN SABOL.

CLEVELAND, OHIO,  
February 7, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Heartily endorse and support your resolution to withdraw the Tonkin Bay resolution of August 1964. We agree that President Johnson must not be allowed further use of this resolution to escalate the war in Vietnam.

Dr. PAUL OLYNYK,  
Chairman, Cleveland Sane.

NEW YORK, N.Y.,  
February 7, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Your judgment and wisdom on the war are unexcelled. Keep up your good work. We can win only by getting out of Vietnam.

WILLIAM FLETCHER.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Because on one or two occasions we met this is addressed to you and meant of course to be shared with Senator FULBRIGHT and the members of the committee. I am despite the length of this message speechless and almost tearful in appreciation of the day's hearings. With millions of others I witnessed the apotheosis of the American dream. Democracy at work, come alive. I believe it has been one of the brightest days in the history of our legislators in the role of public servants. Considering the time of crisis this is not an overstatement. I felt that not only the great American family but indeed the members of your committee as acknowledged by them must have profited from the deeply reflective and extremely competent appraisals and judgments of General Gavin whose intellectual courage is surely a match for his professional endowment and distinction. Please do not take valuable time of yourself or staff to acknowledge this wire. I would deeply appreciate it if you would see that copies were channeled to at least Senator FULBRIGHT and General Gavin. Today "America, the beautiful" became "America in democracy and sanity the bountiful."

IRVING CAESAR.

MILL VALLEY, CALIF.,  
February 7, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thanks and congratulations for insisting on full and public debate on unconstitutional Vietnam war. And what do you think about President Johnson going to Honolulu to meet General Ky whose reported hero is Adolph Hitler?

F. E. OWEN.

SEATTLE, WASH.,  
February 7, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

The Nation is rooting for you and Senator FULBRIGHT. Don't give up until you have questioned the McNamaras and all the rest. The people expect and trust you to bring them all to account for the tragedy they brought on this country. Even Hawaii should not be too far to bring them to answer.

Mrs. CECILE MAIN.

VANCOUVER, WASH.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Hope you can flush out McNamara. Keep up the good work.

EVERETT E. STEP.

FORT WORTH, TEX.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Thousands Texans grateful you, FULBRIGHT, GRUENING, sane legislators. Stand against Federal support ugly Viet dictatorship.

BEATRICE M. ROSNER.

BROCKTON, MASS.,  
February 6, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

I heartily agree with your thoughts on our senseless war in Vietnam.

ROSE RICHMAN.

BROCKTON, MASS.,  
February 6, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:  
Congratulations on your courageous stand  
protesting our involvement in Vietnam.  
WILLIAM NAGLE.

BROCKTON, MASS.,  
February 6, 1966.

Senator WAYNE MORSE,  
U.S. Senate, Washington, D.C.:  
Congratulations on your stand in opposi-  
tion to the U.S. involvement in Vietnam.  
Mrs. NORMAN LIEBER.

NEW YORK, N.Y.,  
February 6, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee,  
Washington, D.C.:  
We are with you wholeheartedly in topic  
televised 4th of February, 1966.  
SHIRLEY and NAIL PAYZA.

SAN FRANCISCO, CALIF.,  
February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Urge you vote to rescind President John-  
son's emergency powers.  
HARRY J. GLASSCOCK.

NEW YORK, N.Y., February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Your fight to reestablish control over  
Presidential prerogatives is vital to our fu-  
ture as a democratic Nation. We support  
your criticisms of this illegal and immoral  
and unwise war.

Mr. and Mrs. A. H. EDELMAN.

TACOMA, WASH., February 6, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Support your magnificent stand for sanity  
and peace and your rejection of secret gov-  
ernment.

Dr. HAROLD BASS.

CARBONDALE, ILL., February 5, 1966.

Hon. Senator WAYNE MORSE,  
Capitol Building,  
Washington, D.C.:  
The term "courage" is most often used when  
heady speculation in the balance of pow-  
er has netted dubious national glorification  
while sacrificing the principles of interna-  
tional law and justice. In your heart au-  
thentic courage linked with truth foresees a  
new and healthier view of ourselves. Our  
generation has seen no finer congressional  
inspiration.

LARRY R. CAUGHRON.  
WILLIAM E. KNAPP.  
MICHAEL L. HARTY.

SAN FRANCISCO, CALIF., February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
I support your attempt to stop Johnson,  
Rusk, and McNamara from continuing their  
war in Vietnam.

ETHELWYN STEESE.

PALO ALTO, CALIF.,  
February 5, 1966.

Hon. WAYNE MORSE,  
Washington, D.C.:  
I strongly endorse your attempts to exam-  
ine Johnson's executive war. Urge you to  
continue.

LEITH SPEIDEN.

MINEOLA, N.Y.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
I enjoyed watching the Senate hearings  
yesterday. Mr. Bell seemed to be very honest.  
You, Senator, were very astute. When is  
Secretary of Defense McNamara taking the  
stand?

LILLIAN WEGLAG.

PALO ALTO, CALIF.,  
February 6, 1966.

Senator MORSE,  
Washington, D.C.:  
I am completely in support of your policy  
on the Vietnam war.

Mrs. ELIZABETH JONES.

HOUSTON, TEX.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Make McNamara testify. Public entitled  
to entire truth. Call Bundy, Lodge, and Lyn-  
don if necessary.  
Mr. and Mrs. MARTIN ELFANT.

MADISON, WIS.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
You were magnificent on TV. Please keep  
up your good work.

Mrs. DAVIS SYFTSTAD.

SAN FRANCISCO, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:  
Am in full accord with your stand on Viet-  
nam.

J. DANIEL E. CHU.

ST. PAUL, MINN.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
It has been a long time since so many  
nice things have been said about one man  
and what a man. Congratulations.

JUDY LEVITT.

TORRANCE, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
We are proud of your stand on Vietnam  
and necessity for public debate. Congratu-  
lations.

R. A. and ELIZABETH BALLINGER.

CAMBRIDGE, MASS.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Support criticism of Government by sec-  
recy. Urge open Vietnam hearings in For-  
eign Relations Committee.  
VINCENT and AGNES O'DONELL.

CLEVELAND, OHIO,  
February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
The undersigned heartily concur with your  
views on the Vietnam situation.

Make the administration differentiate be-  
tween Communist nations with regard to  
their actual behavior as nations, not what  
isolated members of those nations may say  
in public. Let the administration not forget  
that certain American politicians have made  
exceedingly belligerent public statements in

the past. No nation is without nonrepresen-  
tational voices.

It is a time needful of the congressional  
discussion of facts not decisions made secret-  
ly, of farsighted internationalism, not in-  
secure shortsighted jingoism.

PETER E. HAIMAN,  
PAULA J. THOMAS.

SAN JOSE, CALIF.

Senator WAYNE MORSE,  
Foreign Relations Committee, Senate Office  
Building, Washington, D.C.:

Thank God for men like yourself and Sen-  
ator FULBRIGHT who have courage of their  
convictions. Who can I help.

Sincerely,

Mrs. DORIS N. GLENN.

EAST ORANGE, N.J.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:  
Hitler was just another political hack until  
he dissolved the Reichstag. Democracy as  
well as peace appears at stake in your hear-  
ings.

C. KELSEY, JR.

VANCOUVER, WASH.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
You can be assured of more aid in your  
efforts to save our Nation and world from  
destruction.

EUGENE VAN TREES.

ORLANDO, FLA.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Regarding McNamara's reluctance to ap-  
pear on a public hearing with you and your  
committee, I am in favor of your approach,  
give him the ax.

JACK BRATTON.

SANTA BARBARA, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Senate Office Building,  
Washington, D.C.:  
Bravo, on your stand against secret ses-  
sions and fighting without formal declara-  
tion of war. Wish more leaders had your  
guts and commonsense. Particularly glad  
you were on TV for millions to see and hear  
because, unfortunately, many brainwashed  
newspapers conveniently omitted it from  
their report of the proceedings.

Mrs. L. A. SAYER.

OAKLAND, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
I support congressional debates. Keep up  
good work. Get our boys out of Vietnam.  
Mrs. TALBERT SMITH.

PALO ALTO, CALIF.,  
February 6, 1966.

Senator MORSE,  
Washington, D.C.:  
I oppose the war in Vietnam and support  
and appreciate your efforts to end it.

CAROL MARKLEY.

SEATTLE, WASH.,  
February 6, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
We are grateful for your strong voice. We  
support you and trust you will hold fast.  
Mr. and Mrs. DAVID B. GRIFFITHS.

PALO ALTO, CALIF.,  
February 6, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
I oppose the bombing in North Vietnam.  
I support your efforts to prevent war.  
JEFFREY HORN.

PALO ALTO, CALIF.,  
February 6, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Keep up your valiant fight for sanity and  
decency in our foreign policy.  
MRS. B. MULLEN.

PALO ALTO, CALIF.,  
February 6, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
I support your position on Vietnam war.  
Please inform American people of U.S.  
mistakes.  
RICHARD CALENDAR.

STOUGHTON, MASS.,  
February 3, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
We commend your forthright stand on the  
Vietnam war.  
PERRY AND ELEANOR OSTROFF.

BUFFALO, N.Y.,  
February 6, 1966.

Hon. WAYNE MORSE,  
Washington, D.C.:  
Strongly support your courageous stand on  
Vietnam.  
J. E. BERGER.

NEW YORK, N.Y.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
It's about time someone did something  
about Vietnam. I agree with your views.  
ABRAHAM MOGITZ.

FRESNO, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Please force McNamara to testify before  
the committee. Tired of secrecy in our  
officials.  
Mr. and Mrs. J. F. DAVIDSON.

BREA, CALIF.,  
February 5, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Please accept our support in your fight  
against government by secrecy.  
LARRY and SHARON DEAN.

CHICAGO, ILL.,  
February 5, 1966.

Senator WAYNE MORSE,  
U.S. Senate Office Building,  
Washington, D.C.:  
Heartiest congratulations on your effort  
to halt the useless slaughter of our young  
generation and waste of our resources.  
China is the dominant power in Asia as we  
are in the Americas. Let us contain com-  
munism here in our hemisphere and the  
western part of Europe with which we have  
been allied for years. Also get rid of the  
two mistakes in the cabinet, Rusk and Mc-  
Namara for the many mistakes they made  
and their highhanded attitude. Let us not  
promote them but fire them. The public is  
aware and concerned about not being con-  
sulted in such grave matters.  
Mr. and Mrs. L. P. KENT.

SAN FRANCISCO, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Many, many of us continue to support your  
stand against this immoral war in Vietnam.  
CHARLOTTE GRUNIG.

ROANOKE, VA.,  
February 6, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:  
We are at war so why not declare it and  
fight to win instead of spending our men and  
money on a situation that could go on for-  
ever or get out of Vietnam; we could also  
avoid a raise in taxes and great stress to our  
economy by really cutting foreign aid and  
the ridiculous socialist giveaway program.  
At home McNamara should be forced to  
testify and come out with the truth for a  
change. Respectfully submitted,  
MRS. CHARLES E. VIA, JR.

LOS ANGELES, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Your devotion toward our beloved country  
and people is exemplary. My admiration for  
your wisdom.  
MALVINA ROTH.

STANFORD, CONN.,  
February 5, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
We cheer your efforts to end government  
by secrecy and to halt this immoral war.  
EDITH and HOWARD FRENCH.

GLENCOE, ILL.,  
February 6, 1966.

Hon. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:  
Thanks for your outspoken, sane stand on  
Vietnam and your defense of our liberties.  
MRS. HAROLD FRIEMAN.

SAN RAFAEL, CALIF.,  
February 6, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
We support your views on Vietnam, applaud  
your courage, and urge debate for good of  
our country.  
W. A. and JANE SCHELLENBERG.

VERNAL, UTAH,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:  
Keep up the good work. Vitally necessary  
Congress regain its power usurped by the  
President.  
CLAYTON SIMMONS.

FARGO, N. DAK.,  
February 5, 1966.

Hon. Senator WAYNE MORSE,  
U.S. Senate Building,  
Washington, D.C.:  
Congratulations on your fortitude to de-  
termine the facts in the Vietnam crisis.  
ORAL A. HOLM.

PORTLAND, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Keep up the good work. Give our regards  
to the other supporting Senators.  
ALVIN AYERS.

PITTSBURGH, PA.,  
February 7, 1966.

Senator WAYNE L. MORSE,  
Senate Office Building,  
Washington, D.C.:  
Strongly support your stand on telecast  
January 30.  
PAUL and DOROTHY SCHWEIKHER.

EUGENE, OREG.,  
January 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:  
We were grateful and pleased at your part  
in the interrogation of Mr. Bell of AID in re-  
gards to the position you take on the Viet-  
nam debacle. We have been and will con-  
tinue to support you and your position in  
the future. May you continue as a solid  
supporter toward peace.  
ANGELINE and CARL SANDELL.

LA GRANDE, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Want McNamara and Wheeler testify pub-  
licly.  
JAMES and JOETTA CLINE.

PORTLAND, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
We are with you 100 percent, just as we  
have been in the past.  
BOB and CHARLOTTE BONHAM.

PORTLAND, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
Good work. Make them answer. Doing a  
swell job. Saw you on TV.  
Mr. and Mrs. GEORGE MILLER.

WASHINGTON, D.C.,  
February 7, 1966.

Hon. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:  
We support your continuous efforts to  
change Vietnam policy and your resolution  
to rescind Gulf of Tonkin mandate.  
NATIONAL STUDENT CHRISTIAN FEDERATION  
POLITICAL COMMISSION.

EUGENE, OREG.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
You are truly great. And have our com-  
plete support. Keep up the fine work.  
Mr. and Mrs. WINDSOR CALKINS.

PORTLAND, OREG.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:  
DEAR SENATOR: Been listening to you on  
TV. Thanks. We're behind you 100 percent.  
HARRY ANDERSON.

PORTLAND, OREG.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:  
Congratulations on the progress you are  
making to preserve legality in government.  
Illegality by Government officials is far more  
reprehensible than that of the private citi-  
zen. Every public servant in a democracy  
should be willing to account to the people  
for his official acts.  
K. C. TANNER.

PORTLAND, OREG.,  
February 5, 1966.

Senator MORSE,  
Washington, D.C.:

Thank you for your position on Vietnam. You have this family's full support.

Mr. and Mrs. PHIL RICKABAUGH.

PORTLAND, OREG.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on boycotting secret meetings on Vietnam. You respect and protect our democratic traditions. Johnson and McNamara do not. You will live in history as great and good, they will not. Can we help?

ROBIN and ELIZABETH DREWS.

PORTLAND, OREG.,  
February 5, 1966.

Hon. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Solidly support your stand on public review of U.S. policy in southeast Asia. You are asking questions we Americans want answered.

Mr. and Mrs. R. L. BROWN.

PORTLAND, OREG.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations etv al adapted to Senate hearings.

VIRGINIA WAGNER.

ANGOLA, N.Y.,  
February 5, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Your statements during televised Senate committee Vietnam hearings today were impressive. Share your concerns and strongly support position demanding open hearings with Defense and State Department heads. Public entitled fuller disclosures rejection of open hearings suspect. Keep probing include CIA need stronger congressional supervision and fewer secret moves by appointees.

L. B. HIMMEL.

PORTLAND, OREG.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Just heard your comments on television and I agree with you 100 percent. The country needs you.

A taxpayer and voter.

Mrs. ERCHEL HARDY.

PORTLAND, OREG.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We did not vote for you last time but now are sorry we did not for we admire both your stand and your stalwartness. Continue to insist on a full debate both in the Senate and United Nations.

Dr. and Mrs. GEORGE P. LYMAN.

MIAMI, FLA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Bravo. Keep up the good work.

LOUISE L. FORREST.

EAST ALTON, ILL.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Thank you for your insistence that McNamara and Wheeler appear before the Ful-

bright committee in public. Keep up your good work.

Mrs. LEONA KLASNER.

TULSA, OKLA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Agree American people must be informed of the conditions concerning the protection of our country.

Mrs. FRANK MCCCELLAN CROOKES.

LAKE PLACID, FLA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:

Congratulations to you for your interest in the American taxpayers and their Republic. What this country needs is more statesmen like yourself. Best regards.

Mrs. JOHN SACEMAN.

POCATELLO, IDAHO,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Good for you. Hope others back you in demanding open hearing by Rusk and McNamara.

Mrs. AUDRA DELASHMUTT.

WESTBORO, MASS.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Keep up your good work in Senate Foreign Relations Committee.

Cheers! Cheers! Cheers!

Rev. HENRY H. WIESBAUER.

FORT WORTH, TEX.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

I heard with great pleasure your remarks in the committee hearing this morning. I wish I were able to come to Washington to shake your hand. It is a real joy to find someone who thinks as I do. I wouldn't have missed it for a thousand dollars.

With real sincerity,

ROYCE R. BROWN.

MINNEAPOLIS, MINN.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thanks to NBC we have heard the morning session of the Foreign Relations Committee. Oregon is fortunate to have you represent them in such a courageous way. Many of us in Minnesota feel that you speak for us also. Just want to express our thanks.

Mr. and Mrs. STANLEY R. BERGLUND.

NEW YORK, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We and growing numbers of reasonable people support your courageous stand against continuing senseless immoral Vietnam war.

Mr. and Mrs. MILES CAHN.

KLAMATH, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on your stand. No closed doors re foreign policy or other Government policies.

JOHN and BETTY WHITE.

MIAMI, FLA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations. Stand firm.

CHARLES and GLADYS DE LA VERGNE.

BOWLING GREEN, OHIO,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations for your stand regarding government by secrecy. Thank God.

Mr. and Mrs. ROBERT SNYDER.

BOWLING GREEN, OHIO,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations for your stand regarding government by secrecy. Thank God.

Mr. and Mrs. ROBERT SNYDER.

CHARLOTTEVILLE, VA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Bravo for your insight, clarity, and courage in today's proceedings.

Sincerely,

Mr. and Mrs. LAWRENCE CRANBERG.

CRAWFORD, NEBR.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Senator my thanks for your stand on letting Americans know the facts.

Mrs. MARY S. MILLER.

SANTA ROSA, CALIF.,  
February 4, 1966.

Hon. WAYNE MORSE,  
Senator from Oregon,  
Washington, D.C.:

Hooray for you—no secret testimony.

Mrs. R. J. RYAN.  
Mrs. PAT CARR.

MIAMI BEACH, FLA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Thank you for statement this morning regarding Secretary McNamara. We wish to hear open hearings with the Secretary. Would also like to know why Mr. Bell can formulate what seems to be military tactics or policy in the economic application of aid in Vietnam.

CHARLES and HALINA MARGULIES.

CHICO, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Building,  
Washington, D.C.:

I fully support your attitude on the current investigations.

ANN ZWIEBEL.

EUGENE, OREG.,  
February 4, 1966.

Senator MORSE,  
Care of Foreign Relations Committee, Senate  
Office Building, Washington, D.C.:

I heartily support your insistence that the Secretary of Defense and the Secretary of State be requested to testify before the Senate Foreign Relations Committee in public session. Keep up the good work.

HAROLD MOLENKAMV.

CORONADO, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

My deep appreciation to you Senators CASE, CHURCH, FULBRIGHT, CLARK, and FELL

for the genuine contribution each of you is making toward better public understanding of aid and our problems in southeast Asia in the televised hearing. I share your concern for the very reasons you have expressed.

Mrs. JOHN G. THOMPSON.

SHELBURNE, VT.,  
February 4, 1966.

HON. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.

SIR: Your views on Vietnam appear clear and sound. Congratulations on your attempt to bring Wheeler and McNamara before the Fulbright committee to defend and clarify muddled U.S. policy in Vietnam. Best wishes for a successful hearing.

The concerned citizens.

LORNA M. CROSS.

CHICAGO, ILL.,  
February 4, 1966.

HON. WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.

SIR: Wonderful work. I may move to Oregon just to be your constituent. Letter follows.

Very truly yours,

W. N. L. BURBANK.

SAN DIEGO, CALIF.,  
February 4, 1966.

Senator WAYNE L. MORSE,  
Senate Office Building,  
Washington, D.C.:

We citizens want to know the facts. Agree with you no secrecy sessions for McNamara in Senate Foreign Relations Committee. We parents are very concerned. Our boys' lives are at stake.

Mr. and Mrs. ANGELO J. MION.

BEVERLY HILLS, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I agree with you 100 percent. Keep it up.

Mrs. DAVID SOLOMON.

CINCINNATI, OHIO,  
February 4, 1966.

HON. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on stand against government by secrecy—public hearing Vietnam.

Mr. and Mrs. A. J. HENRICH.

PINE BLUFF, ARK.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

For your good and courageous work I say God bless you.

R. C. COURTLER.

WEBSTER GROVES, MO.,  
February 4, 1966.

Senator WAYNE L. MORSE,  
Senate Office Building,  
Washington, D.C.:

Heartily endorse open session McNamara-Wheeler. People have right to know. Grateful thanks to you.

Mr. and Mrs. ERWIN R. BLUMER.

WASHINGTON GROVE, MD.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Heartily second your remarks this a.m. Continue to insist on open hearing.

Mrs. ROBERT B. MYERS.

SAGINAW, MICH.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Keep meetings open to public. Your Republican friends.

HAROLD and DORA WEGNER.

NEW ORLEANS, LA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Have been listening to you on TV. I am in hearty accord with your position respecting keeping American public fully informed. We need more staunch Americans like you to watch this southeastern Asian situation most carefully.

ROBERT J. DECKER.

FORT WORTH, TEX.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Senator MORSE, we and I am sure millions of other Americans, appreciate your stand against the Pentagon's refusal to appear before open session on the war policy in Vietnam. Along with many others we are exceedingly concerned with growing secrecy of the U.S. policy. I sincerely hope the American public will continue to watch the program and see for themselves which Senators will be outspoken and refuse to become a stereotype. Congratulations.

Mr. and Mrs. FOSTER C. HOWELL.

TULSA, OKLA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Viewing hearing this a.m. Commend you on your stand, appreciate your efforts.

Mr. and Mrs. DOUGLAS KINCAID.

SALT LAKE CITY, UTAH,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.

DEAR SIR: As puzzled taxpayer, support your protest regarding Pentagon refusal to testify in public on Vietnam war prosecution.

JOHN AATON.

GARDEN GROVE, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

I thank God for your stand, wish we had more like you.

Mrs. O. L. RAINEY.

WORCESTER, PA.,  
February 4, 1966.

HON. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thank you for your long arduous years and courageous work for peace.

NICOLA and WALTON GEIGER.

BUTLER, PA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Regarding TV broadcast February 4, 1966. Bravo. Perhaps the reason so many young people are rebelling today is because they're smart enough to want all the facts. The overworked, underrated, long-paying parent is worried, too. May God give you strength to continue such wisdom in this troubled world.

Mrs. EARL BARTHOLOWMEW.

OMAHA, NEBR.,  
February 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate, Washington, D.C.:

Commend your stand against government by secrecy. Vietnam came without public debate.

HOWARD ROLLMAN.

BLOOMINGTON, IND.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations to you, to Senator FULBRIGHT and others in your courageous stand. The hearings which you implemented are most valuable, informative. It is high time the policymakers were held accountable for their questionable and secret policies to the American public who are paying dearly in men and money. You have my full support.

LORRAINE SARAH.

TUPPER LAKE, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:

Regarding David C. E. Bell's testimony as of today, only minutes ago I heard and saw you on television, make a statement relating to certain Government officials hiding behind a curtain of secrecy when asked to give public testimony. You are to be congratulated. Secretaries McNamara and Rusk are eating out of the executive branch hands; namely, President Johnson.

WARREN KAY.

MONTPELIER, VT.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We endorse your demands for open public hearings on Vietnam policy. Courage.

Major and Mrs. C. R. COONDS.

ALEXANDRIA, LA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:

Thank you for your stand for public open hearings. Stay with it.

T. L. BLACK.

LAFAYETTE, LA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee Hearing,  
Washington, D.C.:

The mothers and fathers of this country back your position on no further closed door hearings on Vietnam.

We would like to know if U.S. Government was not primarily more interested in obtaining a military base within Vietnam to increase our encirclement of Russia and China more than the purported purposes to aid the South Vietnam people from aggression. The latter reason served only as a purpose to gain a means. We are now caught in quicksand. The harder we struggle the more we become involved.

WILLIAM H. WHITE.

PLUSHING, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thanks to you and your colleagues for representing the public.

T. S. K. JOHANSSON.

BROOKLYN, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Warmly support your views and present investigation of Vietnam war.

NELL MILLER.

ELKHART, IND.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Watched TV all morning. Public hearing wonderful and proper. Agree with you.  
Mrs. HELEN STUMP.

BROOKPARK, OHIO,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on your open hearing policy with respect to McNamara and Wheeler. Wish there were more legislators with your views.

Mr. and Mrs. WAYNE GANDY.

SCOTTSDALE, ARIZ.,  
February 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Tremendously proud of your courage and wisdom re Vietnam and Government by secrecy. Your supporters are many. Stick by your guns for the sake of this Nation.

J. N. CHRISTIANSON.

STURGEON BAY, WIS.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

High time somebody has courage to pose bona fide questions and demand truthful answers. The people have the right to know the truth. You have reflected the feelings of millions.

RICHARD and CAROLYN LEHMANN.

CHICAGO, ILL.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Please continue to insist that Vietnam policy be examined in open hearings.

CHARLES GDOEHRER.

MIAMI, FLA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

You have my support on your stand regarding McNamara and Rusk.

HOWARD H. HYDER.

HORNELL, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

You're just as great as Senator Norris.

ROBERT SULLIVAN.

YOUNGSTOWN, OHIO,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations. Glad to see that someone has the nerve to speak up against McNamara today.

Mrs. THOMAS UNICK.

TONAWANDA, N.Y.,  
December 4, 1965.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

You have my thanks for the courage you displayed in saying the American people

should know what's going on in our Federal Government. Yes, we do want the facts, Senator Morse, and I appreciate getting them firsthand rather than the interpretations of newsmen.

Mrs. THOMAS DAVIS.

HOUSTON, TEX.,  
December 4, 1965.

Senator WAYNE MORSE,  
Washington, D.C.:

Just heard your TV statement regarding McNamara and our Government "closed door policy" and extend congratulations for your initiative and fortitude.

MELVIN DAVIS.

BALTIMORE, MD.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We strongly support your stand on Vietnam. Approve stand against secrecy in hearings.

Mr. and Mrs. LOUIS SHUB.

ATLANTA, GA.,  
February 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Thank you from my heart for your courage this morning. I wish I could claim you as my representative but as an American thank you again for making democracy ring true.

Mrs. GEO. SMALL.

MOBILE, ALA.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations. Heartily agree with your strong stand against committee hearings in secret. Public needs knowledge.

Mrs. WALKER R. GREAVES.

HAVERFORD, PA.,  
February 5, 1966.

Senator MORSE,  
Washington, D.C.:

One hundred students conducting 8-day fast as expression of extreme protest against administration Vietnam policy.

HAVERFORD and BRYNMAWR COLLEGE FASTERS.

SEATTLE, WASH.,  
February 5, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

We have just been viewing the TV program and we concur wholeheartedly with your stand on bringing Mr. McNamara and Mr. Rusk out in the open to face certain questions which will tend to clear up the gray area which has existed for a long time and still exist today. I am father of two sons both within military age. I think the American public is most appreciative of your stand. I know that I am as a father, a citizen, and a veteran.

A. MITROVICH.

CHERRY HILL, N.J.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Wish to express profound gratitude for your statesmanship, honesty, humanity. You are a great American.

RUTH R. KRAUSE and JOSEPH M. KRAUSE.

PHILADELPHIA, PA.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Think you and Senator FULBRIGHT are wonderful and I agree with all you both say.

Keep up the good fight against this disastrous war.

Mrs. ARTHUR D. NEWBOLD.

BETHLEHEM, PA.,  
February 4, 1966.

Senator MORSE,  
Washington, D.C.:

Saw you on TV last Sunday and today. The more we hear your voice the more we realize you stand for sanity in foreign relations. God give you strength to continue your constitutional protest. Upon you rests the very future of the United States. Be of good heart. There are millions behind you.

J. McFADDEN.

PITTSBURGH, PA.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Thank you for your stand on Vietnam.

Mr. and Mrs. EDWIN W. HALL.

STOCKTON, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
White House,  
Washington, D.C.:

I am with you 100 percent. Keep going strong.

MARY McNOVLEBOSCOE.

NEW YORK, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate Office Building,  
Washington, D.C.:

Keep fighting to slow down the war. Support you 100 percent.

ROLAND and ELAYNE GARRETT.

WAYNE, MICH.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We wholeheartedly agree that Secretary McNamara should testify in public session. As a former serviceman who shed sweat, blood, and tears in that war I think the public should know what is really happening. Bravo.

JAMES and JOAN HARRINGTON.

AMARILLO, TEX.,  
February 5, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Demand of President that McNamara, Wheeler, and any other Government official, be ordered to appear before Senate Foreign Relations Committee in open public sessions. We the people who are supplying money, men, are entitled to know full details. Military has too long hidden their stupidity behind security reasons.

DALTON and DORICE MYERS.

MIDLAND PARK, N.J.,  
January 4, 1966.

Hon. WAYNE MORSE,  
Washington, D.C.:

Disapprove most your policies. Heartily approve your attitude on blockade expressed on tonight's newscast hearing.

LAWRENCE W. O'DONNELL, Esq.

PASADENA CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Once I was on Okinawa for 18 months. We had a black market right under the noses of the Army, everything was stolen and offered for sale. Vietnam cannot be so different regards to scrip, many Americans take advantage of the call in of scrip. Think of the native people who hold scrip and cannot

exchange it. Many Americans have taken advantage of opportunities, your position makes me feel that there is yet a need for people like you.

CLAUDE CLINE.

NEW YORK, N.Y.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We appreciate your stand on public rather than secret testimony about the Vietnam war.

D. S. GERSTOFF.

MINNEAPOLIS, MINN.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

You have our full support in your moves to enlighten the American people about Vietnam. Good luck.

Mr. and Mrs. SEYMOR YESNER.

MINNEAPOLIS, MINN.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

You have our full support in your moves to enlighten the American people about Vietnam. Good luck.

Mr. and Mrs. KENNETH J. ENKEL.

HOUSTON, TEX.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Your candor and honesty are refreshing. We have a right to know the truth about this ridiculous war. Good luck and keep digging.

HOWARD PORPER.

HUNTINGTON, N.Y.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We support your public position concerning U.S. foreign policy and in particular your demand that Secretary McNamara openly testify before Foreign Relations Committee.

Muriel Kantner, Nanett Salzman, Betty Sue Lentz, Sam Raskin, Gertrude Alberts, Seymour Alberts, Jean Levine, Theodore Saldman, Betty Barkell, Richard Barkell, Ruth Kelsey, Sally Lineweaver, Stephanie Elkind, Louis Kantner, Valetidh Sculthorpe.

CHICAGO, ILL.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on your valiant stand today against bureaucratic secrecy. The destiny of our country must be shaped on the understanding you promote—not Johnson militarism.

PHILLIP G. STRON.

LOS ANGELES, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Heard your broadcast today on television. Long may you live and fight for peace. God bless you.

HELEN M. HAYBALL.

PHILADELPHIA, PA.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thank God for your stand on Vietnam. Don't let the Pentagon run our country.

F. EUGENE V. THAYER.

LUBBOCK, TEX.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

DEAR SIR: Stick by your guns there's still a few of us who would like to know what's going on in this Great Society. We do not need those top three.

CHARLES H. CHAMBERLAIN.

NEW ORLEANS, LA.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations to you and the few who have joined your side. We the people have had enough of political generosity outside the United States which has only made enemies for us. Your State must be very proud of you. The overburdened American taxpayer deserves better than such totalitarian tactics.

SYBIL and PETER FITZGERALD.

LOS ANGELES, CALIF.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on protest against Government secrecy and demand for Rusk and McNamara public testimony.

MILDRED ROGERS.

LEWISBURG, PA.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations, the President may not approve but history will. If Secretary McNamara continues to refuse to testify publicly, suggest that you release to press series of questions on his past predictions.

WILLIAM HARBOUGH.

BATTLE GROUND, WASH.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Issues you raised today on TV urgently need airing. Please continue your pursuit.

C. W. BROWN.

FRESNO, CALIF.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Force McNamara to testify before your committee.

RAY SNYDER.

MINNEAPOLIS, MINN.,

February 5, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Your championing of our right to know is deeply appreciated. I understand we are against communism but what are we for. Our foreign policy seems to be a kiss of death.

HARVEY STRZOK.

GLEN ELLEN, CALIF.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thanks for representing us. Wish we had more Senators with your guts.

HARRY CUTHBERTSON.

FRESNO, CALIF.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Two Americans are behind you 100 percent in today's action. Please continue to fight.

DOLORES SNYDER.

NEW YORK, N.Y.,

February 5, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Heartily approve of your attitude. Please keep it up. McNamara is a Lord North.

GILBERT.

SAN FRANCISCO, CALIF.,

February 5, 1966.

WAYNE MORSE,  
Senate Building,  
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your speaking up for the people today. We are both renegades. You deserted the Republicans and I deserted the Democrats but we have one fine thing in mind, it is our country. After hearing you today on TV talking to Bell I wondered what is right, should we have an independent party. There are so many of us in between, keep up the good fight to keep us as we should be. Please answer.

CHARLES COFFMAN.

VENTURA, CALIF.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We support and endorse your request to have Secretary McNamara appear in open public hearing to answer questions about America's involvement and conduct in South Vietnam.

VICTOR GOERTZEL,

For 25 members of the Ventura Peace Committee.

LOS ANGELES, CALIF.,

February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations. Good job well done. No more Hiroshimas. Keep up the good work. Best wishes.

DAVID RUBY.

EASTON, MD.,

February 5, 1966.

Senator MORSE,  
Democrat, Oregon,  
Washington, D.C.:

We feel like Americans, although still Republicans, for the first time since F.D.R. began to teach dictatorship. After watching you today we cried "We are so happy we could spit," self-respect again. Democracy again. No matter what happens in Vietnam you and your friends have given us simple people face in a world for our grandchildren. If our son survives, its our fault. We allowed ourselves to be at the mercy of fools for more than a whole generation. God help you dig us out.

The EDWARDSSES MARYLAND.

PALO ALTO, CALIF.,  
February 5, 1966.

Hon. WAYNE MORSE,  
Washington, D.C.:

Urge inclusion of National Liberation Front representative at United Nations Honolulu Conference.

JUDITH KRAKAUER.

PALO ALTO, CALIF.,  
February 5, 1966.

Hon. WAYNE MORSE,  
Washington, D.C.:

God bless you. Thank you for words you spoke against our part in this war.

Mrs. MELTZER.

IOWA CITY, IOWA,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

In our 35th day of vigil we with moral, ethical, and religious concerns commend you for submitting Vietnam crisis to the United Nations. Deplore the resumption of bombing in North Vietnam. Urge cessation of the bombing and urge negotiation directly with the National Liberation Front of South Vietnam.

Jon Armstrong, Roger C. Betz, William Buckles, William E. Conner, Anne Hogben, Martha Jablonski, Jim Kollros, Vae O'Mara, John O'Mara, Irving D. Marshall, Donald L. Spencer, Michael R. Theis, May Tangen, Joyce Thompson, Gary Smith, William M. Weir, Betsy Woodman, Jonathan J. Woodman.

STUDIO CITY, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We commend you for your honest and courageous stand on Vietnam. Carry on.  
Dr. and Mrs. NORMAN O. LAVET.

ANGOLA, N.Y.,  
February 5, 1966.

Hon. WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Greatly encouraged by your televised statements and reasoning regarding United States involvement in Vietnam. Support your views completely. Have felt shame for years over our vicious hate propaganda against nations and peoples labeled Communists. Glad to see probe of the terminology. Unless identified with a specific nationality the word has little meaning. I am so grateful we have you in a position of influence. Keep up pressures for all these issues for ending war, closer congressional control and less executive power.

Respectively,

Mrs. HARLAND C. BUSH.

GOFFSTOWN, N.H.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We are with you. No secret committee. Stop the bombing.

Mr. and Mrs. RICHARD HAND.

SILVER SPRING, Md.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Support entirely your stand regarding hearings, McNamara, and war in Vietnam. Bravo.

Mr. and Mrs. EARL L. FOX.

PALO ALTO, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Strongly support your Vietnam attitude. Delighted at your insistence McNamara and Rusk testify publicly.

Mrs. ROBERT COATS.

SANTA BARBARA, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We support you fully in your position Senate Foreign Relations Committee hearings this date.

Mr. and Mrs. WM. J. RILEY, Jr.,  
Mr. and Mrs. ROY G. RILEY,  
Mr. and Mrs. ROBERT D. RILEY,  
Mr. R. S. RILEY.

BERKELEY, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Heartily approve opposition to secret meetings. Americans entitled to know truth.

VINCENT and KATHLEEN LAWTON.

CICERO, ILL.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Wish to commend you and WILLIAM FULBRIGHT and other patriotic Senators on magnificent and courageous stand on Vietnam. May be last chance to prevent atomic holocaust. Incidentally what is difference between Vietnamese refugee camps and concentration camps of World War II?

Mr. and Mrs. LLOYD POWELL.

GREAT NECK, N.Y.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Increasing percentage of Americans recognizing futility of administration Vietnam policy. Immoral to send Americans to die in undeclared war. We are inevitably moving toward vast land war in Asia without world support. Senate cannot abdicate its responsibilities. Time is running out and it is not on our side. Aren't we big and powerful enough to admit a mistake and reverse a bad course. Let's have fewer pious words and more honest appraisal and action.

STEPHEN RUBEL.

ERIE, PA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

DEAR SENATOR MORSE: At last a voice of inspiration and truth to a frightened mother this past week has been a time of hope for me after the televised debate last Sunday and the Senate hearing today. I agree with you entirely on the Vietnam situation and hope you continue on forcing the truth on these war profiteering hypocrites. I am a mother of two teenage boys who finds it hard enough to instill truth, justice, and consideration in her children. But after seeing the televised action of one of our young men in Vietnam during the Christmas holidays where he shot a young Vietnamese mother of three toddlers for not understanding or perhaps protecting her own, I wonder if it is worth it all to struggle to teach ones sons to be good and considerate of others only to

have them be turned into storm troopers like the Nazis did. I object to our young men being taught this type of brutality. I want to thank you for a spark of hope.

Yours truly,

Mrs. EMMA FINNELL.

LOS ANGELES, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE, of Oregon,  
Washington, D.C.:

What this country needs are more Democrats like you. If we had them I would join your ranks. Keep up your excellent work. We appreciate you.

IRENE A. DAVIS.

OAKLAND, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

DEAR SENATOR MORSE: I heartily support your courageous investigation of our Vietnam policy.

PENNY SHEPHARD.

GATLINBURG, TENN.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Televised public hearing Senate Foreign Relations Committee is a historic step forward in democratic government. Congratulations and continued success.

HUBERT BEBB.

PORT ISABEL, TEX.,  
January 4, 1966.

WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations your stand against Government secrecy relative our foreign affairs.

J. G. MITCHELL.

MOBILE, ALA.,  
January 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

My recollection is that after Mr. Harold Wilson's visit with Mr. Johnson last year Washington Journalists Robert Allen and Paul Scott wrote that Mr. Johnson agreed not to interfere with British shipping into North Vietnam in exchange for British oral support of administration's Vietnamese policy. Please check with mentioned journalists.

Mrs. JOHN H. MELVILLE.

SALT LAKE CITY, UTAH,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on your firm stand today insisting Secretary McNamara appear for a public hearing before the Senate Foreign Relations Committee. I am a confused citizen too. Your committee and NBC have done a great service to all Americans presenting witness David Bell today. When possible please continue televising hearings so vital to the present and future of our country.

Mrs. GRACE S. CORWIN.

LAKESIDE, CALIF.,  
January 4, 1966.

Senator WAYNE L. MORSE,  
Senate Office Building,  
Washington, D.C.:

Thanks we are with you.

Mr. and Mrs. J. H. HUNTLEY.

ONTONAGON, MICH.,  
January 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Congratulations generally, and specifically on your refusal to be a party to closed session testimony.

Dr. and Mrs. D. H. ARCHIBALD,  
Mr. and Mrs. DAVID HUNT,  
Mr. and Mrs. MATT VIROLA,  
Mr. and Mrs. LAURI WESA,  
Mr. TED TRUDGEON,  
Rev. and Mrs. GEORGE LUCIANI.

LENOX, MASS.,  
January 4, 1966.

Senator MORSE,  
Washington, D.C.:

Bravo. I envy the people of Oregon their great privilege of being represented by you.

NATHAN GEORGE HORWITT.

SACRAMENTO, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR MORSE: God bless you thank you for your efforts for peace.

RAMONA VEGLIA.

CLIFTON, N.J.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Johnson's Vietnam policy is inhuman, bestial and depressing. I compliment your noble thoughts voiced on television last Sunday. You are a "profile in courage." I am a New Jersey resident and have informed Senator WILLIAMS about my distaste for this war.

Sincerely,

Mrs. S. QUATINETZ.

EL CERRITO, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

May your strong voice continue to awaken American people and Congressmen to danger of Government by Star Chamber sessions. Congress and confused public have allowed U.S. public representative Government to be increasingly replaced by secret White House-Pentagon session. The people cannot be trusted? Big brother Government is here. This insidious erosion of democracy has already produced the Vietnam mess. Your courageous efforts to expose the machinations of the executive branch and by such exposure to possibly end this terrible Vietnam debacle has the warm support of my family, my friends, and colleagues.

Mrs. RICHARD DEMOREST.

JONESBORO, ARK.,  
January 4, 1966.

HON. WAYNE MORSE,  
Senator from Oregon,  
Washington, D.C.

DEAR SENATOR: I greatly appreciate what you are doing. Don't let up.

JAMES A. HUTCHISON, Ph. D.

PARK FOREST, ILL.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.

Thank you.

WALTER PERRY.

ROCKFORD, ILL.,  
January 4, 1966.

Senator WAYNE MORSE of Oregon,  
Washington, D.C.:

Got a lot of questions answered today but more investigation, please. Thanks, a taxpayer.

VIOLA FERRE.

WAUSAU, WIS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

The public hearings by your committee are restoring lifeblood to America. Nearly everyone I've heard comment on these is doing so enthusiastically and is right behind you. Keep them up and we may yet save the world.

CARL KLINE, M.D.

DAYTONA BEACH, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I am completely behind you on what you said this afternoon against the war in Vietnam.

H. BRUCE MARTIN.

HELENA, MONT.,  
January 4, 1966.

Senator MORSE,  
Washington, D.C.

SENATOR MORSE: Bless you. You are not in Johnson palm. Just paid my income tax and had to borrow money to pay it. Russia said we will spend ourselves to death and no fooling. Keep on the ball.

NANCY N. KAIN.

BOSTON, MASS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Bravo your eloquent TV statement on our illegal war. More should hear you.

PAUL TOUCHETTE.

DEERFIELD BEACH, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We stand behind your conviction on Vietnam. Keep fighting.

Mr. and Mrs. D. C. McMURRAY.

COPIAGUE, N.Y.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Your position on Vietnam is a welcome relief from the war-bound dictatorial Johnson administration. We support all your efforts toward bringing our country back to law and order.

Mr. and Mrs. JULIUS SCHUBERT.

ROCHESTER, N.Y.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:

Congratulations to a dedicated American.

LOUISE QUIGLEY.

NEW YORK, N.Y.,  
January 4, 1966.

Senator WAYNE E. MORSE,  
Senate Office Building,  
Washington, D.C.

Please never give up your magnificent fight.

STEPHEN M. ROSENTHAL.

YAKIMA, WASH.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.

I am behind you in your good thinking about telling the American people the facts of our commitments in Vietnam.

R. J. CASH.

WORCESTER, MASS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.

Keep up the fight—with you 100 percent. Anxious to hear you in Worcester March 25th.

ABBOTT HOFFMAN.

SILVER SPRING, MD.,  
January 4, 1966.

HON. WAYNE MORSE,  
U.S. Senate Building,  
Washington, D.C.:

Senate Foreign Relation Committee should be represented in President's entourage to Hawaii. Why does President Johnson exclude members of your committee? You should be admitted to his discussions with Vietnam leaders.

JOHN CUNNINGHAM.

DERBY, CONN.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Continue the campaign to end the war in Vietnam; impress your legislative colleagues with this urgent necessity; Americans in increasing numbers demand that this legislatively unsanctioned conflict be brought to a close, so do I.

VICTOR L. SZANTON.

PADUCAH, KY.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Building,  
Washington, D.C.:

I fully support your position on the Vietnam war; thank you for a courageous presentation on television today.

Sincerely,

PAUL ROWLAND.

NEWTON, MASS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

All Americans owe Oregon a debt of gratitude for its wisdom in choosing a brave man who at a time in history stands alone breathing some sanity into the incredible indifference of his colleagues.

Mr. and Mrs. JEFFERY TROY.

ROOSEVELT, N.J.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We love what you're doing. Keep it up.

FRANK and JEAN HERMAN.

OAKLAND, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

You are a true patriot. I am with you. Keep it up.

CATHERINE DMYTRYK.

GROVELAND, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Before all is lost, our freedoms are being revived by your courageous leadership. We are praying for your fearless ongoing efforts and on continued firm dedication to truth. We thank God for your statesmanship.

OLGA ROSEN.

MERION STATION, PA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I applaud your tireless work in investigating the situation in Vietnam. You are to be congratulated for your honorable service to the people of our country.

CHLOE D. ROME.

GLENDALE, CALIF.,  
January 4, 1966.

Honorable WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR MORSE: Thank you, thank you for your firm stand today.

Sincerely,

Mrs. DOROTHY REID.

BALTIMORE, MD.,  
January 4, 1966.

Senator WAYNE MORSE,  
United States Senate,  
Senate Office Building, Washington, D.C.

Commend sanity your position Vietnam. Support Senate's comprehensive re-evaluation Vietnam policy. Urge return to utilization advise and consent role. Posture re China rigid unimaginative. Diplomatic relations other intercourse essential to eliminate historic antagonisms. China must participate international community if stability and nuclear control to be achieved.

ROBERT Z. ALPERN.

BERKELEY, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Good work, but no Asian war, get out of Vietnam.

COMMUNITY PROJECTS COMMITTEE OF  
THE VIETNAM DAY COMMITTEE.

SANTA MONICA, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

What are we doing in Vietnam? United States of America needs schools, hospitals, housing in the South of United States of America. I am with you.

Mrs. RAYMONDE NOTMANN.

REDWOOD CITY, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Building,  
Washington, D.C.:

Have a soldier son. Watching you on television. Agree with you wholeheartedly. Warmest wishes. Congratulations. Our prayers are with you in your efforts for peace. Warmest personal regards. Looking forward to meeting you in person.

Mrs. DAVID (RUTH) HAUCK.

SACRAMENTO, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations for this afternoon's performance. There are millions behind you.  
FROM THE VOICES IN THE WILDERNESS.

POM ENCINO, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Keep up the good work in helping the taxpayers.

RICHARD MALOSEK.

BOSTON, MASS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thank you for providing some long awaited information on the question of Vietnam.

B. A. RAY.

ANAHEIM, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee, New Senate  
Office Building, Washington, D.C.:

As an American citizen I thank you for your courage in speaking out re the illegal war we are waging in Vietnam. I share your points of view and love for our country. You have my deepest admiration.

Sincerely,

ELAYNE LAING.

PEABODY, MASS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
U.S. Senate, Washington, D.C.

DEAR SIR: Thank you for your firm stand on airing our involvements in southeast Asia.

Please make all efforts to place our speckled knight in shining armor (the band-leader) before the committee and the American people in a public hearing. This crusader needs an airing.

Congratulations from America's conscience.

ROBERT MAURIN.

CLEVELAND, OHIO,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Bravo. Your statement Government by secrecy and comments Vietnam. You have my trust.

Mrs. H. C. HOORNSTRA.

RIPON, WIS.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

While seeing and listening to your views on our illegal war, military, and corporate war makers, and Government secrecy, President Johnson announced he was leaving the country and taking Rusk, McNamara, and others with him. In my opinion, your views are validated by this new attempt to evade public exposure of administrative duplicity. Thank God for men like you in the Senate.

FRANK M. DUMAS, Ph. D.,  
Department of Psychology,  
Ripon College.

CEDAR FALLS, IOWA,  
January 4, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee,  
Washington, D.C.:

Agree with your comments on Vietnam situation wholeheartedly. There are many loyal Americans who feel as you do. Do all you can to bring this illegal war to an end.

Mrs. S. A. RIDENOUR.

LOS ANGELES, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations on your eloquent remarks to Mr. Bell on Thailand this afternoon.

MARY ANN PAYNE.

EAU GALLIE, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Keep up the good work. Do not give up. You are right. I am a Republican.

Mrs. ANNA BARTELSON.

BENTON HARBOR, MICH.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Information of an indigenous compels me to believe that you should enlarge upon your probe.

JAMES T. MORRISSEY.

CLEVELAND, OHIO,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Behind you 100 percent on Vietnam stand. Wish were more like you in Washington.

Mr. and Mrs. JOHN DELL'ARCO.

LOS ANGELES, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

May God bless you in your courageous fight to preserve article 1 of our Constitution.

TED BIRNBERG.

REDWOOD CITY, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I strongly urge you to continue investigating U.S. position in Vietnam. Continue your good work.

PHYLLIS PATTERSON.

ST. PETERSBURG, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Wholeheartedly support your position on Vietnam.

PAUL C. SHAW.

ATLANTIC CITY, N.J.,  
January 4, 1966.

Senator WAYNE MORSE,  
New Senate Office Building,  
Washington, D.C.:

Congratulations on your viewpoint against our position in Vietnam. Feelings on this are the same. We cannot fight everyone's battles. It is far too expensive in American lives and dollars. Keep fighting for us.

Mrs. S. SIMON.

OSSINING, N.Y.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Previously I have not agreed with you. Watching your hearing today I can only say as a World War II veteran—let's have a strategic retreat and let them try to come our way.

WILLIAM L. ANDERSON.

HORSE CAVE, KY.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Behind you 100 percent. Keep the good work going as you see fit.

OTIS E. GILPIN.

JACKSONVILLE, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations, keep going.

K. DIETER.

WILMINGTON, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee  
Washington, D.C.:

Thanks for your stand on McNamara. We are with you.

GEO. and HELEN SWARTZ.

ROCKY MOUNT, N.C.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Impressed by you this morning as part of Foreign Relations Committee. I hope you are against the United States offering help to Britain in its Rhodesian situation as a bribe for withdrawing its trade with the Vietcong. I would appreciate your views.

Mrs. MARY I. ELMORE.

POSTORIA, OHIO,  
January 4, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee Chairman,  
Washington, D.C.:

Thank you for what you're doing. Please give us more TV hearings; the public needs to know.

Mr. and Mrs. ROBERT.

GAINESVILLE, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Thank you, thank you. Keep it up until hell freezes over.

JOHN H. REYNOLDS.

ALTADENA, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Want the facts on Vietnam. This is a democracy or we live in vain.

PAUL and NORMA MULLER.

MISSION, TEX.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

The Vietnam war is the result of our disastrous foreign policy. We are world meddlers. One dollar of foreign aid is too much, especially when it comes out of the baby's piggybank. You are right all hearings should be in the open. It's high time we lend our best brains toward getting out of Vietnam and come home where we belong.

Thanks. Best regards.

C. F. SPIKES.

CLEARWATER, FLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Congratulations. The Nation needs more leaders like you.

Thanks.

LEO and MARY KOTRASCHECK.

CHICAGO, ILL.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Just heard your statement on Vietnam war on TV. Want you to know I support your position.

ROBERTA RAY.

WESTON, CONN.,  
January 4, 1966.

Senator MORSE,  
Senate Office Building,  
Washington, D.C.:

God bless you on your stand against war. We pray for your efforts toward peace.

Mr. and Mrs. IRVING WHITE.

STEVENS POINT, WIS.,  
January 4, 1966.

Senator WAYNE MORSE,  
U.S. Senate,  
Washington, D.C.:

Congratulations on your stand in foreign policy. Our faith renewed.

Dr. and Mrs. PAUL SOWKA.

CHICAGO, ILL.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We are thoroughly behind your statements made this afternoon on TV as to this war and hope that you can continue to press your views.

Sincerely,

Mr. and Mrs. DONALD C. NYGREN.

LOS ANGELES, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Foreign Relations Committee,  
U.S. Senate,  
Washington, D.C.:

DEAR SIR: Thank you for being a good American. Today it is a wonderful thing to hear someone call a spade a spade, to have someone represent you who is not afraid of the den of lions. I admire you, respect you.

Sincerely,

Mrs. BEATRICE HENDERSON.

LANCASTER, PA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Hear, hear.

JULIA and GEORGE WARWICK.

PHOENIX, ARIZ.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Keep up the good fight. Commonsense may yet prevail. You are absolutely right in demanding that the administration be forced to explain its actions. They have been wrong so many times in the past with regard to Vietnam that the public has a right to question every aspect of this issue. Thank God you've got the guts to do it.

LEW MAYER.

TULSA, OKLA.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Please, please stop this war that's killing all our young boys. If Johnson wants to go on let him go and fight. Thank you, Senator, for your stand on this issue.

GEORGE BUELKE.

CAMINO, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

America exists only as an idea and an ideal. You are one of the few protecting the America in which I believe. My gratitude and admiration are yours.

MARIAN WISHART.

SAN FRANCISCO, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We support Senator MORSE. All witnesses in Senate Foreign Relations hearings be open to public.

Mr. and Mrs. EDWARD SINGLER.

SAN FRANCISCO, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

We support Senator MORSE on open hearings. No more Government policy by secrecy.

ROSE and GEORGE LEELOY.

NORTH HOLLYWOOD, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Five adults watching TV, all agree with thee, God bless you.

M. J. DINNEEN.

NEW YORK, N.Y.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

DEAR SENATOR: Thank God for your statements in the committee room this a.m. while speaking to Mr. Bell. American people will give their lives for an open, honest, decent Government but will balk when asked to defend, what to them, is unjust and not according to our Constitution. Thank you for your stand on these matters.

Sincerely,

Mrs. M. E. KAUFMANN.

SPOKANE, WASH.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

After today public television, thank you. Thank you. Thank you.

Ed HOIER.

CHARLESTON, S.C.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on your speech today on TV. We heartily agree with what you expressed. God bless you and keep working for us.

Mrs. HOWARD McIVER.

SHERMAN OAKS, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Profound respect for your courage, perspicacity, and integrity. Believe you to be morally right and politically wise. Your friends are legion. Press on.

RICHARD L. HAPWORTH.

MANCHESTER, CONN.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on your forthright statements on TV. Thank God for your sanity and courage.

Mr. and Mrs. ROBERT C. VATER.

MILL VALLEY, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

Applaud position for open Senate hearings, all levels regarding Vietnam.

NANCY ADLEY.

RANGELY, COLO.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

DEAR SENATOR: Thank you for insisting on open hearings to the public and less secrecy in Government stuff. We need more people like you.

TOULA THEOS.

ORANGE, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

God bless you. May your investigation end this barbaric Vietnam war and save numerous lives.

Mr. and Mrs. THEODORE SHAPIN.

SHERMAN OAKS, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Congratulations on your stand today regarding McNamara's appearance. Wish we could vote for you here.

CATHERINE SCHNEIDER.

WEBB CITY, MO.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Chamber,  
Washington, D.C.:

Bravo. Keep pushing to inform the public.

JOANN BEASON.

ANAMOSA, IOWA,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Foreign Relations Committee,  
Washington, D.C.:

For the benefit of humanity insist on appearance in public of McNamara, Wheeler, and Rusk. Godspeed.

MOBLE A. SMITH.

BALDWIN PARK, CALIF.,  
February 4, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

We support your stand in Senate hearings on Vietnam regarding present illegal and immoral war.

Mr. and Mrs. RICHARD GARRISON.

PALO ALTO, CALIF.,  
February 5, 1966.

Senator WAYNE MORSE,  
Washington, D.C.:

A million thanks for your magnificent stand against secret and dictatorial government, graft, waste, dishonesty, disloyalty, and the criminal waste of the lives of American boys in Vietnam. Keep it up. You are performing a long overdue service to the American people. Please have secretary write us receipt.

Mr. and Mrs. DAVID E. WILLIAMS.

Mr. MORSE. Mr. President, I also ask unanimous consent to have some additional telegrams I received, with my replies.

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

BROOKLYN, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

I think you should support our boys in Vietnam. I am an ex-marine.

TERRY McFAUL.

FEBRUARY 9, 1966.

TERRY McFAUL,  
Brooklyn, N.Y.:

You are the one who is not supporting our boys because you agree they should be sacrificed in an unconstitutional and indefensible war.

WAYNE MORSE,  
U.S. Senator.

WARWICK, R.I.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

You are a demagog.

B. J. SIRR.

FEBRUARY 9, 1966.

B. J. SIRR,  
Warwick, R.I.:

I hope you feel better.

WAYNE MORSE,  
U.S. Senator.

NEW YORK, N.Y.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Americans of Irish Descent Club back the President.

Mr. CONLAN,  
President.

FEBRUARY 9, 1966.

Mr. CONLAN,  
President, Americans of Irish Descent Club,  
New York, N.Y.:

I am not impressed.

WAYNE MORSE,  
U.S. Senator.

WHEATON, ILL.,  
February 8, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

"Mr. President, whom do you refer to?" You, of course.

The refusal of appeasers and pacifists to recognize the ultimate goal of communism these past 30 years is the reason our boys are dying. Their young lives must be sacrificed because of your stupidity.

Continue your bombasts so more Americans can get to know you. With contempt.

Mrs. JOHN F. SEEMAN.

FEBRUARY 9, 1966.

Mrs. JOHN F. SEEMANN,  
Wheaton, Ill.:

Our men are dying in Asia because our Government is violating the constitutional and treaty obligations it owes to them and the rest of the American people.

WAYNE MORSE,  
U.S. Senator.

NEW YORK, N.Y.,  
January 7, 1966.

Senator WAYNE MORSE,  
U.S. Senate, Washington, D.C.:

Senator, inasmuch as you have so much to say about the President's policy in southeast Asia including Vietnam, I consider you a turncoat. If I were you, I would go to Russia and apply for a seat in the Russian Presidium because that's where you belong.

CARLOS J. RUIZ.

FEBRUARY 9, 1966.

CARLOS J. RUIZ,  
New York, N.Y.:

I was not elected to rubberstamp the President's unconstitutional war but it is obvious that you wouldn't understand the meaning of constitutional rights.

WAYNE MORSE,  
U.S. Senator.

THE DALES, OREG.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

Remove at once our names from your mailing list. As lifelong registered Democrats we are not ready to change horses in the middle of the stream as you apparently are.

EARL L. AND VERDA R. ROGERS.

FEBRUARY 9, 1966.

EARL L. AND VERDA R. ROGERS,  
The Dales, Oreg.:

I am sorry you are so upset over the facts concerning our unconstitutional war in Asia.

WAYNE MORSE,  
U.S. Senator.

NORTHAMPTON, MASS.,  
February 4, 1966.

Senator WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

You have a priority on secretiveness our security declare your source of information

in committee hearing if you wish public opinion to go along with you on McNamara and Wheeler.

Mrs. STEN H. STENSON.

FEBRUARY 9, 1966.

Mrs. STEN H. STENSON,  
Northampton, Mass.:

McNamara and Wheeler would be asked only to discuss U.S. policies that got us into this war and their policies for continuing it. All secret matters that involve security questions would be answered only in executive sessions. Public is entitled to public hearings on policy questions.

WAYNE MORSE,  
U.S. Senator.

WOODBURN, OREG.,  
February 5, 1966.

WAYNE MORSE,  
Senate Office Building,  
Washington, D.C.:

As a senior citizen of Oregon I have supported you. After today's report going back to Republicans.

M. R. CRAWFORD.

FEBRUARY 9, 1966.

Mr. M. R. CRAWFORD,  
Woodburn, Oreg.:

May I ask good naturedly when you go back to the Republicans are you going to support Hatfield whose views on foreign policy are similar to mine? If you study more about the facts of our unconstitutional war in Asia you may think better of my position on the issue.

WAYNE MORSE,  
U.S. Senator.

MONTEREY, CALIF.,  
January 4, 1966.

Senator WAYNE MORSE,  
Senior Staff Assistant,  
U.S. Senate,  
Washington, D.C.:

Re today's hearings shocked you let your Senator appear so uninformed concerning international law on blockades, background of Security Council decision on Korean war, method Security Council acts on charges of aggression, power lack of General Assembly in case Security Council inactive.

HARRY H. BERGBAUER.

FEBRUARY 9, 1966.

Mr. HARRY H. BERGBAUER,  
Monterey, Calif.:

You should go back to school and learn about the most elementary tenets of international law and right of free Americans to be protected from government by secrecy.

WAYNE MORSE,  
U.S. Senator.

#### TRIBUTE TO SENATOR BYRD OF VIRGINIA

Mrs. SMITH. Mr. President, the newest Member of the U.S. Senate is the son and the nephew of two of my closest friends. I am delighted that he is a member of two of my committees—the Armed Services Committee and the Aeronautical and Space Sciences Committee. In the short time that he has been in the Senate he has given clear evidence that he is molded in the image of his father and that he will unfalteringly follow in the illustrious footsteps of his father.

Recently he made an extremely interesting speech at a luncheon meeting of the American Institute of Aeronautics and Astronautics. It is a speech worthy of your attention and so I ask unanimous consent that the address of Senator HARRY F. BYRD, JR., before that institute

on February 3, 1966, be placed in the RECORD at this point.

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

**SPEECH BY SENATOR HARRY F. BYRD, JR., DEMOCRAT OF VIRGINIA, BEFORE LUNCHEON MEETING OF THE AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS, NATIONAL CAPITAL SECTION, NATIONAL PRESS CLUB, WASHINGTON, D.C., THURSDAY, FEBRUARY 3, 1966**

I have come here today to meet members of the American Institute of Aeronautics and Astronautics, National Capital section, my new friends of air and space.

As the newest Member of the Senate, the newest member of the Aeronautical and Space Sciences Committee, and therefore the newest expert in the field, I am hard pressed for something to say to you about your own business.

I am a Virginian and a Democrat. When I am hard pressed for words of wisdom, it is natural that I turn to Thomas Jefferson. As usual, he has something appropriate to say.

In a 1788 letter to Ralph Izard he said this: "I have never thought boys should undertake abstruse and difficult sciences \* \* \* til 15 years of age, at soonest. Before that time they are best employed learning the languages, which is merely a matter of memory."

I am over 15. So it is all right for me to undertake committee work in aeronautical and space sciences. I had not majored in the language before, but I am learning it now.

NASA has provided me with a dictionary in the language of art. With it and your help, I am applying myself enthusiastically to both the homework and the committee classroom study.

I want you to know that while I may be new to the aerospace committee, my interest is not new. I am fascinated by the whole span of the subject from Virginia to Mars.

I think I am entitled to start with Virginia because we have not only highly important Government aeronautical and space activities, but also a rapidly increasing educational and industrial interest in the field.

NASA's Langley Research Center—under NACA in earlier days—has been working on the aeronautic and space frontiers since 1917, and it is a pioneer in the Apollo plan to land U.S. explorers on the moon.

At Wallops Island—Virginia's Cape Kennedy—NASA has its principal readout station in eastern United States, and from here hundreds of rockets have been launched in the interest of rocket technology and knowledge of the earth's atmospheric makeup.

The new Virginia Associated Research Center-Cyclotron complex—a NASA-higher-institution-of-learning venture in the Hampton-Newport News area—with adjacent research park, is attracting technical industry attention.

As chairman of the Virginia Advisory Board on Industrial Development, I am advised that NASA prime contracts totaling nearly \$120 million were awarded in 27 Virginia counties and cities between 1961 and 1965.

The rising amounts of these contracts are evidence of the increasing aeronautics and space-related industry in the State. In 1961 the contracts totaled \$6.8 million. In 1965 they totaled \$42.8 million.

I hope this kind of industry—electronics, aeronautical, space and related—will continue to increase in Virginia. Perhaps nothing dramatizes our changing world so much as the achievements in aeronautical and space sciences.

Nonetheless sure, if less dramatic, are changes in other lines of endeavor—in business and government—and as businessmen and individuals we must be alert to change. As businessmen and individuals we must look

ahead. Legislators, also, must look ahead. We must be alert to changing times, conditions, and opportunities.

I want to be a friend in court to all who are engaged in sound progress. Progress means change. But in science, business, and government we must recognize that there are certain fundamentals that do not change.

The arithmetic table, for example, does not change. Two and two still make four. The fact that taxes are paid in the sweat of every man who works is another fundamental that I cannot forget.

I hope my position in the field of aeronautics and space sciences will be characterized by a balanced combination of fiscal responsibility and dedication to the search for new knowledge and its useful application.

I am aware of the responsibilities incident to legislating in the space age. We have passed a milestone in history and started a new epoch. The bond of gravity has been broken. Manmade devices have orbited the sun and photographed the moon.

My uncle, the late Adm. Richard E. Byrd, undertook some pioneering and exploring in his day. The closest I ever came to exploring even the earthly reaches was riding in his New York tickertape parade.

My Senate committee assignments notwithstanding, I may want to ponder a little more the idea of keeping vigil alone on the Moon and exploring Mars.

Meanwhile, we look forward to supersonic transports. I notice in a recent speech by NASA Administrator James E. Webb, that he sees hypersonic transports a little further in the future. We look forward also to broadcasts via satellite directly to home receivers, probes of distant planets, conventional take-off and landing in space vehicles, nuclear engines, and so on.

These achievements in the future will be no more fantastic than the accomplishments of the past 10 years. They are the products of industrious men who are giving new thrust to the old sciences—astronomy, physics, chemistry, and geology.

To these are added the force of new techniques and engineering in materials, structures, fuels, power sources, and electronics.

We tend to think of the spectacular breakthroughs of the space age. Equally important are the side results of space requirements for improved standards, and reliability of performance—mechanical and human.

We are getting new materials—metals, fabrics, plastics, and lubricants—which are tougher, long lived, and more versatile than we have previously known.

We are getting better washing machines, household appliances, television sets, and so on.

Weathered-in as we have been for the past week, the job of the weather satellites comes particularly to mind. The Weather Bureau has estimates showing that 5-day weather predictions annually would save the economy \$2.5 billion in agriculture; \$4 billion in water resources management; \$100 million in surface transportation; \$75 million in retail marketing; and \$45 million in the lumber industry.

COMSAT (Communications Satellite Corp.) is approaching its third anniversary. Its Early Bird satellite, launched less than a year ago, opened a new and promising communications era.

Dr. Joseph V. Charyk, before our committee on January 26, said Early Bird successors would be capable of transmitting television, telephone, and data service simultaneously.

He said 48 nations had signed agreements for the establishment of an international partnership, owned 55 percent by COMSAT, to establish and operate the space portion of a global satellite system.

The purpose is creation of a single global commercial communications satellite system at the earliest possible date. The 48 sig-

natories account for at least 90 percent of the potential international world telecommunications traffic that might be served by the system.

Our national policy stresses peaceful space exploration and use of this new domain. Unfortunately space developments to date have military implications which impose awesome responsibility.

While we seek cooperative peaceful development, we have no choice but to acquire space capabilities for the protection of our national interest and humanity.

I wish I could close without reference to war. But we are still sitting on a world war III powder keg at this moment. I pray that it will not develop into a nuclear holocaust.

Despite our great private and public interest in peaceful aeronautic and space development, the Vietnam war is the dominant question before the Nation today.

It is a conflict which is of deep concern in both the executive and legislative branches of the Government. It is of deep concern to me, and to you, and to fathers and mothers of draft-age sons all over the country.

As a member of the Armed Services Committee, I completed yesterday a week of secret committee sessions studying testimony by Secretary of Defense McNamara and the military Joint Chiefs of Staff.

The proceedings are classified, but I believe each witness answered frankly the multitude of questions put to him. Without breach of security, I can say many of the statements by both witnesses and Senators were cause for thoughtful concern with respect to basic policy.

There was no quibbling among members of the Armed Services Committee about essential military expenditures. For myself, I shall support all military expenses necessary to bring the Vietnam war to successful conclusion.

It will require time to assimilate the views expressed by our top military authorities in a weeklong interrogation. Until then, we can only hope that this war—which at the moment appears to be without solution—can be brought to successful conclusion.

Meanwhile, this country has 200,000 men in Vietnam, and thousands more may be sent. Until this war can be successfully concluded, support of these men must have top priority.

I end with this thought: if our scientists can fathom the secret of the atom—if they can send men whirling in space around the world at 17,000 miles an hour—if they can create a spacecraft that will go a quarter of a million miles to the moon—I submit the statesmen should be able to devise an effective formula for world peace.

In other words, I hope that those in my field of endeavor can do as good a job for mankind as you in your profession have done.

#### RESOLUTION OF MAINE LEGISLATURE

Mrs. SMITH. Mr. President, on behalf of myself and my colleague the junior Senator from Maine [Mr. MUSKIE]. I ask unanimous consent to have printed in the RECORD a resolution of the Legislature of the State of Maine, ratifying the proposed amendment to the Constitution of the United States relating to Presidential succession and inability.

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

#### RESOLUTION RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO PRESIDENTIAL SUCCESSION AND INABILITY

Whereas the 89th Congress of the United States of America, at the 1st session begun

and held at the city of Washington, on Wednesday, the 6th day of January 1965 by a constitutional two-thirds vote in both Houses adopted a joint resolution proposing an amendment to the Constitution of the United States, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office; therefore, be it

"Resolved, That the Legislature of the State of Maine hereby ratifies and adopts this proposed amendment to the Constitution of the United States.

"Resolved, That the secretary of state of the State of Maine notify the President of the United States, the Secretary of State of

the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Administrator of General Services of the United States, and each Senator and Representative from Maine in the Congress of the United States of this action of the legislature by forwarding to each of them a certified copy of this resolution."

In senate chamber.

EDWIN H. PERT,  
Secretary.

House of representatives.

JEROME G. PLANTE,  
Clerk.

#### DEATH OF LOUIS C. GERRY

Mr. PASTORE. Mr. President, a great public figure has passed from the Rhode Island scene with the death of Louis C. Gerry, financier, business executive, philanthropist, humanitarian whose devotion to public service included a 20-year presidency of Rhode Island Hospital.

He was Red Cross chairman, Community Chest leader, trustee of Brown University, a public official at request of Governor after Governor, for which service he declined remuneration.

From State and city and citizens and schools he was the recipient of honor after honor for his outstanding contributions to the well-being of Rhode Island's people.

All these honors belie the modesty of the man—for Louis Gerry was a gentle, genial, generous friend to every good cause that engaged the community.

It was not the length of his life of 81 years as much as the depth of his living that called him to be so important a part of government, of education, of health, of humanity. He truly gave his heart to his fellow man the while the wisdom of his mind enhanced the good fortune of our State.

An editorial from the Providence Journal of February 8 portrays the significance of Louis Gerry and his influence on his times—and I ask unanimous consent that it be made part of my tribute to this outstanding American.

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

#### LOUIS C. GERRY: HIS ACHIEVEMENTS SPEAK FOR HIM

Louis C. Gerry was by nature a man who felt uncomfortable in the presence of attempts to praise him for outstanding services in behalf of the community. He preferred that achievements to which he had contributed should speak for themselves in the good they bestowed, in healthier people, higher standards of living and an increased sense of community responsibility.

Himself, a successful financier and corporation executive, he translated into the field of private beneficence a passion for efficiency and a hatred of waste. He was a hard-headed pragmatist in whatever task engaged his undoubted capacities. When he accepted an assignment of community character, he applied to it the same realistic attention he gave to his private affairs. He never contented himself with part-time or nominal service in a public cause he thought worthy.

As president of the Rhode Island Hospital, he was in charge of an expansion program which replaced a venerable and outmoded plant with a completely modern hospital. From the moment the new hospital was con-

ceived, in a study of plans, to the day it was dedicated formally to the welfare of the community, Mr. Gerry never took his eyes from the work in hand. He watched brick laid upon brick; he brought sound judgment to bear upon the outfitting of the complex equipment of a hospital; he assumed leadership in the financing of the project; he insisted that business principles guide its construction and operation. It is not an exaggeration to say that he worked harder in raising this splendid up-to-date hospital than he did on his private affairs. In semi-retirement, he then gave full time to the management of the hospital. His name belongs high on the list of benefactors in the long history of the Rhode Island Hospital.

Similarly, as chairman of the Providence Chapter of the American Red Cross, president of the Rhode Island Society for the Prevention of Cruelty to Animals, in community chest activities and as a trustee of Brown, he gave honest, intelligent and true attention to these affairs.

On the surface, Mr. Gerry was a placid and soft-spoken man. His friends would have to think hard to recall a time when he was ruffled or showed a disturbed exterior. Beneath this pleasant manner was a mind that was razor-sharp in cutting through to the heart of problems, making sound decisions and throwing away nonessentials. Inside, he was a volcano of constructive energy that could not temporize with half-measures or sloppy performances.

In the death of Louis C. Gerry, the community has lost a useful citizen who left a heritage of public service in its highest sense.

#### ILLINOIS STUDY SHOWS SCHOOL MILK PROGRAM ESSENTIAL TO INCREASED MILK CONSUMPTION

Mr. PROXMIRE. Mr. President, all the studies that have come to my attention over the past 3 years on the impact of the special milk program for children show that a cutback in the program will mean a decrease in school milk consumption. There simply is no way to get around this fact.

Yet the program has been cut by 10 percent this year, both because insufficient funds were appropriated by Congress and because the Bureau of the Budget in a completely phony economy move has withheld some of the funds that were appropriated. The administration plans to cripple the program even more next year—cutting it to one-fifth its former size and imposing an onerous means test on those who receive milk under the program.

I would like to bring to my colleagues' attention this morning a study made by the University of Illinois College of Agriculture in 1960 that indicates the value of the program in increasing milk consumption. The report states:

In the first 5 years the special milk program was in operation, consumption per student in Illinois increased 2½ times.

Certainly this shows beyond a shadow of a doubt that full funding of the school milk program is essential if student milk consumption is to continue at its present high level.

The study reiterates this point by stating:

If the school milk program were not in operation, the student price would frequently be as much as 10 cents per half pint, and consumption in schools would be very likely to suffer a major decrease. The low student

price made possible by the school milk program is one of the basic reasons for high consumption in schools.

As I understand the fiscal 1967 proposal to cut the program from \$103 million to \$21 million the intent is to support the disbursement of milk to the needy who would be chosen by the school administrator. Also, milk would continue to be provided under the program to schools not having a school lunch program. This means that millions of schoolchildren would for the first time pay more than 10 cents per half pint. I say more than 10 cents because the 1960 study of course does not reflect the price increases that have taken place in the intervening 5 years.

Mr. President, can anyone doubt the tremendous impact this will have on milk consumption? Can anyone seriously believe that millions and millions of children will not drop out of the program when the cost of having two half pints a day is \$1 a week? And among these children will be those who are too proud to qualify themselves as poverty cases or not quite poor enough to be chosen to receive welfare milk from the Federal Government.

#### THE TRUMAN DOCTRINE AND THE VIETNAM DEBATE

Mr. JAVITS. Mr. President, an editorial which appeared in the February 5, 1966, edition of the Washington Post points up, as I have done in my Vietnam report, the close parallel between the current U.S. policy in Vietnam and the Truman doctrine. Then, as now, the critics felt that the doctrine was aggressive and open ended, that it would lead to and escalate wars. But, the doctrine was applied with caution and restraint, and it was "a peacemaking and not a warmaking doctrine."

I call the attention of my colleagues to this editorial and ask unanimous consent to have it printed in the RECORD.

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

##### THE TRUMAN DOCTRINE

Senate Foreign Relations Committee hearings on administration policies in South Vietnam ought to clarify opposing views and might even help in reconciling some differences on foreign policy. It is to be hoped that the committee's witnesses will grapple with the fundamentals in a way that the Congress did in 1947 when the country embarked upon the policies we have followed ever since.

The Truman doctrine was recognized in 1947 as a historic declaration. The President in his March 12 message to Congress said bluntly: "I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." The Congress and the country agreed with him and American aid was sent to Greece to back up the British in resisting the first of the wars of "national liberation" that have been a unique military and diplomatic phenomenon of our times. That resistance proved to be brilliantly successful and Greece and the Mediterranean were saved for the West. Since 1947 the pursuit of the policy then enunciated has led us into diplomatic and military confrontations around the globe—notably in Lebanon, the Congo,

the Philippines, in Latin American countries, in Vietnam, and in the Suez crisis. If there is any constant threat in our foreign relations it is the resistance to subjugation by armed minorities or by outside pressures. It has not been universally directed against Communists as such—it has been applied, with pain and reluctance, against the policies of even our best friends as it was at Suez.

We can see the wars and diplomatic confrontations the Truman doctrine has involved us in; but we cannot see the aggressions that we have not had to check because of knowledge in the world of the existence of the Truman doctrine. In the current debate on that doctrine—and that is what any meaningful debate will be about—the wars that have not happened ought to be remembered, as well as the trials that have afflicted us.

At the time the doctrine was embraced, it did not go unchallenged. Many Senators pointed out then that it might eventually involve us around the world—even in China as the late Senator Arthur Capper, for one, pointed out. And Walter Lippmann attacked the policy both in its application to Greece and in its worldwide implications. He described it as "a vague global policy which sounds like a tocsin of an ideological crusade that has no limits." And he deplored "entangling ourselves as partisans in a Greek civil war." The criticism was useful, for it resulted in a cautious and restrained application of the doctrine generally. And the critics were prophetic in seeing the far-reaching consequences of this policy.

The truth is that the Truman doctrine, like so many of the spunky President's utterances, came close to putting the national impulse into a single sentence. It reflected what Walter Lippmann had said in 1944 about the continuing and profound interest of Americans in conditions everywhere in the world. Lippmann called it this persistent evangel of Americanism. And he thought it reflected the fact that no nation, and certainly not this Nation, can endure in a politically alien and morally hostile environment; and the profound and abiding truth that a people which does not advance its faith has already begun to abandon it. President Truman's March speech and Mr. Lippmann's global eloquence faithfully mirror the impulses of our countrymen. But at the same time, on alternate occasions and off days, this expansive inclination has been matched by caution and restraint and a sense of our limitations. Lippmann, in discussing U.S. war aims in 1944, expressed a widespread anxiety about the reach of American or Western power in Asia. "We must take it as decided," he said, "that the tutelage of the western empires in Asia is coming to its predestined end." And that was and is an authentic reflection of American judgment.

So the two impulses meet now in Vietnam and will manifest themselves in their curious contradictory way in the Senate hearings, no doubt. If the Senators are to have a fair chance of reconciling this dichotomy, they must remember that in application the Truman doctrine turned out to be a peacemaking and not a warmaking doctrine. Even in Greece, the object was to secure the freedom of Greece—not to produce a confrontation between the Soviet Union and the West. The trick then was to save Greece without having a war with the Soviet Union. And it was accomplished. The aim now ought to be to save South Vietnam without having a war with China. This is essentially the policy the administration is pursuing. It is the policy that the Senators will be examining. It is the Truman doctrine enunciated in March 1947—a doctrine that not all Americans have caught up with yet—nearly 20 years later.

#### CAMPAIGN CONTRIBUTIONS

Mr. WILLIAMS of Delaware. Mr. President, on January 26, 1966, as appearing in the RECORD on pages 1237-1240, I discussed how this administration had conceived a questionable plan for raising campaign contributions from corporations by describing them as advertisements.

At that time I emphasized that the corporations making these contributions were in effect being subjected to political blackmail, particularly if they were interested in obtaining defense contracts or if they were involved in important decisions that would be rendered by Government agencies.

In this connection I ask unanimous consent that there be printed in the RECORD at this point an editorial appearing in the Journal of Lorain, Ohio, on January 29, 1966, entitled "It Pays To Advertise."

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

##### IT PAYS TO ADVERTISE

The list of American businesses whose success can be attributed in part to a very successful program of advertising is long. On this list are some of the largest and most successful companies in the United States. A new advantage to advertising has been recently revealed, and since it affects a corporation which is considering becoming part of Lorain, the facts are worth noting.

United Artists was an advertiser who placed a full page ad in the 1964 Democratic National Convention program. The cost of this ad was \$15,000. The same corporation also took a full page ad in the Democrats' advertising book "Toward an Age of Greatness" published in December 1965. Again the cost was \$15,000. Both of these ads appeared in spite of the fact that Federal law makes it a crime for either corporations or labor unions to make contributions or expenditures "in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office." (Title 18, section 610.)

Could this advertising have resulted in the fact that on January 6, 1966, a hearing examiner from the Federal Communication Commission recommended that United Artists Broadcasting Inc. be awarded a construction permit for a new television broadcast station supposedly assigned to Lorain, Ohio? The FCC conveniently ignored the fact that the broadcast tower is to be located in Cleveland. Also glossed over were certain anti-trust questions concerning United Artists.

It is nice to know that large corporations can benefit from the Great Society as well as impoverished individuals, especially if the large corporations know the value of advertising in the political publications of the Democratic Party.

Mr. WILLIAMS of Delaware. Mr. President, I also ask unanimous consent that there appear in the RECORD an editorial from the Wall Street Journal of February 3, 1966, entitled "Can't You Be Original?" In this article they criticize the Republican Party for copying this questionable procedure. I concur.

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

##### CAN'T YOU BE ORIGINAL?

You don't have to look any farther than the Republican Party's proposed Congressional Almanac to spot one of the GOP's ma-

for deficiencies. It is a sorry lack of original thinkers.

Go back, for a moment, to last year's publication by the Democratic Party of a splashy, 176-page magazine, "Toward an Age of Greatness," in which Cabinet officers and other notables extol their party's untiring and unselfish labors in behalf of the American people.

From this extravaganza the Democrats picked up some \$600,000 by the simple device of peddling advertising space to almost 70 U.S. corporations, most of which have contracts of one sort or another with the Government. Originally, the Democrats planned to use the money for State voter education committees, which just happen to be almost 100 percent Democratic. The party seems to have had second thoughts about the propriety, or perhaps even the legality, of the scheme and it now plans to turn over the \$600,000 to as an as yet unannounced, non-partisan foundation to conduct a nonpartisan registration drive before the 1966 elections.

"By golly," someone deep in the bowels of the Republican Party must have said, thumbing through the opposition's slick magazine, "that's a great idea." So guess what? So the GOP is going to put out a magazine. And guess what? It's going to sell advertising space in it.

Letters have gone out from Representative Bob WILSON, of California, chairman of the National Republican Congressional Committee, to potential advertisers in the Congressional Almanac. It will, he takes pains to point out, be "similar in size and production quality to the recent Democratic book." Letters have also gone to—guess who?—the very same corporations that advertised in the Democratic book.

With the approximately \$600,000 of their own they hope to pick up, the Republicans plan to beef up the Congressional Research and Education Committee, which in turn foots the bill for a research unit supplying House Republicans with analyses of administration proposals and policies.

Plainly all this me-tooism is carrying originality too far. If it doesn't insult the intelligence of the solicited corporations, and of the electorate as well, it won't be for want of trying.

#### RESOLUTION OF THE AMERICAN LEGION POST OF MEETEETSE, WYO.

Mr. SIMPSON. Mr. President, the James Oliver Hogg Post 85, the American Legion, at Meeteetse, Wyo., has adopted a resolution condemning certain demonstrations against American policy in Vietnam. The resolution is a most commendable expression of patriotism by the legion post as well as indicative of the philosophy of most of Wyoming on this matter and I ask unanimous consent that the text be printed in the RECORD with my remarks.

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

#### RESOLUTION OF JAMES OLIVER HOGG POST 85, AMERICAN LEGION, MEETEETSE, WYO.

Whereas the Armed Forces of the United States are currently engaged in conflict in southeast Asia; the purposes of which are to stem the flow of insidious communism and to allow freedom and self-determination for the peoples of South Vietnam; and

Whereas adjunct to this national endeavor, some people in the United States by various means, are undermining this undertaking by open defiance of our laws and ridicule of those who are supporting or participating in the conflict, most notably by

draft card burning, "sit-ins," "lay-ins," "teach-ins," various "hate" programs and by objecting to military service on religious, moral, or psychological grounds when no such grounds actually exist; and

Whereas no nation, no matter how conceived, nor how strong, can long endure in an atmosphere of fraud, deceit, and criminal or civil disobedience: Now, therefore, be it

*Resolved*, That the James Oliver Hogg Post No. 85, American Legion, at a meeting regularly convened this 10th day of January 1966 does hereby deplore, decry and chastise those American citizens:

Who, while accepting the benefits and blessings of this great Nation, are openly and actively defying the law of the land;

Who, cry "freedom" and yet are undermining our national effort to insure this freedom;

Who, under the guise of civil liberties or moral compulsion, are giving aid and succor to an enemy whose foundations are the antithesis of morality and liberty of any kind;

Who, in insisting on free speech and expression, are raising their voices in ridicule of those Americans who are fighting; be it further

*Resolved*, The James Oliver Hogg Post No. 85, American Legion, strongly urges each and every American to do his duty; that he be honest with himself, his neighbor and his country; that he accept, not only the multitudinous benefits of being an American, but that he also embrace its obligations; that he recognize that in times of distress, individual motives, feelings and even convictions, must be subordinated to the constitutional general welfare that he ascribe to the philosophy of the patriot, Patrick Henry, when he said: "Shall we acquire the means of effectual resistance by lying supinely on our backs?"

FRANCIS C. SELL,  
Commander.

Attest:

THOMAS E. HOYER,  
Vice Commander.

#### THE WORK-RELEASE PLAN IN FEDERAL CORRECTIONAL INSTITUTES

Mr. LONG of Missouri. Mr. President, as chairman of the National Penitentiaries Subcommittee of the Senate Committee on the Judiciary, I am pleased that two national publications have within recent days taken notice of some of the important innovations which have been undertaken by the U.S. Bureau of Prisons in the operation of the Federal Prison System.

As Senators will recall, last year saw passage by unanimous votes in both Houses of the Prisoner Rehabilitation Act of 1965, under which significant new authorities were provided to the Attorney General and the Bureau of Prisons to launch new techniques aimed at assisting the return of inmates to productive roles in society. The bill was signed into law by President Johnson last September 10.

The New York Times of January 22, 1966, devoted substantial space to the success which has been achieved in implementation of the provision of the new law under which prisoners may be authorized to accept employment in nearby communities during the day, returning to the institution each night. Under the headline "Inmates at Danbury Federal Correctional Institute Work for Pay in Work-Release Plan; U.S. Convicts

Hail Outside Job Plan," the Times describes in detail the activities under the new law.

The Nation of January 31, 1966, presents an editorial titled "A Case of Civilized Penology," which describes a unique joint endeavor involving Government and private enterprise which is being carried out by the U.S. Penitentiary at Atlanta, Ga., and the General Electric Co. Inmates are being trained in computer programming, which is preparing them for well-paying jobs on their release from confinement.

Mr. President, under the leadership of Attorney General Katzenbach and Myrl E. Alexander, Director of the Bureau of Prisons, the Federal correctional system is moving ahead rapidly and purposefully to implement important new techniques of inmate rehabilitation. I ask unanimous consent to have printed in the RECORD, the articles from the New York Times and the Nation which describe some of these progressive steps.

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

[From the News York Times, Jan. 22, 1966]

**INMATES AT DANBURY FEDERAL CORRECTIONAL INSTITUTE WORK FOR PAY IN WORK-RELEASE PLAN—U.S. CONVICTS HAIL OUTSIDE JOB PLAN—OFFICIALS IN DANBURY ALSO SEE NEW ERA IN PENOLOGY**

(By William E. Farrell)

DANBURY, CONN., January 21.—Only a few rays of light stretched across the morning sky as a group of bleary-eyed inmates, dressed in drab prison uniforms, straggled into a small room at the Federal Correction Institution here.

A few minutes later they emerged, wearing khaki pants, sweaters, colored work shirts, even a dark business suit, and left the prison for their jobs at local businesses and factories.

As they boarded a prison truck, for which each inmate pays \$1 a day to transport him to and from work, in the absence of public buses, John P. Waters, a jaunty man with an affinity for polka dot bow ties, said:

"I've been in this prison business 25 years and this is the only thing that's ever happened, believe me."

#### NEW FEDERAL PROGRAM

Mr. Waters, the prison's director of placement, was referring to the prisoner work-release program authorized in legislation signed last September by President Johnson.

Mr. Waters' enthusiasm is echoed by Danbury community leaders, employers, the prison warden, and most of all by the prisoners themselves. Under the guidance of Warden Frank Kenton, the work release program at Danbury began November 29 when one prisoner, a printer serving a term for counterfeiting, went to work in a printing establishment.

Now, 28 inmates, most with less than a year to serve and all convicted for the first time of felonies ranging from selling narcotics to bootlegging to forgery, earn \$65 to \$140 a week in local industry. Thus far no one has missed a day's work or failed to report back at night.

According to Louis J. Gengler, the director of employment and placement service in the Bureau of Prisons in Washington, a dozen Federal institutions throughout the country have like programs with 159 inmates participating.

"The number's growing daily," Mr. Gengler said. "We hope to get 5 percent of the total Federal prison population of about 20,000 in on this."

## REVOLUTIONARY IDEA

In his office here, Warden Kenton, spoke with missionary zeal about the program: "It's revolutionary, not evolutionary, he declared. "It's going to change just about all of penology."

"Persons outside are becoming aware for the first time of a segment of our population who've been abused over the years," Mr. Kenton said.

"They're not going to be 'cons' and second-class citizens but people with serious problems.

"This is not just a work program, but a structured, planned and well coordinated effort to interrupt criminal careers and restore the inmate's faith in and contact with society," the warden said.

The work-release legislation is barred to serious morals offenders, those convicted of crimes of violence or those involved with large-scale organized crime.

The Danbury prison is a medium-security institution that does not accept convicts sentenced to more than 5-year terms. Those in the work program are admittedly the best risks in the prison, which has a population of about 600.

Weeks before the President signed the bill, which was strongly supported by Attorney General Nicholas deB. Katzenbach, Mr. Waters talked to community groups, business associations, and individual employers with jobs who faced a tight labor market.

"Joe," the first one to be released, is a printer by trade. He said he "printed some money for the first time and got caught."

"You might say I got on the stage and flopped, closed the first night," he said the other day as he chewed on a big cigar.

At the Danbury Printing and Litho Co. plant where he works, "Joe" said: "I'm a troubleshooter around here. You name it. I cut plates, operate machines, sweep the floor."

Like most prisoners with families, 75 percent of his \$80 weekly salary is sent home, the remainder going into his account at the prison.

"This is the best thing that ever happened to the prisoner," he said. "At least here I can walk a straight line, not those damned circles in the prison yard.

"As someone said the other night at dinner, 'God bless Katzenbach.'"

## FEELINGS DESCRIBED

Was he nervous when he began, was he accepted by the 20 other employees, did he want to take off for home? he was asked.

"I think the general public was a little more embarrassed than we were in the beginning, but that soon wore off," he replied. Pointing to a coworker, he said, "Accepted? See that guy. I had lunch in his house the other day and met his wife. London broil—very good.

"Take off? What? And face another 5 years? The others here go home to their wives and children, I go home to the warden and Mr. Waters."

To his employer, Eugene A. Previdi, "Joe is a good employee. Very good. We're going to try to keep him."

Roger was a mechanic 27 years and had his own garage before being imprisoned for selling narcotics. A burly, taciturn man, he was interviewed as he repaired a faulty auto transmission in the garage of William Mortell, a Buick dealer on Route 7. "You feel like you're free out here," he said, without raising his eyes from a workbench. "Inside, there's the weight thinking of the wife meeting the rent and keeping up with the kid's education."

Speaking of the \$2.20 an hour he earns, soon to be raised to \$2.50, he said, "at least you can feel like a man."

At the Hell-Coil Corp., makers of screw thread inserts, where six inmates are employed, Robert Farrell, the personnel man-

ager, said, "We had to think about it before hiring them.

"After some thought we decided we weren't taking any risk at all," he said.

In the Hell-Coil plant, which has a work force of 275, "Sam" smiled when he described the operation of his machine, which cuts iron bars to size.

"I'm getting used to civilian life gradually instead of being thrown out," he said. "I know a lot of guys that couldn't get used to being out there." He is due for release in July.

## REACTION OF EX-PRISON AID

A few feet away worked Peter Pellerin, a retired corrections officer from the prison.

"I figured this was the turn penology would have to take," Mr. Pellerin said. "They're functional human beings and they're working well." He said that the other workers "seem to accept my explanation of it."

"Gordon," a salesman imprisoned for mail fraud, will complete a 6-month course as a quality control trainee just about the time he is due for release.

"The program? It's fantastic. My wife and two kids were ready to go on the welfare rolls. This keeps them off."

He said he planned to stay on and settle in Danbury and that some of his coworkers had offered to help him find a house and buy a car.

"I didn't think I was capable of working with my hands, now I feel I'm doing a pretty good job," he said.

A worker in one factory was asked if he knew that prisoners were working nearby. Emphatically, he said, "Yeah," and quizzically asked, "So?"

[From the Nation, Jan. 31, 1966]

## A CASE OF CIVILIZED PENOLOGY

The Federal prison system comprises 31 institutions. One of the largest is the penitentiary at Atlanta, Ga. When it was built at the turn of the century, education in prisons was practically unknown. Wardens, in self-righteous agreement with the more or less law-abiding majority, frowned on coddling their charges. Prison education had its beginnings when chaplains found that between a third and half of the prisoners to whom they gave Bibles could not read. Some of the chaplains began teaching reading and writing, at first for purely religious reasons. In less than 60 years, the system thus introduced has grown to the point where at Atlanta more than 1,700 of the 2,200 inmates are participating in studies that range from accredited high school programs and apprentice training in prison occupations to subjects like radio-TV servicing and architectural drafting. Other Federal prisons offer more or less similar opportunities, but at Atlanta a course in computer programming, sponsored by the General Electric Co., is as unique as it is up to date.

No less than 96 percent of the men and women committed to Federal prisons are school dropouts. Experience with the GE-Atlanta course emphasizes again that many youngsters do badly in school not because they are uneducable but because what they are taught, or the way in which it is taught, makes no sense to them. When the computer course was announced, some 300 men applied or inquired about it. The first thought was to consider only high school graduates, but this was reduced to a 10th-grade education when it became evident that otherwise some of the most promising candidates would be barred. Additional screening reduced the number of applicants to 37; on the basis of standardized aptitude tests, 23 were finally chosen.

Running until May, the course totals 120 hours over a period of 40 weeks; the content is generally similar to the computer

course for GE employees and customers. It is given by the company at no cost to the inmates or the Federal Bureau of Prisons and may be extended to provide time on the large computer at the GE Atlanta office. Eventually the prison personnel records, inventories, training schedules, and maintenance may be computerized, with inmates doing the work and at the same time fitting themselves for outside jobs.

Under the best conditions, the waste of human resources borne by society and imprisoned individuals is sad enough. "During their long periods of confinement," one prison official remarked, "inmates will devise ingenious crafts and hobbies in order to keep their hands and minds occupied. They will spend weeks, months, even years, in problem solving; the smallest detail receives their absolute attention and concentration." No doubt many a prisoner has saved his sanity in this way, but it may have little value when he faces the normal and abnormal difficulties of the outside world. Attorney General Nicholas deB. Katzenbach expressed his delight that Atlanta inmates would now have an opportunity to be trained in a fast-developing profession, and said that the Department of Justice wanted every Federal prisoner to learn skills that would be useful and profitable to him after his release. If the Great Society is more than a slogan, the work General Electric has begun at Atlanta should serve as an example elsewhere.

## SENATOR NELSON CONTINUES SAFETY LEADERSHIP

Mr. CHURCH. Mr. President, airline crashes frighten everyone, but how many realize that while 253 people were being killed on scheduled airlines, 49,000 died in automobile accidents? That figure is 26 times the total number of servicemen killed in Vietnam.

For that matter, how many realize that motor vehicle accidents are the No. 1 cause of death for everyone under 24? Or that more than 3½ million Americans are injured in automobile accidents each year?

It is to his great credit that Senator GAYLORD NELSON has been bringing statistics like these to public attention for most of the time he has been in the Senate. More important, his leadership can be given a large share of credit for the momentum which the highway safety program seems to be achieving.

In a candid speech before the Committee on Winter Driving Hazards of the National Safety Council on February 3, Senator NELSON pulled no punches in searching for solutions. I commend him for it, and commend the speech to my colleagues and all Americans interested in saving lives lost senselessly.

I ask unanimous consent that his speech be printed in the RECORD.

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

SENATOR GAYLORD NELSON'S REMARKS TO BANQUET MEETING OF THE NATIONAL SAFETY COUNCIL'S COMMITTEE ON WINTER DRIVING HAZARDS, STEVENS POINT, WIS., FEBRUARY 3, 1966

It is a pleasure and an honor to be able to take part in your program.

Highway safety is one of our most urgent and crucial problems. All of us here tonight are concerned about this problem and have a personal responsibility to do something about it.

I do not wish to seem ungrateful, or impolite. If you will hear me out, I think you will realize that that is not my intention. I do have something unpleasant to say however, and I see no way to duck the issue.

Our highway safety program in America is a failure. In some instances, where it is merely too weak and ineffective, it is a failure because of its innocence. In other instances, it is a deliberate premeditated failure and a fraud on the American people.

This is my inescapable conclusion after some 17 years as a public official and after careful study of the highway safety problem, especially in the last 2 years.

Who is to blame for this failure? In some respects, you are—as people who have accepted special responsibilities in this field. In some respects, I am—not only as a State legislator, a Governor, and a Member of the Congress, but also as an automobile driver and as a citizen. Many different people share the responsibility for this tragic failure.

It may seem negative and pointless even to try to point the finger of blame. It can be argued that we should forget past failures and start building a successful new program for the future. That is sound reasoning. But at the same time, we are not going to have a successful new program for the future if we go on doing the same things we have been doing in the past and if we fail to understand just how and where we have failed.

Let me give you a swift look at the American highway scandal.

#### DEATH AND INJURY

Any discussion of highway safety must start with the appalling figures on the number of people we are killing on our highways today. Unfortunately, these figures are repeated so often as to lose their impact. I have been speaking widely in the past year decrying the fact that we are killing 47,000 people a year on our highways. It came as a shock to me to learn that during the year that I was decrying the death of 47,000 people we killed another 49,000.

That's right—during a year of maximum concern about highway safety, during the meetings and the studies of your organization, during the sessions of the Senate Commerce Committee and the Senate Committee on Government Operations, during my speeches, we killed not 47,000 but 49,000.

How can we give those figures some meaning? Well, for comparison, we killed only 253 people in our scheduled airline passenger service during 1965. American deaths in action in the terrible war in Vietnam presently total 1,830—about one twenty-sixth of our highway toll for 1 year. It seems likely that over the next 5 years we will kill about as many people as we lost to enemy action in the 4 years of World War II.

A mature society, of course, recognizes the inevitability of death at the end of life. This sometimes causes us to miss the senselessness of death on the highway. For instance, our national highway death toll may not loom so large as a killer when we compare it with heart disease, cancer, and other diseases. But these statistics are affected by the fact that everyone must die eventually, and those who die at the end of a productive and meaningful life are often listed as deaths due to these diseases.

Death on the highway does not come at the end of a meaningful life. It can come at any moment. To get the impact of this, look at the statistics on the deaths of young people.

Among children, between 1 to 14 years old, and among young people, from 15 to 24 years old, motor vehicle accidents are the No. 1 cause of death. More than one-third of our highway victims are youngsters in this age group.

The tragedy is especially notable among the 15 to 24 age group. Motor vehicle accidents kill more of them than all diseases combined—by a big margin. And five out of six accident victims in this age group are young men.

So if those death figures don't impress you any longer, just remember this one fact: Highway accidents are killing our children and our young people at an appalling rate.

Once again, the emphasis on death figures conceals another and perhaps greater tragedy—the injured. Highway injuries have become so common that many newspapers have a rule against reporting them. The National Safety Council estimated that highway accidents inflicted disabling injuries last year on 1,800,000 people, and non-disabling injuries on another 1,800,000.

Think of it. While you and I were working on this problem last year and accepting congratulations for our accomplishments, we injured 3,600,000 people—almost the total population of the State of Wisconsin, and half of them were disabled.

These 1,800,000 disabled Americans were about enough to fill every hospital bed in America.

Picture the tragedy of these injuries: Hospital wards filled to overflowing with people with broken bones and scarred faces and damaged minds. Homes in which fathers can no longer work, or children who will never be able to play. Courtrooms with cases scheduled as much as 5 years into the future, with accident victims hobbling in on crutches or being carried in on stretchers to sue their fellow men and try to salvage something out of a tragedy that has probably ended their hope of a happy life.

Think of the cumulative effect over the years of a highway injury rate approaching 4 million people a year. Who will the 40 million people be who will be injured in the next 10 years? And which 20 million of them will be disabled?

If you think best in terms of dollars and cents, the dollar cost of auto accidents is now estimated at about \$8 billion. By 1975 it will be an estimated \$10.5 billion. For comparison purposes, we spend about \$11 billion a year in highway construction and maintenance—local, State, and Federal.

#### THE RESPONSIBILITY

If these terrible death, injury and cost figures were something visited upon us by providence, we would be expected to summon our courage and accept them. If they were inflicted upon us by some foreign enemy, we would lash back with all the power at our command, and all the economic, industrial, scientific and political might of America would be thrown into that fight.

But we are doing this to ourselves. And only we can do anything about it. The real question is, do we want to?

Now I realize that, by some measuring sticks, we are doing a lot about highway deaths and injuries. Certainly many fine and conscientious people are devoting a lot of time and effort to this problem. It should be no reflection on them—but the sum total of all our efforts adds up to one grand failure.

Our highway safety program today is about equal to our military defense system before Pearl Harbor. We are doing just enough to ease our conscience.

We have set up a lot of organizations. We issue stirring little messages to the citizenry. We pass around leaflets and paste stickers in windows. And then we go out and kill another 49,000 people for 1966, the year of the greatest safety program in history.

#### WHAT IS REALLY WRONG?

I do not think there is any mystery as to why this is happening in our country. Highway travel is a terribly complex phenomenon involving millions of drivers and millions of

cars spread over hundreds of thousands of miles of highway.

If something goes wrong in this far-flung system, it is hard to correct. With 75 million cars on the highways, some of them are bound to have accidents.

But that is no excuse. We can't alibi by pointing to the complexity of the problem. That is the very thing we have refused to recognize. The point is, highway safety is an urgent national problem and we have got to deal with it as such. The highway safety problem involves highway construction, driver training, traffic law enforcement, and automobile design and manufacture.

The reason we have failed is that we have not approached any one of these problems—much less the total problem—as an urgent national problem requiring the attention of our democratic system of government. I think the record of failure becomes increasingly more serious as you go up this scale.

We have failed in highway construction. Not completely, of course. Again, many people have done many fine things. Our new Federal Interstate System seems to be making a real contribution to reducing accidents, depending on how you measure such things. But we still have failed. It is not just that we have failed to build enough miles of highways. There have been some failures in that direction, but I seriously doubt whether we could have built all the highways modern travel tastes demand, no matter how we did it.

Actually, the failure has been in not developing any kind of a national transportation policy. We failed to realize that we had to maintain some kind of a balance between automobile traffic, trains, rapid transit and other means of transportation. We deliberately sabotaged most other forms of transportation and then threw up our hands at our inability to handle all the automobiles.

We also failed because we clung to the 19th century notion that highway construction responsibility could be parcelled out among all the local units of government which we inherited in the past, with a rural town chairman in many cases holding the final policy decision on an integral part of our national highway network.

In the field of driver training, it hurts to say we have failed because there has been so much encouraging progress in this area in recent years. But the cumulative record is still bad. The facts speak for themselves. A great majority of the people driving cars today are not properly trained. Except for new programs involving schoolchildren, we have never taken the elementary precaution of saying that a driver should be trained, nor of setting up a system for providing such training.

Our most conspicuous failure in the field of traffic law enforcement has been our inability to cope with the drinking driver. Here again, we have played games with ourselves. No one will publicly defend drunken driving. We pass strict laws against it. We use some very advanced scientific equipment to fight it. Yet it is hard to conceive of a failure more enormous than this one. A detailed study in California showed that 62 percent of the drivers responsible for accidents had been drinking, and 53 percent were under the influence of alcohol. The study also showed that 40 percent of fatally injured pedestrians had been drinking and 32 percent of them were under the influence of alcohol.

It is hard to believe that these figures could be much higher even if we eliminated all of our present programs aimed at drunken driving. The conclusion is inescapable—our efforts to keep drunks off the highways have been almost a complete failure.

Time does not permit me to cover the other shortcomings in our present system of

traffic law enforcement—diffusion of responsibility throughout many layers of government, lack of uniform laws and enforcement procedures, feuding between enforcement agencies, and a general fear of dealing firmly with the motoring public in the misguided belief that weak and sloppy enforcement is more popular than firm and sensible enforcement.

In the field of automobile design and manufacture, it is not correct to say that our programs have failed. We simply do not have any. We have abdicated our responsibility to protect the public interest in auto design.

Automobile design and manufacture is a sacred cow. A gentleman's agreement has spread across the land, through the safety organizations and the schools, the police departments and the State motor vehicle departments, that we will lay off this subject.

If you do not—if you dare to question whether an untamed tiger with 400 horsepower, inadequate brakes and overloaded tires is the precise vehicle needed for today's family transportation, you will first be politely informed by a team of industry experts, who know everything but reveal nothing, that you are absolutely wrong. Their elaborate research—unpublished, of course—refutes everything you say. If you persist, you will be filed away with other crackpots, like those who said 20 years ago that we should install seat belts in our cars—seat belts which top officials of the automobile industry assured us were of no value whatever. Eventually, questions will be raised as to your patriotism, or at least your belief in the great American system of free enterprise.

Of all our failures in highway safety, this fourth area—automobile design—is where we have failed the most. And it is the hardest part of the nationwide problem to attack. That is precisely why I have made it my personal assignment. I want to tell you some of the shocking things we have learned—and about our shocking inability to do anything about them.

Let's look at automobile tires. Top officials of the tire industry testified before the Federal Trade Commission last year that the present labels on tires—which supposedly tell their quality, their size, and their strength (in terms of ply or ply rating) are misleading or meaningless or both. They admitted that many new cars leave the showroom with their tires overloaded—even before they are loaded up with a family and its luggage and sent speeding across our national highways. I have received hundreds and hundreds of letters from people who have had anywhere from one to five tires fail on new cars.

These motorists are the helpless victims of a buck-passing game between the automobile manufacturer, the tire manufacturer, and an industrial club called the Tire & Rim Association. When you write to the tire-maker, he will say that he supplies tires to the automakers' specifications. If you go back to the automaker, he will say he relies on the Tire & Rim Association standards. If you try to question those standards, the Tire & Rim Association will tell you they were never meant to indicate maximum safe load ratings. Finally, all three of these expert authorities will turn the responsibility back to the individual motorist—the one person involved in this national crisis who does not have the facts or resources to make an expert judgment.

They will imply that the motorist somehow damaged his tires. If you swear that you have done nothing to damage your tires, they will show you that it can happen without your knowledge. How? By driving your car with these overloaded tires supplied by the manufacturer.

This whole story—told in hundreds of letters to me and in dozens of appearances before official agencies—came out recently in

a trial in the superior court in San Francisco, in which one of our major tiremakers was assessed damages of \$207,000 in connection with a fatal blowout.

At this trial, a senior engineer of one of our major tire companies testified that a tire overload of as little as 10 percent over a period of time would make the tire vulnerable to fabric separation, which could then take place from normal road hazards such as driving over a railroad track or striking a chuckhole. The station wagon in this case was 20 percent overloaded (according to Tire & Rim Association standards) by its six occupants. If loaded with six adults of 150 pounds each and no luggage, it would have been overloaded 46 percent above the TRA standards.

The only way to protect against this overload—which the tiremaker said would cause the tire to fail in normal use—is to compute the loaded vehicle weight to within a few hundred pounds and specially inflate the tire accordingly—according to directions which you may find hidden in a manual somewhere but which not one motorist in a million—including automobile dealers—actually follows.

As a matter of fact, one of the tire experts testified at this same trial that the automaker in this case kept vehicle weights secret. That corroborates my own experience. When I recently asked automakers why they supplied tires which were clearly overloaded on the basis of published vehicle weight figures, they simply replied that I had the wrong vehicle weight figures. How can you quarrel with that?

What is the solution to this problem? Obviously, we need some responsible agency, answerable to the public, which will make an independent, expert evaluation of the situation and come up with a simple system for grading and labeling tires so that the motorist will know what tire he should have for his kind of car and his kind of use. There is literally no way he can do that today.

But the problem is broader than tires. The fact is, for all the industrial and engineering genius we have in the American automobile industry today, there is no basis for confidence in our present automobile designs. In this frantically competitive business, where a company can make or lose \$100 million or even \$1 billion in a single year, designs are being changed constantly, and safety is only a very secondary consideration.

One line of cars was manufactured and sold for 3 years with an extremely dangerous design fault which caused them to oversteer, swerve violently, and sometimes overturn. When it was finally corrected, nothing was done about the cars already on the road. Another best-selling car was sold in quantity with a basic defect in its power brakes which could—and in many cases did—cause complete brake failure. Buyers were never notified. In fact, one service manager testified in court that the incident was deliberately handled on a "hush hush" basis to protect the company.

One of our most popular cars today has a steering column which projects to within 2 inches of its front end. Even a slight collision will send the steering column back into the chest of the driver. Scientific studies show the steering column to be an extremely serious problem in most cars, and a major cause of serious injuries, but automobile makers will not even discuss it.

While resisting reforms which seem needed now, the automobile industry forges ahead on other changes which clearly work against highway safety. One of our small compact cars was recently made available with 350 horsepower—about 200 horsepower more than is supplied with the standard model.

What is the purpose of this fantastic power? Are the brakes, the steering mechanism, the tires, and the drivers of these cars able to handle it?

Sales of so-called hardtop convertibles are soaring, even though we know full well these cars provide less protection than other types in the event of accidents.

The industry does not believe that Government has any authority or responsibility in this field—but it also will not accept any responsibility itself. It continually shifts the responsibility to the motorist. Cars must be just as they are today—or just as they will be next year—because "that is what the customer wants." And of course the industry uses all the techniques of modern advertising to mold and influence these tastes in the direction of what it is supplying.

This fourth failure is our greatest of all, and it will grow even greater, until we realize that the public has a stake in automobile design, and until we realize that we cannot abdicate our responsibility for safe design and still pretend that we intend to do anything about highway deaths and injuries.

The role of our democratic Government in automobile design is the same that it is in any other field—from checking the butcher's scale to inspecting elevators to testing water supplies. First, we must learn the vital facts. If private enterprise cannot finance the necessary research, Government should do it. Then we must establish whatever minimum rules and regulations are necessary to protect the public interest.

That is my view of our highway safety problem. That is my assessment of why we are killing close to 50,000 people a year and injuring more than 3½ million. It is also my prediction that we will soon be killing and injuring twice that number unless you and I, and the organizations and units of Government we represent, drastically revise everything we have been doing in the field of highway safety.

In order to meet what I consider my responsibilities as a Member of Congress, I have introduced three pieces of legislation in this field: A bill to establish a national system of tire grading and labeling; another bill to require automakers to include on all cars the safety features now required on cars bought by the Federal Government, and a bill to appropriate funds to finance the development of a prototype of a truly safe car. I would have preferred that all these things be done voluntarily—but they have not been done.

The failure in research leading to the development of safer cars is especially serious. Where industry fails to do what must be done, Government must step in. New York State recently invested \$100,000 in a contract with a private firm, experienced in aircraft design, and came up with some excellent suggestions for safer automobiles. This is an area in which Government can play an extremely helpful, lifesaving role.

My bill would provide generous Federal financing for a really comprehensive program of research into safer automobile design, leading to the development and testing of a model or models of much safer automobiles. I understand that a spokesman for the National Safety Council indicated support for this bill at hearings this week, and I hope that it can be enacted.

#### THE PLANS FOR PROGRESS

Mr. WILLIAMS of New Jersey. Mr. President, the plans for progress, a voluntary program, conceived in 1961 as a cooperative adjunct to the President's Committee on Equal Employment Opportunity, concluded its 4th annual national conference on January 25 at the Washington Hilton Hotel in Washington, D.C. This organization's membership exceeds 300 corporations, including practically every major company in the country.

Statistics are now available on the first 100 companies enrolled. They show that nonwhites made substantial gains in both salaried—white collar—and hourly paid—blue collar—jobs. Statistics comparing the 1963 and 1964 reports of these companies and covering more than 5,000 work locations and about 4 million workers, show the following:

Total employment increased from 3,969,748 to 4,090,361, an increase of 120,613, or 3 percent. Salaried employment increased from 1,887,437 to 1,905,144, an increase of 17,707, or 0.9 percent.

Total nonwhite employment increased from 232,692 to 266,317, an increase of 33,624, or 14.5 percent. Nonwhite salaried employment increased from 40,533 to 47,134, an increase of 6,581, or 16.2 percent.

Nonwhite hourly employment increased from 192,139 to 219,183, an increase of 27,044, or 14.1 percent.

This indicated that nonwhites accounted for 27.9 percent of the total increase in employment, 37.2 percent of the increase in salaried jobs, and 26.3 percent of the increase in hourly jobs.

This accomplishment by those plans-for-progress companies is not offered as an end solution to the major social problems of this country, but as an indication of what can be accomplished in this area when companies decide that merit will be the basis for all hiring.

I was offered the honor of participating on January 25 in this organization's activities. Unfortunately, a last-minute White House briefing kept me from attending, but I am fully aware of all the good it has accomplished. I want to call attention to the fact that one of New Jersey's corporations, the Western Electric Co., Kearny, N.J., was requested to report at the national conference on its unique and novel community relations program of escalating job skills.

Their presentation indicated how they responded to a request from the Newark office of the labor management manpower training project, and offered to cooperate in a skills escalation program designed to train men for semiskilled machinists jobs that were available in the community. It has been estimated that in Essex and Hudson Counties of New Jersey, there are 5,000 to 10,000 drill presses, all requiring trained operators. Therefore, it was decided that the initial training should be for layout men for drill press work. After acquiring this basic machine shop skill, a person can more easily move into lathe and screw machine operations. The first class will graduate next month and all of the trainees will be able to find jobs, since they will have a marketable skill.

For the public good, I urge all of the Federal agencies concerned to continue to work with the plans-for-progress companies to provide equal opportunity for all. I commend the 315 plans-for-progress companies for their past accomplishments and urge them not only to continue their good work in this area, but to use their resources to help resolve some of the complex problems faced in providing training and education to the minority groups.

#### WITH HERITAGE SO RICH—REPORT OF SPECIAL COMMITTEE ON HISTORIC PRESERVATION

Mr. MUSKIE. Mr. President, the American story is brief in the recorded history of man. But the American story is rich far beyond its years.

In less than 200 years, America has grown from a sparsely populated agricultural community of States to the most urbanized and technologically advanced nation in the history of the world.

During these 20 decades and before, American genius has created marvels of mortar and stone. We also have designed charming neighborhoods and streets, restful village greens, bustling marketplaces, and other sites to meet our needs.

In the years ahead, our growth will accelerate. In the next four decades alone, our expanding population and urbanization will require more construction than we have witnessed during our first 20 decades.

This means that much of what we have created to date is threatened by the thrust of bulldozers or the corrosion of neglect.

In many instances, efforts to preserve sites of architectural and historic value will be too late. Nearly half the 12,000 structures listed in the historic American buildings survey already have been destroyed.

America must move promptly and vigorously to protect the important legacies which remain. This we can achieve without blunting our progress. And this achievement will enrich our progress. With sensitive planning, the past and the future can live as neighbors and contribute jointly to the quality of our civilization.

We are a nation on the move. Twenty percent of our families change their home addresses each year. This mobility makes it even more important to save our landmarks. They lend stability to our lives. They are a point of orientation with which to establish values of time and place and belonging.

The Special Committee on Historic Preservation has recently completed a lengthy and thorough study of the preservation needs of our Nation. It has been my privilege to serve on the committee, an independent group sponsored by the U.S. Conference of Mayors.

The findings and recommendations of the committee have been published recently in a book entitled, "With Heritage So Rich." This book was made possible by a grant from the Ford Foundation.

I urge my colleagues to read this book. It is a convincing document on the need for a greatly accelerated effort by all levels of government and by private groups to preserve the legacies of our earlier days.

In the months ahead, I will be introducing legislation to carry out the recommendations of the special committee. Companion legislation will be introduced in the House by Representative WILLIAM B. WIDNALL, of New Jersey, also a committee member.

Mrs. Lyndon B. Johnson graciously wrote the foreword to the book. In part she said:

We must preserve and we must preserve wisely. As the report emphasizes, in its best sense preservation does not merely mean the setting aside of thousands of buildings as museum pieces. It means retaining the culturally valuable structures as useful objects: A home in which human beings live, a building in the service of some commercial or community purpose. Such preservation insures structural integrity, relates the preserved object to the life of the people around it, and not least, it makes preservation a source of positive financial gain rather than another expense.

The legislation Congressman WIDNALL and I will introduce will be designed to achieve this kind of preservation.

I ask for unanimous consent that Mrs. Johnson's foreword to "With Heritage So Rich," the book's preface, written by former Congressman Albert Rains, chairman of the special committee, and Laurance G. Henderson, director of the special committee, and the findings and recommendations of the special committee be inserted in the RECORD at this time.

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

#### FOREWORD

(By Mrs. Lyndon B. Johnson)

For 2 years I have had the privilege of living in one of the great historic homes of the United States. Daily the lives of the President, and of my whole family have been affected by tangible mementoes of earlier Chief Executives and their families. The experience has driven home to me the truth that the buildings which express our national heritage are not simply interesting. They give a sense of continuity and of heightened reality to our thinking about the whole meaning of the American past.

I was dismayed to learn from reading this report that almost half of the 12,000 structures listed in the Historic American Buildings Survey of the National Park Service have already been destroyed. This is a serious loss and it underlies the necessity for prompt action if we are not to shirk our duty to the future.

We must preserve and we must preserve wisely. As the report emphasizes, in its best sense preservation does not mean merely the setting aside of thousands of buildings as museum pieces. It means retaining the culturally valuable structures as useful objects: A home in which human beings live, a building in the service of some commercial or community purpose. Such preservation insures structural integrity, relates the preserved object to the life of the people around it, and not least, it makes preservation a source of positive financial gain rather than another expense.

In the beautification work in which many of us are now engaged, we try to carry on our activities within the sturdy American tradition which seeks the beautiful which is also useful. George Washington and Thomas Jefferson may have disagreed politically. They emphatically agreed, however, that a garden was one of the most rational of pursuits because, while throwing a glow of color and charm on everything around it, it also provided food for the body and a place of repose and reflection for the mind. May this tradition of usefulness guide all our beautification work, including that specific important form of beautification, the retention and rehabilitation of our buildings of special historic significance.

I hope that many Americans will read this thoughtful and spirited volume and consider seriously what they can do to help bring its message to fulfillment. The report points out that a number of European countries have long since undertaken extensive programs for protecting the national heritage in highly practical ways. We, blessed with so exciting and meaningful a heritage, should hardly be less active.

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U. S. CONFERENCE OF MAYORS  
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EDMUND S. MUSKIE, U.S. Senator from Maine.

WILLIAM B. WIDNALL, U.S. Representative from New Jersey.

Philip H. Hoff, Governor of Vermont.

Raymond R. Tucker, professor of urban studies, Washington University, former mayor of St. Louis.

Gordon Gray, chairman, National Trust for Historic Preservation.

Laurance G. Henderson, director; director, Joint Council on Housing and Urban Development.

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Walter Muir Whitehill, Ph. D.; director, the Boston Athenaeum, librarian, editor; author, "Spanish Romanesque Architecture of the 11th Century," "Fleet Admiral King: a Naval Record," "Independent Historical Societies," and others.

George Zabriskie, John Simon Guggenheim Memorial Fellowship (poetry); verse, "The Mind's Geography," "Like the Root," "The Cathedral," text to photographs for "Gloria in Excelsis"; industrial historian; author, "History of Winchester and Potomac Railroad"; technical editor, "A Century of Railroad Folklore."

**PREFACE**

(By Albert Rains, chairman, and Laurance G. Henderson, director)

On September 15, 1687, a Venetian bomb fell on a Turkish powder keg and blew the Parthenon to pieces. The Venetians who did the bombarding and the Turks who used the Parthenon for a powder magazine did not intend its destruction. But the act of war was decisively final. An edifice which had stood for over 2,000 years as one of the supreme works of Athenian culture, lay in ruins.

We do not use bombs and powder kegs to destroy irreplaceable structures related to the story of America's civilization. We use the corrosion of neglect or the thrust of bulldozers. The result is the same as in the case of the Parthenon. Places where great American voices were heard, or where great acts of valor were performed, are lost. Connections between successive generations of Americans—concretely linking their ways of life—are broken by demolition. Sources of memory cease to exist.

Why then are we surprised when surveys tell us that many Americans, young and old, lack even a rudimentary knowledge of the national past? We ourselves create the blank spaces by doing nothing when the physical signs of our previous national life are removed from our midst.

The Special Committee on Historic Preservation was formed to explore this harsh reality, and to suggest ways of dealing with it.

Members of the committee have served or continue to serve in various posts at all levels of government, but is a privately organized body disinterested in all but its objectives in the realm of knowledge.

We on the committee have wanted to know what is happening in the field of historic preservation; the present trends in saving what can be saved, and the losses from destroying what deserves to be saved. We have tried to discover what we must do to rescue from certain destruction what remains of our legacy from the past, and how best to do that rescue work.

We have sought advice in this matter from sources which command respect. We have consulted with members of the executive branch whose various programs—whether in the field of housing, urban renewal, road construction, national parks, and the like—have a direct bearing on historic preservation. We have traveled extensively abroad

to consult with Europeans and to draw from their experiences such knowledge as can be applied to the American case. We have had the benefit of help rendered by an expert technical staff. We are grateful to all these, and to the Ford Foundation and a generous anonymous donor whose grants of funds made the whole of this project possible.

While the heads of all the Federal departments and agencies whose programs affect historic preservation served as ex officio members of the committee, the committee itself assumes sole and full responsibility for what appears in this report. Much research, many trips, long debates, and above all, an ardent love of country, have gone into its preparation and publication. For the committee is convinced that an action program for historic preservation cannot be a piecemeal affair or a series of straitjackets. It must be both comprehensive and flexible. It must be designed to allow each interested private and public party to play a role commensurate with his own rights, duties, and resources.

The report, therefore, suggests in broad terms certain practical avenues of approach to the problem of conserving places and objects of value in our individual communities and in the Nation as a whole. We have not attempted to write the details of any law or laws which are necessary if a program of historic preservation is to attain the object for which it is framed. City councils, State legislatures and the Congress of the United States are and must be the source of the necessary laws. Each of these legislative bodies, in the light of its own best judgment and within the sphere of its own jurisdiction, has an essential part of its own to play in constructing a legal foundation for undertakings in historic preservation.

The committee, on its own part, hopes that the body of fact it has assembled and the guidelines for action it has set forth, will materially assist our different legislative organs in the discharge of lawmaking functions they alone can perform. The case is urgent. May the legislative response be both thoughtful and resolute.

**FINDINGS AND RECOMMENDATIONS**

**PART I—INTRODUCTION**

In formulating its findings and recommendations, the Special Committee on Historic Preservation has attempted to develop a program to encourage Federal, State and local government, and private agencies and individuals to preserve communities, areas, structures, sites and objects significant to architectural, cultural, social, economic, political and military history and which contribute to the quality and meaning of American life.

In pursuit of this objective, the committee, which includes representatives of all levels of government and the agencies involved, has studied problems and programs related to historic preservation in the United States and in Europe. At the request of the committee, a number of Federal agencies and the National Trust for Historic Preservation have supplied studies, reports, documents and comments on numerous historic preservation activities and accomplishments. The committee has examined contemporary European practices in historic preservation, restoration and reconstruction. It has obtained from authoritative sources in England, France, Holland, Germany, Scandinavia, Poland, Czechoslovakia, Austria, and Italy legal and administrative information which could be used to evaluate European experience in relation to American needs and proposals for improving and developing historic preservation programs in the United States.

It is clear to the committee that our own needs and the evidence of experience in Europe, where historic preservation is a major responsibility of government, suggest

an expansion and development of our own programs, placing greater emphasis on Government support of private efforts in historic preservation.

The committee has been aided in its work by consultants and by the contributors whose work appears in the various chapters and photographic sections of "With Heritage So Rich."

The committee is indebted to many public officials and private citizens, in the United States and Europe, who have provided information and ideas for this study. We hope this material and our findings and recommendations will assist the growing interest in and concern with historic preservation throughout the United States.

One of the exciting conditions which has encouraged the committee to make its recommendations is the attitude of public officials and private individuals toward historic preservation. What has been a groundswell is becoming a great wave of interest and support.

This growing interest is part of an evolutionary process which began a century or more ago with the first movements to preserve important historic sites and structures. The historical material provided this committee, shows that this process has involved many dedicated public servants, private individuals and groups, scholars and experts.

In accordance with this increasing desire to make historic preservation a living part of our community life and development, the committee recommends certain new programs described in this report. Along with enlargement and enhancement of existing programs, they will broaden and deepen the scope of national historic preservation activity.

#### Findings

If it can be said that there is a new awakening of interest in the preservation of our cultural and architectural heritage, it must be added that never was the need for it greater.

Since World War II a great wave of urbanization has been sweeping across the Nation. And such is the rate of growth that in the next 40 years the United States will have to build more homes, more schools, more stores, more factories, more public facilities of all kinds than in the entire previous history of the country.

Out of the turbulence of building, tearing down, and rebuilding the face of America, more and more Americans have come to realize that as the future replaces the past, it destroys much of the physical evidence of the past.

The current pace of preservation effort is not enough. It is as though the preservation movement were trying to travel up a down escalator. The time has come for bold, new measures and a national plan of action to insure that we, our children, and future generations may have a genuine opportunity to appreciate and to enjoy our rich heritage.

The United States, with a short history and an emphasis on its economic growth, has left historic preservation primarily to private interests and efforts. In the older, history-conscious countries of Europe, preservation leadership has been provided primarily by government.

One of the acute shortages in the field of historic preservation is that of specially trained architects and other technicians and trained preservationists. These shortages must be remedied if the objectives outlined in this report are to be met in time and the quality of preservation activity is to be at the high level we envisage. A program of scholarships and grants-in-aid for studies is a pressing need.

Our Nation began with migrations, grew with migrations, and remains a nation of people on the move. Few of us have had close ties with the land and with places and buildings. The natural result in too many

cases has been a neglect of starting points and an indifference to our cultural trail of buildings and places. This is what we are trying to correct.

As is apparent from a study of various laws and programs, governmental concern for historic preservation in the United States has been limited at all levels, with some notable exceptions.

At the Federal level, the laws now in effect which mention preservation directly include the Antiquities Act of 1906, written to protect historic monuments on Government property; an act establishing the National Park Service in 1916; the Historic Sites Act of 1935, which defines the national policy of preservation for public use; the act of 1949, which established and defined the powers of the National Trust for Historic Preservation; and the Housing Acts of 1961 and 1965 which gave to the Department of Housing and Urban Development powers to use Federal funds to acquire open space and to move historic structures in urban renewal areas.

The following is a summary of the various Federal programs which affect historic preservation.

#### Department of the Interior

The Department of the Interior has been responsible for a wide range of historic preservation activities for many years. It has served as custodian of prehistoric Indian villages in the Southwest, of the battlefields and fortifications of our military history, of historic buildings and places, of the evidence of our pioneers and of many other examples of the history of our social and cultural growth. The National Park Service, which is the agency within the Department responsible for this vast program, has gained worldwide renown for the excellence of its work and the service it renders to the American people and our many visitors.

The National Park Service also conducts the national survey of historic sites and buildings, which, with the help of State and local authorities, has identified thousands of historical properties throughout the United States. The Secretary of the Interior has classified 600 such properties as registered national historic landmarks. Recently, the survey has begun to identify nationally important historic districts such as Brooklyn Heights, N.Y. and Annapolis, Md. Within the past 2 years, 13 such areas have been classified by the Secretary of the Interior as registered national historic landmarks. As the survey continues, additional landmarks and districts are studied and recognized.

Another major program, the historic American buildings survey, is of importance to the Nation as a whole and to every State and community. The survey goes beyond the study of historic sites and major historical buildings to include all examples of American architecture worthy of public concern and protection. The invaluable records of the survey are available at the Library of Congress, and they have been indispensable aids to numbers of preservation projects. The Department of the Interior will issue a trial publication of some of the drawings and photographs for a single State—Wisconsin—in 1966; but funds are not at present available for further publication. Such publication is intended to serve the dual function of a historical presentation and a source book for architects.

Nearly half the buildings recorded in detail in the past 30 years have already been razed or destroyed by mutilation. Yet the staff of the Historic American Buildings Survey estimates that no fewer than 90,000 additional buildings should be inventoried, and that at least 18,000 of these are of such exceptional merit they should also be recorded in photographs and measured drawings. Approximately 3,000 of the 90,000 buildings are situated on Federal lands and 25,000 more, located in communities through-

out America, may be affected in one way or another by current Federal programs and projects during the second half of the 1960's. At the current rate of progress on this survey, it would take 75 years to accomplish its work.

The National Park Service, in cooperation with the Smithsonian Institution, coordinates the interagency archeological salvage program, involving seven Federal and many State and local agencies. This program was initiated 20 years ago to rescue irreplaceable archeological sites destined to be permanently lost through flooding in the course of dam and reservoir construction.

The Bureau of Outdoor Recreation is authorized to provide various forms of financial assistance for historic preservation but at present it lacks adequate funds.

Historic preservation projects of the Department of the Interior and State and local agencies have been supported by the Neighborhood Youth Corps, administered by the Department of Labor under the Economic Opportunity Act, and by funds from the Area Redevelopment Administration—now the Economic Development Administration—in the Department of Commerce.

#### Department of Housing and Urban Development

Many historic buildings and areas are in the hearts of our cities. The new Department of Housing and Urban Development administers the many activities of the former Housing and Home Finance Agency. These include, among others, Federal assistance for renewal of our cities, for planning and development programs of States, counties, regions and cities, for open-space lands and for limited historic preservation assistance.

Under the urban renewal, local planning assistance and open-space land programs the Department has provided funds for planning, surveying, public facilities, open space and property acquisition for historic preservation. The local planning assistance (sec. 701) grants and demonstration (sec. 314) grants have been used by a number of communities in conducting surveys of historical assets and preservation potential as part of the process of preparing local comprehensive plans and community renewal programs. To date, 119 communities have utilized funds in one or more of these categories as a part of their broad preservation and renewal programs.

All of these community development programs have important roles in the preservation field and are being used to help achieve local goals for historic preservation. Under current housing and urban development legislation, however, the cost of restoration and continued maintenance must be borne by a local public or private agency. No grant-in-aid or loan funds are available for the specific purpose of restoration.

Federal loan and grant-in-aid funds available for rehabilitation of historic buildings cannot be used for more than making the building habitable and marketable. Any historic design elements which do not relate to structural safety and economic usefulness are not eligible for such public funds.

Improvements needed in the Department's programs include the addition of historic sites and buildings, both within and outside the project area, to the list of acceptable local noncash contributions to renewal costs, and an enlargement of assistance programs to include loans for acquisition and rehabilitation of historic structures and districts.

#### General Services Administration

The General Services Administration is the management agency for federally owned buildings and sites. It controls a wide variety of major buildings and areas, many of them dating from the founding of the country, including courthouses, post offices, fortifications, army camps, customs houses and

every conceivable kind of structure which Federal programs have required in the course of the last 175 years. The agency is responsible for safeguarding and salvaging and disposing of the huge inventory of surplus Federal property, including public buildings, some of which have historic significance.

The General Services Administration and cooperating Federal agencies, particularly the Department of Interior, have developed agreements for identifying the historical or other significance of sites and structures under Federal management. They are also seeking means to develop workable solutions to the complex problems arising from the changing uses of such structures, and the changing patterns of Government administration. The General Services Administration has assisted in the admirable efforts to preserve and restore such structures as the old State, War, and Navy Building and the Pension Office Building in Washington, D.C., among others.

#### Department of Commerce

The Bureau of Public Roads in the Department of Commerce, which administers the Federal highway program, has developed rules and guidelines for highway projects in the interests of historic preservation, archeology and paleontology. In this connection, a circular memorandum issued May 25, 1964, by the Bureau concerning outdoor recreation and historic resources stated:

"To assure that full consideration is given to the over-all interests of the public in both the Federal-aid highway program and programs for the protection or improvement of public recreational resources (such as but not necessarily limited to public parks, playgrounds, forests, open space, game sanctuaries, and the like) and historical resources, it will in the future be required that the plans, specifications and estimates (PS & E) for each Federal-aid highway project which affects natural or man-made resources devoted to, or included in realistic plans for, public recreational or historical preservation purposes by a public authority having the official responsibility therefor, contain a statement that the State highway department did afford to such appropriate public authority ample opportunity at the earliest practicable time to review the highway department's planning for the proposed highway location and construction. The opportunity for such a review, as a minimum, would consist of the initiation by the highway department of a direct contact between that department and the appropriate public authority preferably during the preliminary stages of plan development for the highway. In all cases these contacts shall have been made prior to the time at which the public hearing is advertised. If the officials of the appropriate public authority do not agree with the planning of the State highway department, their reason for nonconurrence shall be included with the PS & E documents, and the State highway department shall show that the suggestions of the above-referenced public officials have been examined and the plans as submitted to Public Roads provide the best possible solution in the judgment of the highway department."

#### Intergovernmental Liaison

There have been some notable Federal accomplishments in historic preservation. However, the present disposition of Federal properties, the official designation of historic buildings and sites, the development of urban renewal programs, the planning of details of the federally-aided highway system and the development of national defense facilities and other Federal operations, responsibilities and program involve a series of complex activities. Each of these responsibilities and activities is the result of a separate congressional authorization. Each is separately administered. Jurisdictional disputes in the field of historic conservation

have been inevitable. Such disputes will occur again and again and provisions for their early resolution must be an important part of national programs for historic preservation.

There is no present administrative mechanism or appropriate method of liaison between Federal agencies or between State and local preservation programs and the various Federal agencies. The Committee on Historic Preservation recommends establishment of an Advisory Council on Historic Preservation which will adequately represent paramount interests at all levels of government and the private sector. Such a council could reduce conflicts and improve historic preservation liaison and coordination.

Similar problems of coordination affect State and local governments. Most States and many localities can lay claim to historic preservation programs, but in too many cases, even where State and local law is sufficient and community interest is high, preservation efforts have been hobbled by the lack of appropriation of public funds for preservation—which is crucial since private property may not be acquired without fair compensation.

It is one thing to know that a threatened building is of historic or architectural importance. It is another to find the money to stave off the bulldozer and to establish and maintain an appropriate and living use for the property.

Moreover, as at the Federal level, broad planning and coordination of public, State and local preservation programs are lacking.

Even in the private field, which so far has provided most of the leadership for preservation in this country, the efforts, and especially the financial outlay by private philanthropy, have been insufficient.

The focal point of private endeavor has been the National Trust for Historic Preservation, which has been engaged in a notable but limited program of education, dissemination of information, and the acquisition and maintenance of a number of historic properties. However, the largest historic property holders outside the Federal Government are the corporations holding and managing historic communities, such as Williamsburg, Va., Sturbridge Village, Mass., and Old Salem, N.C. The Society for the Preservation of New England Antiquities, with 57 historic structures, is probably the largest holder of scattered properties.

But sufficient funds are not available for the development and staffing of the National Trust's programs, for emergency assistance to others facing preservation crises, or for the acquisition and support by the trust of additional properties of historic and cultural importance.

While there is a growing national interest in historic preservation, it is by no means evenly distributed. In cities we find the widest discrepancies in interest and accomplishment. In cities such as New Orleans, Boston, Charleston, S.C., San Antonio, Santa Barbara, Natchez, Winston-Salem, N.C., Bethlehem, Pa., and Providence, R.I., there has been excellent and growing support by both the business community and local government. And there are others. However, there is a longer list of cities and small towns and villages where either indifference reigns or there is outright hostility. In the latter case, preservation frequently loses the battle to stronger forces. Curiously, business leaders often ignore the economic benefits of prestige values and tourist dollars.

#### International Cooperation

There is a growing interest in programs of international cooperation for historic preservation sponsored by the United Nations Educational, Scientific and Cultural Organization. These include the Rome International Center for the Study of the Preservation and the Restoration of Cultural Property and the

newly established International Council on Monuments and Sites. The International Relations Committee of the National Trust and the Committee on Historic Preservation of the American Institute of Architects have been recommending support of these programs for several years and also participated in the first Inter-American Historic Preservation Conference at St. Augustine, Fla., in June 1965.

It is important for Americans to share research and education programs and to participate in international meetings on historic preservation. We have much to learn and much to contribute. Support for such conferences, at home and abroad, will involve the cooperation of the Department of State which has authority to allocate funds for educational purposes.

Technical help, such as the Rome center can provide, is only part of the mutual education process. There must be a genuine interchange of results of research, of ideas, approaches and philosophy and it is essential that our publications, exhibitions, motion pictures and displays at international gatherings be of high quality. This suggests that consideration of international cooperation be given when the Federal Government appropriates funds for an expanded historic preservation program.

#### Conclusions to the Findings

The pace of urbanization is accelerating and the threat to our environmental heritage is mounting; it will take more than the sounding of periodic alarms to stem the tide.

The United States is a nation and a people on the move. It is in an era of mobility and change. Every year 20 percent of the population moves from its place of residence. The result is a feeling of rootlessness combined with a longing for those landmarks of the past which give us a sense of stability and belonging.

If the preservation movement is to be successful, it must go beyond saving bricks and mortar. It must go beyond saving occasional historic houses and opening museums. It must be more than a cult of antiquarians. It must do more than revere a few precious national shrines. It must attempt to give a sense of orientation to our society, using structures and objects of the past to establish values of time and place.

This means a reorientation of outlook and effort in several ways.

First, the preservation movement must recognize the importance of architecture, design, and esthetics as well as historic and cultural values. Those who treasure a building for its pleasing appearance or local sentiment do not find it less important because it lacks proper historic credentials.

Second, the new preservation must look beyond the individual building and individual landmark and concern itself with the historic and architecturally valued areas and districts which contain a special meaning for the community. A historic neighborhood, a fine old street of houses, a village green, a colorful marketplace, a courthouse square, an esthetic quality of the townscape—all must fall within the concern of the preservation movement. It makes little sense to fight for the preservation of a historic house set between two service stations, and at the same time to ignore an entire area of special charm or importance in the community which is being nibbled away by incompatible uses or slow decay.

Third, if the effort to preserve historic and architecturally significant areas as well as individual buildings is to succeed, intensive thought and study must be given to economic conditions and tax policies which will affect our efforts to preserve such areas as living parts of the community.

In sum, if we wish to have a future with greater meaning, we must concern ourselves not only with the historic highlights, but we

must be concerned with the total heritage of the Nation and all that is worth preserving from our past as a living part of the present.

#### PART II—RECOMMENDATIONS

Throughout this report the term "historic preservation" has been used to include the protection, rehabilitation, restoration, and reconstruction of communities, areas, structures, sites, and objects having historic, architectural, social, or cultural significance.

To carry out the goals of historic preservation a comprehensive national plan of action is imperative. Such a plan will encourage, improve, and reinforce public and private leadership.

Many individuals and private organizations have worked long and hard to preserve the physical evidences of our heritage which we are privileged to enjoy today. Public agencies have also made a substantial contribution. But to meet the current crisis and to accelerate the pace of historic preservation we need to increase the amount of Government support and joint public and private efforts.

Our traditions differ from those of European countries, but we have much to learn from European experience. The weight which European governments give to historic preservation has resulted in successful programs for saving, restoring, and reconstructing many different types of buildings for viable uses. There is an excellent object lesson in the European achievement in maintaining historic buildings and areas as living parts of communities and as successful economic ventures.

A national plan of action for historic preservation should include the following elements:

1. A comprehensive statement of national policy to guide the activities and programs of all Federal agencies.

2. The establishment of an Advisory Council on Historic Preservation to provide leadership and guidance for the direction of inter-agency actions and to provide liaison with State and local governments, public and private groups, and the general public.

3. A greatly expanded national register program to inventory and to catalog communities, areas, structures, sites, and objects; a Federal program of assistance to States and localities for companion programs; and a strong Federal public information program based on the material in the register.

4. Added authority and sufficient funds for Federal acquisition of threatened buildings and sites of national historic importance, and expansion of the urban renewal program to permit local noncash contributions to include acquisition of historic buildings on the national register, both within and outside the project area.

5. Provision for Federal loans and grants and other financial aid to facilities and expansion of State and local programs of historic preservation.

6. Federal financial aid to and through the National Trust for Historic Preservation to assist private interest and activity in the preservation field, for educational purposes and for direct assistance to private property holders.

Detailed recommendations are as follows:

#### Federal

1. Enact legislation to: (a) affirm a strong national historic preservation policy, recognizing its enlarged dimensions, (b) coordinate and consolidate existing historic preservation programs, (c) authorize annual appropriations for the Department of the Interior to acquire historic structures and sites of major national importance, (d) consolidate the Federal inventory and survey programs in a national register and to authorize additional appropriations for the National Park Service to administer this register, (e) authorize grants to State and

local governments to carry out similar inventory and survey programs in coordination with the National Park Service.

2. Enact legislation authorizing preparation, administration, publication, and distribution by the National Park Service of a national register, in accordance with carefully prepared standards and criteria, of structures and sites, whether publicly or privately owned, of national importance because of historic, architectural, archeological, or other cultural values. Such a register should include several categories of buildings: The first category should include our prime national monuments and Congress should pass legislation which would protect them from demolition, mutilation, or alteration without approval of the advisory body which this committee proposes. This group would include structures such as the Capitol, the White House, Mount Vernon, and Monticello. Many of the buildings are at present in public hands and most of those in private ownership are in no danger. But there should be an orderly evaluation of the structures belonging in this small class which should be protected with every legal safeguard.

A second category of buildings should include structures of lesser rank which have merit and should be eligible for the broad range of assistance programs proposed in this report. Provision should be made for the Government to have the right of first refusal should the owner decide to sell or demolish the structure.

A third category should include those structures of local concern whose preservation should be a matter of local decision and initiative.

3. Establish an adequately staffed Advisory Council on Historic Preservation, with membership representing the major Federal departments and agencies involved in preservation matters, as well as State and local governments and public and private organizations interested in historic preservation and urban development. The functions of such a council should include: (a) advising the President and the Congress on historic preservation as it affects the national welfare and providing inspiration and leadership for the implementation of the national policy; (b) the development of policies, guidelines, and studies for the review and resolution of conflicts between different Federal and federally aided programs affecting historic preservation; (c) the encouragement, in cooperation with appropriate private organizations, of public interest and participation in historic preservation; (d) supporting the national register as an instrument of national historic preservation policy and insuring the coordination of the register with activities of other agencies of Government; (e) making and publishing studies in such areas as adequacy of legislative and administrative statutes and regulations pertaining to preservation activities of State and local governments, and effects of tax policies at all levels of government on historic preservation, and (f) preparation of guidelines for assistance of State and local governments in drafting preservation legislation.

4. Provide by Internal Revenue Code amendment or clarify by regulation or published ruling the status of: (a) historic preservation as a public, exempt charitable activity, deductibility of gifts of historic easements or restrictive covenants to governmental units or exempt organizations engaged in preservation, and permissibility of revenue-producing adaptive or incidental uses; (b) acceptance of a registered historic property for conveyance to the national trust in lieu of an equivalent estate tax payment; (c) income tax deductibility to private owners of registered historic properties for preservation and restoration expenditures within appropriate limitations; (d) recognition of conveyances of registered historic properties

to governmental units or exempt preservation organizations as present gifts, despite reserved life interests, provided the property is open to the public on a reasonable basis.

5. Make mandatory a preliminary review of the location and status of historic sites and buildings in relevant areas prior to the undertaking of Federal or federally aided programs or projects affecting plans for physical development. Where the review produces evidence of the existence of historic sites and buildings and that surveys made in accordance with the standards of the national registry are lacking, make mandatory a historic survey prepared in accordance with such standards. Where necessary, provide funds for the preparation of such surveys through the Department of the Interior, Department of Housing and Urban Development, Department of Commerce, or other concerned Federal agencies. Plans prepared for such development projects must take all such historic surveys into consideration, and must show evidence thereof.

6. Authorize the use of Federal matching grants for acquisition by an appropriate public agency of historic structures, rehabilitation loans and grants for restoration of such structures, and recognition of public expenditures for such acquisitions as eligible noncash contributions under urban renewal programs. Under the urban renewal program, communities must match the Federal grants with local contributions. In most cases, communities must put up \$1 for every \$2 of Federal aid, although in the case of cities under 50,000 and cities in economically distressed areas, the formula is \$1 for every \$3 of Federal assistance. However, the community has the option to make in lieu of cash, a noncash contribution of a community benefit such as a school or sewer and water services within the project area. A little less than two-thirds of these local matching contributions are in this form. Under the 1965 Housing Act, \$2.9 billion of Federal grants are authorized which will be matched by between \$966 million and \$1.45 billion of local matching contributions. Expansion of eligible noncash contributions to include acquisition of historic structures on the national register both within and outside the project area would enable local communities to play a far more effective role in preservation.

7. Establish new and liberalized loan programs for private groups or individuals for acquisition and rehabilitation of historic structures and districts.

8. Enactment of a scholarship and training program for architects and technicians in the field of historic preservation, similar to the program enacted by Congress in 1964 for the field of housing and urban planning. An adequate program is of vital importance to the effective implementation of the other proposals of the committee.

#### STATE AND LOCAL GOVERNMENTS (COUNTY, TOWN, AND MUNICIPAL)

1. State: Enact legislation establishing an appropriate State agency, and enabling and encouraging local communities to establish historic preservation districts and to acquire through eminent domain (where necessary) historic structures and sites and preservation easements and restrictive covenants, and providing special property tax treatment for historic structures and preservation and restoration expenditures.

2. State: Establish an organizational structure capable of: (a) providing leadership, information, standards and criteria, technical and financial assistance to local communities for preservation purposes, (b) reviewing and coordinating the programs and projects of State agencies to avoid to the maximum extent conflicts with preservation objectives, (c) carrying out appropriate preservation programs, plans and studies, and (d) establishing and maintaining an official State

register coordinated with the national register.

3. State: Enact legislation clarifying and encouraging the use of preservation easements and restrictive covenants for the benefit of governmental units and preservation organizations.

4. State: By statute or regulation, assure exemption from inheritance taxes for gifts of historic property to governmental units, the national trust and other preservation organizations, and income tax deduction for such gifts and for preservation and restoration expenditures.

5. State and local: Where authorized, require by legislation and appropriate notice procedures, a waiting period before demolition or significant alteration of registered historic structures, in order to provide time for acceptable alternatives and new use solutions to be worked out.

6. Local: Undertake a thorough and systematic survey of historic and architecturally important buildings and areas within the community, in coordination with the national register and the State register.

7. Local: Make a comprehensive study of all available legal tools for preservation purposes, including historic district zoning and formation of architectural and historic review boards. Such studies should relate to official general plans of the locality and be incorporated in community renewal programs.

8. Local: Provide an annual budget for expenditures to preserve and maintain those historic and architectural structures and places of importance to the community.

9. The Congress should strengthen and broaden the District of Columbia historic preservation legislation.

#### General

1. Historic and cultural sites, structures, and objects acquired with the use of Federal funds and not retained by the acquiring department or agency, or not otherwise directly disposed of, should be transferable under the surplus property disposal program to the national trust in fee simple. The national trust should be empowered to lodge operational responsibility for such property with local preservation groups wherever possible.

2. In order that representatives of the Department of Housing and Urban Development, the Department of Commerce, the General Services Administration, and other appropriate agencies may be allowed to sit with the board of trustees, the national trust charter should be amended to provide that the trustees, at their discretion, be allowed to appoint additional ex officio trustees from among heads of Federal departments and agencies.

3. Federal authorization should be provided for matching grants to the national trust on a two-thirds Federal/one-third national trust formula for the following purposes: (a) to provide educational and clearinghouse services and financial assistance to individuals and organizations in preservation and related fields; (b) to prepare information and educational publications, conduct meetings and conferences, finance scholarships, develop library resources, provide technical consultation and establish award programs; (c) to acquire, restore, and maintain registered structures of national historic or architectural importance.

4. To assure that public funds for private historic preservation are used only for authentic needs and in accordance with established criteria, such funds should be transmitted to nongovernmental organizations and private individuals only with the approval of an appropriate authority.

5. Private corporations, trade associations, and labor organizations should be encouraged to identify and preserve the locations, structures and objects on which the development of their enterprise or craft has been based.

6. The great national philanthropic foundations should be urged to stimulate and assist programs for the training of architects, landscape architects, engineers, historians, designers and decorators in careers in historic preservation. In addition, they are urged to assist historic preservation research projects, publications and conference and communication media programs.

#### International Cooperation

The United States should provide financial support to the UNESCO historic preservation programs including the Rome center, and the International Council on Monuments and Sites. In addition, Federal funds should be used to support international conferences and scholarships and fellowships for international study of historic preservation.

#### RELOCATION IN MODERN AMERICA

Mr. KENNEDY of Massachusetts. Mr. President, today we are in the midst of the greatest period of social and urban planning ever undertaken in America. The need for new housing, schools, transportation systems, and public facilities of all types is a natural result of the astounding growth of our cities since the beginning of this century. Unfortunately, it is often the low-income families which suffer the ill-effects of urban development when they are forced from one low rent area to another by the wreckers that tear through housing districts to clear the way for modern structures of benefit to the entire community.

In speaking to the Michigan Housing and Development Association conference in East Lansing, Mich., last October 19, 1965, the junior Senator from that State, PHILIP A. HART, addressed himself to the vital problem of relocation. He makes the important point that in a comprehensive program of social planning, relocation should be looked upon as a challenging opportunity to build healthy neighborhoods, schools, and public facilities.

All of us here in the Senate have cities within our States which are attempting to solve relocation problems in a manner beneficial to our citizens. I think we could all learn a great deal from Senator HART's statement. I ask unanimous consent that it be printed in the RECORD.

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

REMARKS OF SENATOR PHILIP A. HART, DEMOCRAT, OF MICHIGAN, AT THE MICHIGAN HOUSING AND REDEVELOPMENT ASSOCIATION CONFERENCE, OCTOBER 19, 1965

In many of our cities the clear and obvious need to rebuild outmoded central districts is frustrated by the lack of adequate low- and middle-income housing elsewhere in the metropolitan area to rehouse families who will be displaced. When the families are Negroes, the problem is much greater, because, unfortunately, the supply of housing for these Americans is very restricted, no matter how much money they have in their hands.

There is always a social cost to every improvement, a hidden cost in human terms, and the advantages of each new program must be measured against the costs. That measurement has been taken, in most of our cities, and it has been decided that the advantages to society as a whole in rebuilding central cities justifies the displacement of many families. The same decision has been

made as to highways, which displace more people yearly than urban renewal.

In mitigation of the human cost, the urban renewal program can also point to the fact that on the whole, the housing to which the families it displaces have moved is much better housing than that which was left to be demolished. A recent study has shown that it costs a bit more, this new housing, both for whites and for Negroes, and that it may involve some inconvenience in terms of distance from work and social contacts. It is indisputably better housing in physical terms.

But to me the most important aspect of relocation was not covered in this study—that is, was the relocation of these families carried out in such a way as to advance the goal of providing a decent home in a decent environment for every American family—a goal which was stated in the 1949 Housing Act.

Most of us know that the existence of tightly bound low-income ghettos—where the poor are crowded together and afforded the least modern schools, libraries, and recreational facilities—are time bombs waiting to explode as Watts exploded. And many people are concerned either to improve the present situation in these depressed enclaves or to move the people out into what we call the mainstream. In some towns and cities our educators are looking for solutions to the one-race, one-income group schools located in these ghettos, feeling that good education is not possible when people are so isolated.

In varying degrees of intensity the numbers of people in these ghettos present a difficult problem for a society which, like ours, has never undertaken to move large numbers of persons from one place to another. We had the immigrants come in and move from the seaboard throughout the country, as they wished. We opened the land for development and the need and pressure for an individual farm was enough to cause the wagons to draw up awaiting the opening gun to race for a homestead. That was a tremendous dispersal of population, and there was governmental action involved in it, of course, but we don't think of it as social planning.

Now we are faced, really, with the inverse of the virgin plains in need of cultivation. As urban land becomes scarcer and more expensive, as we make the judgment that land now occupied by low-income families is urgently needed for commerce, industry, highways, of high-income housing, we must find new housing for these families.

Up to now the tradition has been to find such housing in the private market or to build a little bit of highly institutionalized public housing. Neither course has involved a look at the total need of the community to provide educational, health, and recreational facilities on a broader base. The relocation of families has been looked at as a way to clear the land, but not as a way to build new communities.

Probably because many of these families are regarded by the rest of society as undesirable for social or economic reasons, no effort has been made to relocate these families so as to provide them with a new environment and a new opportunity to participate in the better schools, finer libraries, pleasanter neighborhoods. They have, on the whole, been relocated in neighborhoods very much like the ones they left, the older, poorer, less well served neighborhoods. And the relocation has too often re-created the problems which were the basis for the original slum clearance legislation of the 30's which is the predecessor of the present laws for rebuilding our cities.

Today every displacement of low-income families should be looked upon as an opportunity to locate (not relocate) families in such a way as to avoid future problems of

segregation by class or race into schools and institutions which reflect the weakness and inability of the poor to secure for themselves the share of even public facilities which they need. The problem then is not to stop the displacement of low-income families, but to use it in such a way as to provide society with an opportunity to build healthy neighborhoods, healthy schools, and healthy public facilities. Viewed in this way, relocation of low-income families is a goal of society, not just the unpleasant byproduct of urban renewal.

#### ROBERT G. "BOBBY" BAKER

Mr. WILLIAMS of Delaware. Mr. President, in the January 29, 1966, issue of the Minneapolis Tribune there appeared an article by Clark Mollenhoff, entitled "Baker Loses Vending Pact With Northrop."

Even though the Defense Department still extends a security clearance to Mr. Baker and his company I am glad to note that the defense plants have seen fit to cancel these contracts which, to say the least, were obtained under very questionable circumstances.

I ask unanimous consent that this article be printed in the body of the RECORD.

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

#### BAKER LOSES VENDING PACT WITH NORTHROP (By Clark Mollenhoff)

WASHINGTON, D.C.—The Bobby Baker financial enterprises have suffered another setback in losing a vending machine contract with Northrop Corp.

Officials of Northrop told the Tribune Friday that Baker's Serv-U Vending Co. is no longer serving any of Northrop's plants.

It was explained that Baker's contract expired at the end of the year, and bids were asked for a new contract for the Northrop plants at Ventura and Anaheim, Calif. The contracts that Baker had with the Ventura and Anaheim plants constituted about 25 to 30 percent of the Northrop vending business.

Automatic Canteen had the bulk of the business at the main Northrop plant at Hawthorne, Calif.

Baker was not the low bidder, Northrop officials said, and so he was dropped.

Within the last 2 months, North American Aviation Co. stopped doing business with Serv-U. That was the first major financial blow to Baker's lucrative food vending business with big defense contractors.

The North American contract grossed more than \$2,500,000 a year for Serv-U Vending. The Northrop contract was reported to be in excess of \$500,000 a year.

Together, these two contracts made up "the backbone of Baker's financial empire," according to the Republican minority report on the investigation of the "gross improprieties" of Baker, the former secretary to the Democratic majority of the Senate.

Baker's vending business with big defense contractors came in for sharp criticism from the Democrats as well as the Republicans on the Senate Rules Committee.

The Republican minority in its official report stated that "until such time as defense contractors such as North American Aviation and Northrop decide they no longer want to do business with Baker, his complete financial empire may continue."

#### TOWARD AN ASIAN BALANCE OF POWER

Mr. CHURCH. Mr. President, this may not be the easiest time for the

United States to take a long view of its foreign policy, embroiled as we are in the day-to-day tensions of a war of potentially catastrophic dimensions. Nations, like catspaw, do not plan their future from foxholes.

And yet events can force upon us shadowy conclusions which point toward the future. The very inability of the United States to work its will in Asia can force a realization, as Eric Sevareid wrote recently, that:

The concept of America as missionary and the world as our sick oyster declines in the face of ancient realities.

While writing this Mr. Savareid, who has grown increasingly concerned with our Asian policy in recent weeks, spoke of the need to achieve in the Far Eastern half of the globe the "rough but so far effective balance of power" worked out in the Western World, largely between the United States and Russia.

Mr. Sevareid concluded:

For us, the question that must be answered in 1966 is how to make the Vietnam war a foundation stone in the construction of an Asiatic balance of power and not a pit into which we and China slide, bringing down everyone else with us to unmeasurable grief.

This long view of American policy is extremely necessary. Mr. Sevareid's thoughtful comments deserve to be carefully considered, and I ask unanimous consent that his weekly column, appearing in the January 27 edition of the Idaho Observer, be printed in the RECORD.

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

#### TOWARD AN ASIAN BALANCE OF POWER (By Eric Sevareid)

In this second third, now ending, of the brutal and brilliant 20th century, Europe lost its 2,000-year-old position as the dynamic source of both thought and power, and the power, at least, has been reformed in the three new centers of America, Russia, and China. The three have been groping and thrusting, half blindly, to affect and to discover the terms of existence in this new, three-cornered world of power.

Russia and the United States have been at it longer than Communist China, which consolidated its internal order only a few years ago. The first two have had, by now, a long series of sobering experiences with each other, both as hot war friends and cold war foes, and they have therefore changed much more in their outlook and tactics than have the old ideologists still alive in Peking.

It is too early for an incautious acceptance of the idea of "parallelism" in foreign policy between the United States and Russia. But they parallel one another in the basic spirit of desiring to minimize the risks of another global war.

The confrontation over the Cuban missiles was a major turning point; they have backed warily off from one another since, certainly on Berlin, certainly on Africa's troubled waters, and in degree on Vietnam. And in the meantime a potential of common interest and attitude in calming China down has developed.

It was only a few years ago that Moscow looked with philosophical favor, at a minimum, on exterior wars and upheavals. Yet now we see the significant spectacle of Moscow acting as peacemaker between India and Pakistan. The chief reason for this is simple: it is China.

A rough but so far effective balance of power has been worked out in the Western World, with Europe, and partly over the head of Europe. If Vietnam can be kept down to the scale of an episode, however violent, in the groping search for an order in Asia, then the chief international business of the last third of this century is likely to be the working out of a lasting balance of power for the Far Eastern half of the globe.

The resources, the attention, and the nerves of Americans are now deeply and perhaps permanently committed both east and west. We enter 1966 with more than 1 million American military men stationed beyond our borders, and when one adds their dependents and all the civilian workers, both private and governmental, there is a total of around 2½ million American citizens now living in and daily affecting foreign societies.

Except during the two great wars of this century we have never had this experience on such a scale. We are having extreme difficulty even in comprehending the meaning of this American impact abroad, let alone managing it.

The small problems involved, of course, multiply endlessly. But while the dominating problems of our very security have greatly changed in these years, they have not, by any means, all changed for the worse. Western Europe did not, after all, fall into the Soviet orbit, West Berlin still stands. The destructive illusion of remorselessly advancing Russian power, both terrestrial and spatial, was broken with their retreat over Cuba and by our own leaps in space.

The frightening specter of a stupendous Russian-Chinese power collectively has been laid. The fear that there was an automatic inevitability about the spread of communism in Asia, Africa, and Latin America has been greatly relieved by events in Indonesia, in a dozen African States and by the democratic resilience demonstrated by countries like Venezuela and Chile.

As we live and learn in our new world role, philosophical shifts are detectable, in Washington and in the universities. The concept of America as missionary and the world as our sick oyster declines in the face of ancient realities. The European spirit of holding moral obligations within the boundaries of practical capacities seems to grow stronger. A certain dichotomy develops at home.

As the London Economist expresses it, "The combination of intellectuals studying the interest of the state at one end of the scale while other intellectuals protest in the name of humanity at the other reminds me irresistibly of British political life during most of the past century \* \* \* the old imperial and liberal Britain writ large."

That sounds like a fair, if rough estimate of our moral and intellectual condition. But statesmen must deal with today's practicalities simultaneously with theories of tomorrow. In 1966 it is just conceivable that the big initiatives will come from Russia, simply because it seems to be that nation that must make crucial choices of direction.

For us, the question that must be answered in 1966 is how to make the Vietnam war a foundation stone in the construction of an Asiatic balance of power and not a pit into which we and China slide, bringing down everyone else with us to unmeasurable grief.

#### CURRENT MILK SHORTAGE TEMPORARY

Mr. PROXMIRE. Mr. President, the Washington Post recently carried an excellent article by Loren H. Osman, discussing the current milk shortage. Mr. Osman, whose reporting is of consistently high caliber, has made it clear in the article that the milk shortage is due to

a number of temporary factors which can be expected to correct themselves.

Among the factors cited by Mr. Osman are:

First. A drought which cut feed supplies in Eastern States while rain damaged forages in the Midwest. Cows did not milk as well on the resulting low-protein diets.

Second. High priced beef and hogs, causing farmers to switch from milking to feeding.

Third. A labor shortage which enticed dairy farmers into higher paying industrial work.

All of these factors can be expected to change in the future. The result will be more plentiful milk. Unfortunately the result will also be additional surpluses purchased and stored at Government expense.

This is one of the reasons I have been fighting against a cut in the special milk program for schoolchildren. The program by increasing the utilization of milk and creating good drinking habits in our Nation's schoolchildren lessens the pressures on the Government's price-support program. A cut in the school milk program will simply mean that the cost of the dairy price support program will go up.

Mr. President, I ask unanimous consent that the Osman article be reprinted at this point in the RECORD.

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

**MILK PRICES COULD RISE—WISCONSIN DAIRYLAND STRAINS TO MEET NATIONAL SHORTAGES**

(By Loren H. Osman)

MILWAUKEE, Wis., February 5.—Where did all the milk go? America's dairyland, traditionally the source of a great river of milk—and mountains of surplus butter and cheese—is straining to meet demands.

Giant highway tankers, hauling 6,000 gallons each, are rolling out of the State in an endless stream. They are unloading in far-flung markets from the Carolinas, Florida and Tennessee to Arkansas, Missouri, Texas and Colorado.

Last month 300 loads of "supplemental" grade A milk left Wisconsin, three times as many as in January 1965. The boom started last fall when deficits began cropping up in other States. It gave Wisconsin a market for nearly 120 million pounds, 50 million more than 1964.

**FACTORS IN SHORTAGE**

This is only a drop in the milk bucket for Wisconsin, whose 2 million cows put out nearly 19 million pounds a year. But it is part of a nationwide kink in the dairy situation being felt back at crossroads plants and which may turn up in the price of milk on the doorstep.

Among the factors behind it are these:

Drought cut feed supplies in Eastern States, while rains damaged forages in the Midwest. Last winter, 60,000 acres of Wisconsin alfalfa smothered under ice. Farmers resorted to annual grass until they could re-establish legumes. But feed quality was poor, fall rains hampered silage making and some corn froze. Cows didn't milk as well on low protein diets.

High priced beef and hogs, caused many farmers to switch from milking to feeding. Dairy herds were culled sharply to take advantage of good meat prices.

A labor shortage enticed dairy farmers into enterprises with less work or off the farm entirely—following the inducement of high factory wages. Wisconsin, which had 130,000 herds in 1952, probably is down to 80,000.

**BOOST IN PRICE ASKED**

Nationally, the 1965 production of 125.5 billion pounds was off a billion from 1964. The Corn Belt was down 3.6 percent. Wisconsin barely held its own but in meeting out-of-State demands, its butter production dropped 6 percent and cheesemaking skidded in the fall months.

Farm leaders have urged Agriculture Secretary Freeman to boost the support price of milk, now at \$3.24 a hundredweight for milk for manufacturing uses (75 percent of parity), to halt the exodus of dairy farmers, increase incomes, and relieve shortages.

The Government bought 26 percent less dairy products last year to prop prices than in 1964 and might be apprehensive about getting back in the butter and cheese business if boosting supports brought more surpluses. Supports are reset April 1.

Farm milk prices have improved, wound up last year at \$3.86 a hundred pounds in Wisconsin, highest since 1952. The average includes fluid markets.

Linked with the drop in milk from farms has been a bounding cheese market. Paced by more pizzas and cheese replacements for steaks and chops, consumption has climbed. At the Green Bay Cheese Exchange, cheddar is 5 cents a pound higher than a year ago, swiss up 7 cents.

**OUTBID BY CHEESE PLANTS**

Cheese plants have been outbidding butter factories for farmers' milk, and like everyone else's business, volume is the key to success. Some less efficient or less flexible operations have shut down entirely. Dairy leaders say realigning supports would correct the disparity between cheese and butter.

Prosperous cheesemakers have even wooed away producers from normally higher fluid markets. This enabled the 22 cooperatives supplying Chicago to win an extra 30 cents a hundredweight from milk dealers last week, in a contract for the next year's supply, to put an extra \$8,500,000 into the pockets of 13,500 farmers, in premiums over Federal minimums.

Pure Milk Association, largest bargainer on the Chicago market, also has asked the Agriculture Department to tighten "pooling provisions" of country plants. These plants now need to send only 20 percent of their volume to the market to share in the marketwide averaging of dealers' paying prices, can put the rest into cheese. PMA wants the percentage raised to assure supplies.

The involved milk picture may be partly righted by pasture time. Experts predict the national supply to regain half of last year's loss, by the end of 1966. The impression will remain, however: surpluses can evaporate in a hurry.

**PROPOSED CURTAILMENT OF SERVICE BY THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.**

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a resolution regarding the application of the New York, New Haven & Hartford Railroad Co., to discontinue all interstate passenger trains, adopted by the Board of Trustees of the Village of Larchmont, N.Y., on January 3, 1966.

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

**RESOLUTION REGARDING APPLICATION OF NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. TRUSTEES TO INTERSTATE COMMERCE COMMISSION TO DISCONTINUE ALL INTERSTATE PASSENGER TRAINS**

Whereas there is now pending before the Interstate Commerce Commission an application by the trustees of the New York, New Haven & Hartford Railroad Co. to discontinue all interstate passenger trains, being Finance Docket No. 23831; and

Whereas the New York, New Haven & Hartford Railroad is the only direct means of public transportation between the village of Larchmont and Grand Central terminal in New York City and between the village of Larchmont and other Westchester County communities and communities located on the said railroad right-of-way in the State of Connecticut; and

Whereas the village of Larchmont is a first-class village of over 5,000 residents and a great number of its residents use said railroad daily for the purpose of transportation from Larchmont to their respective places of business in New York City; and

Whereas many residents of the village of Larchmont purchased homes in Larchmont relying on the public transportation furnished by the New York, New Haven & Hartford Railroad Co.; and

Whereas the discontinuance of the passenger service would have an adverse effect on real property values in the village of Larchmont due to the fact that many of the residents who use the New York, New Haven & Hartford Railroad would be forced to vacate their residences; and

Whereas the discontinuance of passenger service would increase the vehicular traffic in the already overcongested traffic in the city of New York; and

Whereas the merchants and small business people who conduct their business in the village of Larchmont rely upon the families of commuting residents, not only of Larchmont but of the neighboring villages of Mamaroneck and Scarsdale and the city of New Rochelle for their livelihood; and

Whereas the public convenience and necessity require the continuance of the passenger service: Now, therefore, be it

*Resolved*, That this board opposes the application of the trustees of said railroad to discontinue passenger service and requests permission to intervene and send its representatives to hearings on this matter before the Interstate Commerce Commission; and be it further

*Resolved*, That the mayor of the village of Larchmont is hereby authorized to appear and testify in said hearings being conducted by the Interstate Commerce Commission on behalf of this Board and the residents of this village and to take all steps necessary and do all things which he believes to be necessary or expedient on our and their behalf to avoid the discontinuance of passenger service over the right-of-way of said railroad, and to cooperate with other municipalities that are or will be affected by a discontinuance of passenger service and with the interested governmental departments or agencies of the State of New York, the county of Westchester, the State of Connecticut and its affected municipalities, and it is further

*Resolved*, That copies of this resolution be forwarded to the Interstate Commerce Commission at its office in Washington, D.C., to Gov. Nelson A. Rockefeller, to our representatives in the New York State Legislature, to Senator JACOB K. JAVITS, Senator ROBERT F. KENNEDY, and to Congressman OGDEN R. REID, Office of Transportation of the State of

New York, Westchester County Executive Edwin G. Michaelian, County Attorney Gordon Miller, and the mayors of the cities of New Rochelle, Mount Vernon, and Rye and the villages of Pelham Manor, North Pelham, Pelham, Mamaroneck, and Port Chester, and the supervisors of the towns of Pelham, Mamaroneck, and Harrison.

*Resolved*, That this resolution shall take effect immediately.

Adopted by the following vote. Ayes: Mayor Ryan, Trustees Goldsmith, Merkert, and Forrest. Nays: None. Absent: Trustee Wanderer.

## VIETNAM

Mr. McGEE. Mr. President, in yesterday's Evening Star there appeared an editorial and an article which seem to me to come close to the heart of the matter regarding the conflict in Vietnam.

The editorial sets forth the basic premise that we cannot accept the logic that "tyranny 10,000 miles away is not tyranny to concern us—or that subjugation by an armed minority in Asia is different from subjugation by an armed minority in Europe."

The article is a column by Richard Fryklund, which details the relationship between "take and hold" and "search and destroy" operations. This column very lucidly explains a tactic that may well be the one which—over the months and years—may bring stability to Vietnam.

Mr. President, I commend the editorial and article to the attention of my colleagues and the world, and I ask unanimous consent that they be printed in the RECORD.

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

### WHY FIGHT IN VIETNAM?

Once again the President has tried to answer those among his critics who say they do not understand why the United States is fighting in Vietnam.

The critics will not be satisfied with the answer. For there is nothing new in it. But it is hard to know what more the President might have said in his remarks upon arriving in Honolulu.

In substance, this is what he had to say: We are fighting to determine whether aggression and terror are the way of the future—a question of the gravest importance to all other nations, large or small, who seek to walk in peace and independence. If the Communists win in Vietnam they will know they can accomplish through so-called wars of liberation what they could not accomplish through naked aggression in Korea—or insurgency in the Philippines, Greece, and Malaya—or the threat of aggression in Turkey—or in a free election anywhere.

At this point, Mr. Johnson, in perhaps the most significant phase of his remarks, decided to lock horns with his senatorial critics, especially those in his own party. "There are special pleaders," he said, "who counsel retreat in Vietnam. They belong to a group that has always been blind to experience and deaf to hope. We cannot accept their logic that tyranny 10,000 miles away is not tyranny to concern us—or that subjugation by an armed minority in Asia is different from subjugation by an armed minority in Europe. Were we to follow their course, how many nations might fall before the aggressor? Where would our treaties be respected, our word honored, our commitment be-

lieved. \* \* \* If we allow the Communists to win in Vietnam \* \* \* we will have to fight again someplace else—at what cost no one knows. That is why it is vitally important to every American family that we stop the Communists in South Vietnam."

It could not have been easy for a consensus man to say these things. He knows his explanation will neither satisfy nor silence his critics. But there it is. The President has taken his stand and it will be difficult if not impossible for him to turn back. Nor is it at all likely, the critics notwithstanding, that Mr. Johnson intends to turn back if he thinks he has the support of the American people, to whom his comments were really addressed.

### WASHINGTON CLOSE-UP: THE LOGIC OF TACTICS IN VIETNAM

(By Richard Fryklund)

The defensive strategy in South Vietnam remains the same year after year despite Honolulu conferences and arguments among the generals.

Given the military and political situation, there just does not seem to be any alternative to the formula—clear-and-hold plus search-and-destroy plus government-building equals, some day, victory.

This was the strategy under the Diems; it remains the strategy today, and it will be the strategy as long as the war is fought.

The terminology changes and the scale of effort changes, the weapons change and the minor tactics change, but the formula endures.

Here is the logic that dictates the decisions of all the high-level conferences, bringing retired generals ever closer together in their public arguments and bringing relative harmony to the private sessions of the Joint Chiefs of Staff.

The enemy's strategy is the starting point.

He has chosen to spread out through the countryside rather than seize section and try to expand along a clearly marked front. He has chosen, or has been forced through lack of support, to leave the cities pretty much alone.

The problem of our side, then, is to clear the countryside of guerrillas and regular army units and to restore loyal governments in the cleared areas.

Since the war became a real one in the early 1960's, the first step for the defenders has necessarily been to set up bases from which to operate. Our side has to start with secure areas where it can rest troops, guard its weapons, train soldiers and direct operations.

These secure areas now dot the entire country.

They can be as small as a special forces camp in the mountains where a few score of South Vietnamese and American soldiers have built some huts. They can be a city and a jet airfield, like Da Nang, where the Marine Corps is building its major base.

They can be carved out of the wilderness, like the 1st Cavalry Division's base at An Khe, or they can be smack in the middle of a city, like the headquarters complexes at Saigon.

But once established, they must be protected.

So the military forces inevitably set up a perimeter defense, a permanent but ever-shifting ring of soldiers and guns around the base.

Since enemy weapons can shoot several miles, the defensive ring must be several miles out from the base. Therefore, our forces must push the enemy out of a circle a mile to 10 to 50 miles in radius, depending on the size and importance of the base, and must keep him out.

This is the start of the clear-and-hold operation.

Some of the largest battles have resulted from this effort to push the enemy away. Our side has won them all. As a result, you can measure some thousands of square miles that have been taken from the enemy and handed over to the government.

It is almost impossible to hold a perimeter without aggressive patrolling outside the ring. Without this, the enemy can gather for sudden assaults and keep the defenders too busy to do anything but survive.

How far you sweep depends on your own strength.

If you can round up a few thousand soldiers, you "patrol" right through the heart of enemy sanctuaries a hundred miles or more from the base. The objective is still to keep the enemy off balance, disorganized and tired.

These patrols are called search-and-destroy operations today. They go everywhere, but they are still sporadic and small.

But the farther and the better you do search and destroy, the farther and better you can clear and hold. Search and destroy is a leaky shield for clear and hold.

Clear and hold is then a strong shield for the final step toward victory, government building.

As base areas expand, they take in contested villages and their people. The South Vietnamese province or district governments then move in to set up new local governments. If these governments provide what the people want—a school, a clinic, a water-supply system, an honest chief, a home-guard outfit, a police force—and if the clear-and-hold operations keep Vietcong infiltration down to the level of safety provided by, say, an American slum area after dark, then the war is being won.

Depending on how hard you try to use the basic formula and how hard the enemy tries to break it up, victory approaches or recedes. It's as simple as that.

### THE RUSSIAN BID FOR MARITIME SUPREMACY

Mr. WILLIAMS of New Jersey. Mr. President, the current issue of the Reporter magazine has a most disturbing article on the rapid growth of the Soviet merchant marine and a discussion of the concentrated and successful effort of the Russians to become a major shipping power. In less than 10 years the Russians have moved from 12th to 7th place among the maritime nations. They are adding merchant tonnage at the rate of a million tons a year: at this rate, the Russians will equal the British fleet in 1980. The Russian fleet already is larger than the active American merchant fleet. In startling contrast our merchant fleet has declined sharply in size. Today the Russian fleet carries the greatest part of its foreign trade; American ships only carrying 9 percent of our exports.

As the author, Noel Mostert, points out:

Unquestionably, Russia's ultimate goal is the domination of world trade.

The immense strategic and political advantage a dominant merchant marine would give to Russia is obvious. The rapid growth of the Russian merchant marine is in shocking contrast to the continued decay and decline of American merchant shipping. This article shows

the need for a sound merchant marine policy on the part of the United States—a policy that will unite government, labor, and management in a sound and practical program of rebuilding and strengthening our badly weakened merchant marine. I ask unanimous consent that the article, "Russia Bids for Ocean Supremacy" be printed in the RECORD at this point.

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

#### RUSSIA BIDS FOR OCEAN SUPREMACY

(By Noel Mostert)

LONDON.—Thousands of Britons, attracted by broadcast publicity, recently flocked down to the London docks, to inspect the new 20,000-ton Soviet passenger liner *Alexander Pushkin*, built in East German shipyards. It was the ship's introduction to the Western public, which Moscow hopes will patronize her when she starts sailing between Leningrad and Montreal this spring via European ports. The sightseers found a beautifully streamlined vessel, perhaps a little more garish than her Atlantic rivals but certainly as comfortable. Caviar, needless to say, will be a featured course.

The *Alexander Pushkin's* visit was really the advance celebration of a reasonably certain fact: 1966 will be Russia's year at sea. Moscow fully expects to achieve goals that most people didn't even know the Soviets were aiming for, the principal one being international recognition of the U.S.S.R. as a major maritime power. No other country can possibly match, proportionately speaking, Moscow's creation over the last 10 years of one of the largest merchant fleets in the world. Any champagne corks that pop aboard the *Alexander Pushkin* on her maiden voyage undoubtedly will be to toast the dream of eventually having the largest.

#### BREAKING THE ICE

The North Atlantic venture itself represents only one of the main goals. For the first time in history, Russia will be a full and regular participant in the Western ocean's trade. Actually, the entering wedge came a year ago with a Soviet initiative that has gone largely unrecognized: sending ships to Montreal in the winter, when the St. Lawrence is frozen and to all intents and purposes closed to shipping. A couple of European shipping lines were ahead of the Soviet Union in pioneering Montreal as a year-round port. They had used small, tough vessels, but the shipping world was still skeptical when the Murmansk Arctic Steamship Line announced a service between Montreal and North Sea ports with three 7,500-ton ships that were virtually icebreakers and were manned by veterans in ice navigation.

This was merely a prelude. For example, the Russians have now entered the cruising business. A sister ship of the *Pushkin's*, the *Ivan Franko*, which entered the tourist trade last year, is now about to start a year's charter with the French vacation enterprise Club Méditerranée, to carry Frenchmen on low-cost cruises to the Mediterranean and the Caribbean. Another Russian liner will take British schoolchildren on Scandinavian cruises. Furthermore, Russia also expects to achieve its goal this year of moving 75 percent of its foreign trade in its own vessels. It will graduate a record number of officers from national maritime academies. Hundreds of new ships will enter the Soviet merchant marine, and several new shipping services are to be started, linking Russia with countries with which it has not traded directly.

More significantly, the Russians are determined to establish in 1966 a new and closer mercantile association with European countries, particularly Great Britain, whose ex-

perience as operators of the largest merchant marine in the world they eagerly wish to share.

The Soviet credentials to the western shipping world usually arrive in the form of their eminently approachable and ebullient Minister of the Merchant Fleet, Victor Bakayev, the closest Soviet approximation to a dedicated western executive, whose great abilities have received scant appraisal in the West. Last fall he was dispatched to London to explain the purposes and intentions of the Soviet merchant marine, and the outcome was one of the more remarkable declarations of cooperation that the Russians have ever made.

For 1966, Bakayev promised the opening of a northern route for shipping from Europe to the Pacific, to be maintained by a Soviet atomic icebreaker; he approved a British request to ship metals to Iran via the Trans-Russia Canal; and he announced that Russia would join and not undermine the Atlantic shipping conferences, which the steamship lines privately form to regulate passenger and freight rates. "Russia does not want to build up her merchant navy as a sort of monopoly with certain exclusive rights," Bakayev asserted, "and so we do not propose to ignore existing international organizations for cooperation in shipping."

#### REFUTING MAHAN

Bakayev seems to have remarkable authority to do and say what he wishes. If there is flair in what the Russians do with their merchant marine, it undoubtedly is due to Bakayev. He more than any other man is responsible for its creation. The astonishing fact is that the job has been done mainly during the past 5 years.

In a celebrated series of lectures on naval strategy delivered at the U.S. Naval War College at Newport during the closing years of the last century, Capt. A. T. Mahan, U.S. Navy, observed the fact that " \* \* \* Russia has little maritime commerce, at least in her own bottoms; her merchant flag is rarely seen; she \* \* \* can in no sense be called a maritime nation."

Less than 10 years ago, Mahan's remark remained substantially true. Since then Russia has moved from 12th to 7th place among the maritime nations. It has acquired some 7 million tons of shipping, most of it modern and fast and superbly designed. This is being added to at a rate of more than a million tons annually, under a 20-year series of plans that by 1980 will provide the Soviet Union with a fleet of over 20 million tons—the equivalent of the British merchant marine of today. By that time, depending upon what the Japanese do with their own ambitious plans for mercantile expansion, and assuming that the present rate of decline of Western shipping continues, the Russians may have the largest and most modern and diversified merchant fleet afloat. Indeed, maritime authorities here in London regard this program as second only to the Soviet space successes in political significance. They have no doubt at all that the merchant fleet will be Russia's most powerful economic weapon of the future.

Unquestionably, Russia's ultimate goal is domination of world trade. But even if it fails to attain the top rank, it is sure to come pretty close to it. Moreover, its effective power in this area both now and for the future must be assessed in the light of the fact that several of the Eastern European satellites have also built up sizable fleets and shipbuilding capacity, notably Poland and East Germany, Rumania, Bulgaria, even landlocked Hungary, and Czechoslovakia (whose flag is being increasingly seen) are also expanding rapidly. The Soviet-bloc nations now operate largely as an integrated maritime unit, pooling their shipping services with a degree of harmony that they do not always achieve in other common enterprises.

Yugoslavia, too, has an impressive shipping industry, with a variety of services throughout the world; but, while working closely with the bloc, which assigns it large shipbuilding orders, it tends to go its own way in trade just as it does politically. In the long run, however, maritime independence may be less easy to maintain than political autonomy, and Yugoslavia may join rather than fight.

The shipbuilding achievements of the bloc are impressive: the Polish yards alone have launched 2.5 million tons since the war, and nearly 500 Polish-built ships are sailing under the flags of the Soviet Union, Indonesia, Communist China, Brazil, Cuba, Switzerland, the United Arab Republic, India, and surprisingly, Britain and France. But far more interesting is the diversity of shipping services that the bloc has established.

There is scarcely a trade route where its ships don't operate. Russia itself now trades in its own bottoms with more than 60 nations. Its ships are sailing from its Baltic, Black Sea, and Far Eastern ports to all parts of Asia, Africa, the Indian Ocean, the Caribbean, South America, the Mediterranean, and, intensively, to both coasts of Canada. Its trawlers, though technically not part of the merchant fleet, are seen everywhere, off Australia, southwest Africa, Newfoundland, the Antarctic.

The examples of the bloc's combined merchant services are numerous. Polish, Czech, and Russian ships provide a joint schedule between Rumanian ports and the Middle East; Polish, East German, Czech, and Russian ships sail to West Africa from East German ports. Between Cuba and the Baltic ply Russian, East German, Czech, Polish, and Hungarian ships. Polish and East German vessels operate to a variety of African ports not included in the West African service. Polish ships also run liner services to Mexico, South America, the Indian Ocean, and the Far East. By 1970 it will be exceptional to enter any large port and not encounter several of the bloc flags.

#### A LEGACY OF DISTRUST

The speed and success of this Soviet-bloc merchant expansion and its ingenious insertion into the trading patterns that have been virtual Western monopolies for 500 years was scarcely noticed by the West until recently. Bedeviled by their own complicated rivalries and ruthless competition, which already have done much to undermine the power and potential of the traditional maritime powers, particularly Britain, the Western nations have begun to seriously assess the possible consequences.

Lloyd's Register of Shipping, the best known international authority, puts out annually the most detailed information available on Soviet-bloc shipping. Considerable time and effort are required to evaluate this information, since Communist statistics are not always reliable and the Soviet bloc does not report full details of its shipbuilding to Lloyd's for publication, as almost every other nation does. Nonetheless officials of Lloyd's declare their information to be a "reasonably accurate and fairly complete picture." They see the merchant fleets of the bloc as a "formidable challenge" whose aim is "to capture cargo trade held previously by British and other lines."

How did it all come about? Until recently, a Soviet ship almost anywhere was a novelty. If one thought at all of a Russian ship 10 years ago, the image was of a slow coal-burning bucket crewed in part by deep-chested Amazons. The arrival of a Russian ship always provoked the question: What did they want? Were they really coming just for cargo? It is hard to find a comparable situation in world history when the fundamental motive for commerce was so distrusted in a major power since Commodore Perry sailed into Yedo Bay. The swastika fluttering from a jackstaff might have been regarded with distaste, but no one ever doubted the legit-

imacy of the Nazis' intent to trade. Even the liner *Baltika* aboard which Khrushchev traveled to America (the only sizable Russian merchantman to visit this continent since the war) seemed to confirm something odd in one's concept of Russia at sea. There was a quality about her, some stubborn convention in her lines, that seemed distinctly Russian; like Russian architecture, she clung to some notion of the indeterminate past.

Living near Gibraltar during the past 2 years, I have been watching the metamorphosis almost as it occurred and can appreciate the bafflement of those who did not expect it.

Gibraltar, the confluence of several major Soviet shipping routes, gets more Russian shipping than any other port outside the Soviet Union. After the British themselves, the Russians are the principal users of the port; and their whaling fleet has been known to spend \$750,000 in a few days on its annual visit.

The new Russian merchantmen look as fine as anything afloat. Trawlers, super-tankers, the sail-training ships, freighters of all description and size, the whaling fleet, passenger liners, and even tugs and floating docks pass through in an average year. Some vessels, especially tankers, often lie at anchor for days, to no discernible purpose.

The first major step in building this fleet was taken when a 5-year plan was launched in 1956 to provide 5 million tons of shipping under the hammer and sickle by 1960. At the end of the war, Russia had collected all the Axis shipping it could as reparations and had clung to whatever it had obtained under lend-lease. But the fleet was old and slow and largely decrepit. In 1960 the Soviet shipping officials, expanding the earlier plan, designed a 20-year plan, which the 22d Soviet Party Congress adopted the following year. By the end of 1962, Russia had 1,313 merchant vessels with a total gross tonnage of 4,684,000, an increase of 618,000 tons over the previous year.

The Russians seemed obsessed to add tonnage from every possible direction. Their own yards were humming and they placed huge orders abroad as well, with Britain, Italy, Holland, Finland, Sweden, Denmark, West as well as East Germany, France, and Japan. At one point in 1963 they had 236 ships under construction in foreign yards. In May 1963, Bakayev told *Izvestia* that two large- or medium-tonnage ships came into service every week and that since 1953 the Soviet merchant fleet had increased by 150 percent. "By 1966," he said then, "we shall have enough ships to cover fully all our foreign shipping requirements."

Typical of Moscow's orders from foreign yards were 2 big ones for tankers, 25 each from Finland and Yugoslavia. Poland got an order for 175 merchant vessels totaling 1.5 million tons for delivery between 1966 and 1970.

#### GREAT DAY FOR THE NATION: UNEMPLOYMENT DOWN TO 4 PER- CENT

MR. PROXMIRE. Mr. President, this is the time for throwing our hats in the air and bursting our buttons for pride in the showing of this economy of ours.

Yesterday the level of unemployment dropped to 4 percent, the goal set by this Nation some 5 years ago, and criticized by many as being impossible of attainment without serious inflation.

The Nation made it. And Americans have reason to be grateful that the policies of the Kennedy and Johnson administrations played a big role in achieving the goal.

Yesterday Secretary Wirtz told the Joint Economic Committee that he recognized that private business and labor—the private sector of the economy—deserve the lion share of the credit.

Nevertheless in his view—and I think all fairminded observers would agree—Government policies played a vital catalytic part.

Wirtz suggested that expansionary fiscal and monetary policies contributed about one-half the impetus and manpower training, antipoverty, educational and civil rights programs—that widened minority opportunities—played the other half of the Government role.

This morning Hobart Rowen, of the *Washington Post*, raises the critical question of what happens to the old 4-percent unemployment goal.

We appear to be still using it. Our fiscal and monetary policy apparently is tied to this goal. What this means is that the so-called high employment surplus is measured in an economy with a 4-percent unemployment level. If the budget would produce a surplus at that level the amount of the surplus is considered fiscal drag—it slows down the economy.

If the budget would produce a deficit—the size of the deficit—at that 4-percent level is said to measure the real expansionary effect of the budget.

Accordingly, if we stick to the 4-percent goal as the optimum—the standard level for measuring the impact of our budget or our monetary policy, we are obviously loading the dice for a more cautious, restrained fiscal policy than if we set the goal at 3½ or 3 percent, and try to bring our fiscal and monetary policy into balance at that level.

To date our Council of Economic Advisers, the Secretary of the Treasury, the Budget Director have all indicated to the Joint Economic Committee that they prefer to stick with the more conservative 4-percent level.

Secretary Wirtz—at least by implication—has made a powerful case, which I put in the *Record* yesterday, for going to a 3½-percent level or even lower.

This is a decision we in Congress should consider. The kind of budget we adopt, the kind of taxes we pass, the kind of monetary policy we encourage the Federal Reserve Board to follow will all be seriously influenced by the level of unemployment—the benchmark, the target we shoot at, and measure our performance by.

Mr. Hobart Rowen makes a number of helpful observations on this problem in today's *Post* and I ask unanimous consent that his article be printed in the *Record*.

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

J.F.K.'S 4-PERCENT GOAL NOW WOULD BE 3.3 TO 3.4 PERCENT

(By Hobart Rowen)

Reduction of unemployment to 4 percent is a happy landmark—there is no doubt about that. When the jobless total was around 7 percent at the start of the Kennedy administration, there were those who insisted that any reduction in the jobless total would show up in a wicked inflation.

Others said that automation had frozen hundreds of thousands out of jobs, that no matter how much the economy in general improved, there would continue to be an overwhelming structural unemployment problem.

They were wrong, and the "aggregate demand" economists such as Walter Heller and Kermit Gordon were right.

But 4-percent unemployment should not be confused with full employment.

As a matter of fact, 4-percent unemployment today is not even the same thing as the 4-percent unemployment goal put forward by President Kennedy in 1962.

Actually, as the recent economic report points out, the economic circumstances which Kennedy had in mind in 1962 would now work out to an unemployment rate of 3.3 to 3.4 percent.

The report itself does not use the 3.3- to 3.4-percent range, but in a little-noticed section on pages 75 and 76 of the report, it provides the basic arithmetic.

Since ease of attaining any unemployment goal is enhanced by greater education of the work force, the advances on this front in recent years would make a big difference. Taking the higher average quality of the labor force into account, the CEA estimates that the goal should be reduced 0.4 percent.

Partly offsetting better educational preparation is the fact that there are more inexperienced men and women in the labor force. This would raise the figure by 0.1 percent.

Manpower and training programs are beginning to reduce the attainable level of unemployment, both by raising workers' potential, or by changing their labor force status. In 1966, about 300,000 young people will be in special work and training programs. If most of these would be out of work, the programs have the effect of cutting the national unemployment rate by 0.1 to 0.2 percent.

Finally, the Vietnam drain on manpower has a direct impact, measured at about 0.2 percent.

Taking it all together, the 4-percent goal Kennedy put forward will not therefore be achieved until we edge below 3.5 percent.

Having come this far, nonetheless, is a gratifying experience. It should make many economists who freely predicted wild inflation at any level below 5 percent burn their old speeches.

#### SCHLESINGER'S "A THOUSAND DAYS"

MR. MCGOVERN. Mr. President, in reviewing the notable book on the Kennedy years by Arthur Schlesinger, Jr., Mary McGrory writes:

Two men are vindicated by the publication of Arthur Schlesinger, Junior's "A Thousand Days." One is the author, who insisted, during the summer furor over sensational snippets published in *Life* magazine, that the full text would restore his good name. The other is John F. Kennedy, who after the Bay of Pigs somewhat grimly directed the Harvard historian to keep a diary.

For Schlesinger's personal memoir is history after all, and wonderfully lively history at that.

I agree with Miss McGrory. Arthur Schlesinger, who won a Pulitzer Prize at an early age for his notable volume, "The Age of Jackson," and who is in the midst of a series of fascinating volumes on the years of Franklin Roosevelt, has achieved new literary and historical brilliance with his volume on the administration of the late President Kennedy. I cannot remember any other book in recent years that has been so consistently

acclaimed by critical reviewers as Mr. Schlesinger's "A Thousand Days." I agree with the Time magazine reviewer who concluded that the former presidential assistant has reconstructed "the period so skillfully that the result is not so much a personal memoir as a penetrating, balanced ledger of the Kennedy administration." I agree, too, with the conclusion of Prof. James MacGregor Burns:

This is Arthur Schlesinger's best book. A great President has found—perhaps he deliberately chose—a great historian.

No one interested in the life of our times can afford to ignore this book.

Mr. President, because of the widespread interest in the life and the contributions of the late President Kennedy and in view of the unusual acclaim given Mr. Schlesinger's book, I ask unanimous consent that certain selected reviews of this volume be printed at this point in the RECORD.

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

[From the London Sunday Times,  
Nov. 28, 1965]

KENNEDY IN THE ROUND

(By Sir Alec Douglas-Home)

The shock and horror of President Kennedy's assassination inevitably overlaid any calm appreciation of his life and works, and even now the title of this book, "A Thousand Days," reminds us that this young man but flashed across the human scene like some flaming meteor and was gone.

In his presentation of the man and the events Mr. Schlesinger tells the tale in a way which is scholarly, compelling and authentic. He has chosen to do so in chronological order from the complex political maneuverings which accompany the choice of a presidential candidate to the climax and drama of the final day of violence and death. That no doubt is right; it reveals, in the account of the incidents of the Bay of Pigs, and the meeting with Mr. Khrushchev in Vienna, how Kennedy was tested and his Presidential mettle proved.

But it is in the later chapters—"In the White House," "The Bully Pulpit," and "Down Pennsylvania Avenue"—that the reader begins to feel the magic of the man and to understand the secret of his appeal to millions. As page after page unfolds his character, his sympathy with ordinary people and their preoccupation with the problems of living decent dignified lives becomes apparent.

He not only expressed their problems in vivid and often stark language, but he was able to make people feel that he would bring the prestige and authority of the Presidency and the power of the United States to their aid. The unemployed, the under-privileged, the Negro, the hungry and all those who lived under the shadow of fear, saw in Kennedy one who meant to do something about their troubles.

Mr. Schlesinger certainly goes to the root of the matter when he says that "personality" was the most potent instrument of his Presidential authority. On one occasion Kennedy said: "I suppose that if you had to choose one quality to have, it would be vitality." And that is the quality which permeates these pages.

The description of his Presidential term as "instinct with action" is fully justified. But if he was impatient, he was also, as Mr. Schlesinger records, a "superb" listener. I noticed on many occasions his quite unusual ability to stand back from a problem to get it in focus. The opinion of everyone around

a table would be extracted by a series of staccato questions. The positions of his own advisers would be mercilessly probed. Then, equipped with all the facts and arguments, he took time to make his decision, and when it came it was his own. It was a process which gave confidence to friends and allies.

Being of Irish extraction, he had politics in his blood; but he was not by nature partisan. His instinct told him that nearly all the decisions of a President had to be made on behalf of the Nation or by reason of America's power on behalf of mankind. He treated them so, and as a result he acquired, much earlier than most, the stature of a statesman.

Mr. Schlesinger selects, as Kennedy's most powerful weapon on the home front, the "vision of the truly civilized community America might become." His appeal was for "quality" in American life, and here he touched a chord.

His technique in getting his way was unusual if not unique. He sensed an underlying discontent and sense of frustration in society. So he set out to make "ideas" fashionable and in so doing to release the critical faculty of the Nation. Self-criticism, as Mr. Schlesinger puts it, became not only legitimate but patriotic. "Modernity" became popular. The intellectuals and the young were inspired to crusade.

Early in the story we see the combination of the realist and the radical reformer at work: in the appointment, against the advice of his closest political associates, of Lyndon Johnson, the most competent and successful of practitioners in Congress, as Vice President.

In the controversial selection of his brother, ROBERT, as Attorney General, and after the humiliating confusion of the Bay of Pigs, as his troubleshooter, right-hand man, and candid friend.

In his personal selection of the ablest young men he could find from the universities for the White House staff—a move which was not popular with the Department of State but which produced a situation in which Kennedy took delight, for he was not averse to stimulation by friction if that brought results. He simply would not accept from the usual official channels the traditional postures and answers.

Foreign and defense policy offer typical examples:

"Each believes that we have only two choices, appeasement or war, suicide or surrender, humiliation, or holocaust, to be either Red or dead.

"Against the left he urged the indispensability of strength, against the right the indispensability of negotiation."

He was not afraid to enlist the advocate of trial by strength, Dean Acheson, and to sit him down at the table with the patient seeker for the middle way, Adlai Stevenson and Averell Harriman; and from that clash of temperaments and views to distill a policy which was new but American.

I well remember how, convinced by Mr. Harriman, he reversed traditional American policy in Laos, and how after months of sterile argument he cut through the official blocks on the road to a nuclear test ban in the atmosphere. In this he listened to Mr. Harold Macmillan, was convinced, and acted. Kennedy sensed that the pure doctrine of the Soviet Communist revolution was on the decline and insisted that a modus vivendi with Russia was a prime American interest. He placed America's sympathy firmly on the side of those nations who were urgently seeking independence—although it must be confessed that when it came to British Guiana his enthusiasm was controlled. And on these policies he stamped his own mark and changed the image of his country in the eyes of the world.

The Bay of Pigs was baptism by fire. The tale of muddle and inefficiency caused by the

separate empire building of the CIA, the General Staff, and the State Department makes almost incredible reading.

It hit the young President like a hammer. The conclusion is inescapable that given more experience Kennedy would have vetoed the expedition, doomed to failure from the start.

Much interest in Mr. Schlesinger's tale lies in the manner of its handling of this episode, particularly in the light of subsequent events. At one stage in the endless discussions, Mr. Schlesinger records the President as asking, "What is prestige?" "Is it the shadow or the substance of power? We are going to work on the substance of power." Soon he was to face the test. He had not yet quite found his touch, or he would not have exposed himself to a meeting with Mr. Khrushchev so early in his career.

I doubt if historians will deal so kindly with this episode as Mr. Schlesinger does. He holds that it educated Kennedy; but if, as I suspect, it led some of the Russian leaders to underestimate the President of the United States, a heavy price was still to be paid. Nevertheless the lessons stood him in good stead when the crunch with the Soviet Union came.

It seemed that this had arrived over Berlin. Mr. Macmillan was very close to the President's thoughts throughout those anxious months. Kennedy was in a dilemma. He felt that Mr. Khrushchev might interpret a reluctance by the United States to wage nuclear war as a loss of nerve. But he knew too how easy it would be to "drive the crisis beyond the point of no return." With great skill he blended a judicious and sufficient show of force and a publicly stated willingness to negotiate. Nothing he said was unnegotiable except "the dignity of free men." Khrushchev understood this language; he built the wall and that crisis turned the corner.

But for the United States the real test was yet to come, in grim and urgent form. Mr. Khrushchev's decision to put nuclear missiles into Cuba represented the "supreme probe of American intentions." Kennedy immediately recognized it for what it was. He said at once, "The United States must bring this to an end," and not once thereafter did he waver. Deliberately he chose blockade rather than intervention. True to his character he had given himself and his antagonist time in which sanity could prevail. At the moment of supreme trial he understood the strength and discretions of power.

Every page of the narrative reveals Kennedy as a man of acute perception and big ideas. Neither Castro in Cuba nor the Communists in Russia were to him the fundamental problems, but the conditions which brought them into being. The result was the launching of such campaigns as "Food for Peace" and the "Peace Mission" which did so much to change the traditional picture of America in Asia and in Africa. His theme was the "dignity" of man and the "liberty" of man, and that is why he threw the Federal power on the side of Civil Rights for American Negroes and made this the first of his domestic tasks. That is why he gave the moral and economic support in full scale to those countries who had gained their independence. His sympathy was universal.

This book is "instant history," and inevitably subject to the charge that the critical faculty is clouded by emotion. Mr. Schlesinger is only human and would doubtless plead guilty. But from all I knew of Kennedy the portrait is true of the President, the public servant, the husband supported at all times by his talented wife, the friend—serious and grave, witty and gay. Inevitably the reader will be haunted by the might-have-beens, but on any reckoning, Kennedy's was a life of rare quality and achievement.

[From the New York Times Book Review,  
Nov. 23, 1965]

J.F.K.: A MEMOIR AND MORE  
(By James MacGregor Burns)

More than any other people, perhaps, Americans like to leave issues to the verdict of history. When some problem seems too opaque or some leader too inscrutable, we comfort ourselves with the thought that some day the historians will decide the merits of the case or take the final measure of the man. The trouble is that historians never come in with a final verdict; usually they are a hung jury. History is written by the survivors—but new generations bring new survivors.

The great historian combines the feel and immediacy of the participant with the distance and perspective of the critic who can put events in their broadest context; tap wide sources of data and judgment, and enjoy all the blessings of hindsight. He can accompany the main actors down the rutted, twisting road and feel—as well as record—the bumps and turns. But he can also step back, and, with his fellow historians as his jealous and watchful constituency, he can gain a perspective that sees a man and his era against the long prolog and epilog of events.

Such a historian is rare. I doubt that Arthur Schlesinger, Jr., with all his self-confidence, expected at the outset that he would write virtually a history of the age of Kennedy. He describes his work as a "personal memoir by one who served in the White House during the Kennedy years," and one notes that he faithfully records his own background (O.S.S., Stevenson aid, etc.) and his own White House activities (mainly foreign relations) as well as his chief's. His work ends up, however, as a remarkable feat of scholarship and writing, set in the widest historical and intellectual frame—and all the more astounding for having been written in something less than 18 months.

It is exciting in this book to see the historian take over, to see the mere chronicler of events, at first content to use his limited and staccato exposure to great events, give way to the scholar of contemporary America. Certainly Schlesinger's presence in the White House helped give him *Verstehen*—that quality of being able to feel one's way into complex situations and to know, if not how things were done, how they could not have been done.

Yet I think that Schlesinger's achievement is due less to his having been a member of the Kennedy White House than being a member of the Kennedy era. He shared with Kennedy, though from a different perspective, the worlds of Boston, Harvard, military power, State and national politics, convention rooms, Washington. Like Kennedy, he was born during World War I, came of age in the great depression, knew, admired, and criticized the New Deal, rejected many of the old liberal stereotypes, suffered through the platitudes of the Eisenhower years and embraced the politics of modernity.

In this long volume Schlesinger has caught both the sweep and the ferment of the thousand days. He has chronicled Kennedy's long and skillful nomination campaign, the battle with Nixon, the feverish preparations for office, the scintillating inaugural days, and then the burdens of power—Latin America, Berlin, southeast Asia, Africa, and always Moscow and Peiping; and at home, economic recovery, the civil rights revolution, the fight with big steel, and all the rest. Nor does he ignore the disappointments—the burning humiliation after the Bay of Pigs, the frustrations on Capitol Hill, and the immovability—as Schlesinger sees it—of the bureaucracy in general and of the State Department very much in particular.

The chronicle is fresh, vivid, and informative, but what the historian has done is to

recreate the historical, political, and personal context in which the events take place. He reaches back into the Truman and Eisenhower years to dissect the web of forces that variously empowered and constrained the administration. He has a sure grasp of the party rivalries, factional quarrels, intellectual, and policy differences and quirks of personality in which issues and policies were entangled.

His closeness to White House aids, bureaucrats, and congressional politicians has not dulled the author's ability or willingness to portray them in diamond-bright vignettes. The result is a continuously fascinating but almost encyclopedic treatment not only of the big events and of the less crucial but still instructive topics like Laos, the Congo, the Skybolt missile mixup, Santo Domingo (Kennedy came close to occupying it), Goa, and even relations with South Africa.

Thus the United Nations: "Not until I began making regular visits to that great glass tower glittering above the East River did I start to grasp the intensity of the UN life. It was a world of its own, separate, self-contained, and in chronic crisis, where a dozen unrelated emergencies might explode at once, demanding immediate reactions across the government and decisions (or at least speeches) in New York. It had its own ethos, its own rules, and its own language: delegates would argue interminably over whether to 'note' or to 'reaffirm' a past resolution, to 'deplore' or 'regret' or 'condemn' a present action. \* \* \* Stevenson, presiding over this hectic outpost in American diplomacy, had a far more arduous and exhausting job than most Washingtonians appreciated; and, because he had the grace of making everything look easy and the habit of disparaging his own success, people in Washington did not realize how superbly he was discharging an impossible assignment."

Nehru: By 1961 "Nehru, alas, was no longer the man he had once been. It has all gone on too long, the fatherhood of his country, the rambling, paternal speeches to his flock, the tired aristocratic disdain in New Delhi, the Left Book Club platitudes when his face was turned to the world. His strength was falling, and he retained control more by momentum of the past than by mastery of the present."

The difficulty of opposing the Bay of Pigs: "The advocates of the adventure had a rhetorical advantage. They could strike virile poses and talk of tangible things—firepower, airstrikes, landing craft and so on. To oppose the plan, one had to invoke intangibles—the moral position of the United States, the reputation of the President, the response of the United Nations, 'world public opinion' and other such odious concepts."

ROBERT KENNEDY: "When, to the general indignation of the bar and press, he was appointed Attorney General, he was widely regarded as a ruthless and power hungry young man devoid of principle or scruple, indifferent to personal freedom or public right, who saw life in rigidly personal and moralistic terms. \* \* \* And BOBBY'S public bearing—the ominous manner, the knock-the-chip-off-my-shoulder look, the stony blue eyes, clenched teeth, tart, monosyllabic tongue—did not especially dispel the picture of a rough young man suddenly given national authority. I do not know of any case in contemporary American politics where there has seemed to me a greater discrepancy between the myth and the man."

It is not accidental that these examples relate mainly to foreign affairs, for so does the book. Schlesinger, being "only irregularly involved" in domestic matters, felt that he had less to say about them. This conclusion stemmed from a mistaken premise, as I see it, that the author could describe best what he had most witnessed. Here

again, Schlesinger the historian is not dependent on Schlesinger the White House aid.

He handles domestic policies and politics superbly when he finally comes to them, but the treatment is relatively too brief. Schlesinger makes perceptive judgments about Kennedy's relations with Congress, the radical right, various groups and personages of the left, the leadership of labor, the intellectuals—but there is simply not enough background and depth. Incredibly, this long book is not long enough. Or perhaps it should be in two or even three volumes to do justice to the age of Kennedy.

What manner of man emerges from these pages? Clearly Kennedy was a hero to Schlesinger as he was, evidently, to all his friends and aids (we have yet to hear from his valet). Like other biographers, Schlesinger was struck by Kennedy's detachment, coolness, restraint, self-control, distaste for emotional display. But these qualities, he feels, overlay deep feelings, involvement, commitment.

The President feared to make an unnecessary display of himself, to seem to be histrionic or corny. He saw no sense in knock-down and drag-out fights if he did not win them. "There is no sense," he said, "raising hell, and then not being successful. There is no sense in putting the office of the Presidency on the line on an issue, and then being defeated." He would rather compromise and win a bill than lose dramatically and win a heightened moral issue.

Kennedy regarded crowds as irrational, the author says. He did not want to play on a mob's emotions, as Franklin Roosevelt had done so brilliantly and demagogically in his Madison Square Garden speech at the climax of the election of 1936. He was fearful of the proposed march of civil rights forces on Capitol Hill (but pleased when the rally around the Lincoln Memorial turned out to be one of the most luminous moments in the Nation's life). He violated his own restraint only once, in Berlin ("Ich bin ein Berliner") and was afterward worried about it. Why this fear of arousing mass feeling, of using popular emotion as a tool in politics?

The author finds a more basic reason for this quality than the usual explanations of rationalism or pragmatism. The "basic source may have been an acute and anguished sense of the fragility of the membranes of civilization, stretched so thin over a nation so disparate in its composition, so tense in its interior relationships, so cunningly enmeshed in underground fears and antagonisms, so entrapped by history in the ethos of violence." It was this kind of sensitivity that Kennedy brought to civil rights. His relation to this issue in the 1950's, the author suggests, was more a matter of intellectual and political commitment than of emotional identification.

By the 1960's American Negroes were in a state of semirevolution. Kennedy used a wide array of executive powers, but he used them slowly and prudently, and he did not come to command the Nation's mood and conscience, as Franklin Roosevelt had done in coping with protest born of depression. "A sweeping revolutionary force is pressed into a narrow tunnel," Martin Luther King complained. Only after the crises in Oxford and Jackson and countless other southern towns did the President take his place in the Negro revolution.

Schlesinger feels that his timing was right—that the President could act only after the Nation's attention was focused on civil rights. Some Negro leaders still believe that Kennedy should have moved earlier and more boldly—that the leader must set in advance the moral tone that will inform a people's perspective and in turn strengthen the President's hand.

History will continue to render verdicts on such questions, as we try to learn more about the interrelations of Presidential needs, the

people's moods, and the political process. History will also bring new evaluations of Kennedy the man, as we hear more, for example, from the "Irish mafia" types who saw Kennedy's robust, earthy, and less cerebral side. History will reassess both the thousand days and "The Thousand Days." But I will offer one man's verdict now. This is Arthur Schlesinger's best book. A great President has found—perhaps he deliberately chose—a great historian.

[From the New York Times, Nov. 24, 1965]

#### A MAGNIFICENT HISTORY

(By Eliot Fremont-Smith)

With appropriate bows, nods, and yawns to other scribes, intimate recollectors and eulogists of the Kennedy era—this is the book we have all been waiting for. Our high anticipation has been more than justified.

In "A Thousand Days," Arthur M. Schlesinger, Jr. has produced an original, fresh, vivid, penetrating, and totally absorbing book that is at once a masterly literary achievement and a work of major historical significance. It does not seem likely that a better, more readable, more insightful account of the Kennedy administration will soon be written—certainly not one written from the same double vantage point, or with the same candid and wry awareness of the occasionally conflicting demands of personal memoir and historical accuracy.

Mr. Schlesinger is generally considered one of the Nation's three or four ablest historians. He is of course best known for "The Age of Jackson" (1945), which revised Jacksonian studies and won him a Pulitzer, and for the three-volume (so far) "Age of Roosevelt." But he has never been an academic in the usual sense.

Long before he joined President Kennedy's White House staff in January 1961, as Special Assistant (concentrating in foreign affairs) and "resident intellectual," Mr. Schlesinger was deeply involved in partisan politics. He worked in both Stevenson presidential campaigns, helped direct Americans for Democratic Action, and has over the years interlarded his historical works with such polemical books as "The Vital Center" and "The Politics of Hope." In short, Mr. Schlesinger is an activist—and a controversial one at that.

Thus the most obvious question about "A Thousand Days" is: How objective can a historian be about events in which he took part? Mr. Schlesinger's answer is frank and convincing. In the first place, truth, not objectivity, is the historian's goal. In the second, there is no reason to assume that one's perception of truth is enhanced by remoteness from events, in place or time.

In the third place, one must rely in any case on the integrity of one's mind—the questioning of attitudes, biases, sources, and the gaining of perspective, are not physical activities; they are intellectual ones, and no matter what the historian is studying, the same mental operations must take place.

Mr. Schlesinger's own role in the Kennedy administration (and he doesn't overstate it) should be no hindrance to his role as historian, and, in fact, isn't. To verify, enlarge upon and occasionally, one assumes, contradict his own recollections and impressions, Mr. Schlesinger has done a prodigious job of research and interviewing. And beyond integrity, vigor, and grace of mind, he has brought to this book both zest for drama and a sharp, ironic, self-deflating humor not unlike the President's own.

The result is a history that is authoritative—in the sense of seeming as near, as inclusive of, the truth as is now possible—and candidly creative, or recreative, out of personal involvement. More convincingly than anyone else, Mr. Schlesinger has conveyed the excitement, hustle-bustle confusion, sense of comradeship, the periods of eu-

phoria, and near-despair, the gaiety and driving energy that illuminated Washington's atmosphere for nearly 3 years.

And yet this is in no way sloppily done. (The famous post-Bay of Pigs bedroom weeping scene is gone—which shows one advantage of otherwise terribly distorting prepublication serialization. The book was tried out, as it were, on the stage of Life magazine before opening at the Houghton Mifflin.)

The portrait of John F. Kennedy is more robust than reverential—he laughs, is skeptical, gets angry, swears, makes errors—things an icon never does. And we see him also as a man fascinated with ideas, people, power, and how it can and should be implemented. Among other things, this book gives us back a sense of the person President Kennedy really was. In interests, as well as in modes of thought he and his aid were not far apart—which may have been Mr. Schlesinger's greatest single circumstantial advantage as historian of the Kennedy era.

"A Thousand Days" covers, in a sweeping, suspenseful narrative, all the main events and many minor ones. Its portraits of the actors are full and brilliantly incisive (one hopes the prattle over those less than flattering has now subsided). But the overriding interests are in the hows and whys of political power as the Kennedy administration came, not without considerable anguish, to understand and effectively employ it—and in the goals of Government and society that so characterized and shone upon that time. With these themes as with virtually everything else in this magnificent book, Mr. Schlesinger demonstrates how great history is conceived and written.

[From the New Republic, Dec. 4, 1965]

#### SCHLESINGER'S KENNEDY

(By John M. Blum)

For Andrew Jackson, so we learned from Arthur Schlesinger, Jr., the sun broke through the clouds as he set out for his inauguration; for Franklin Roosevelt, the mist and wind under a sullen sky were witness to the Nation's applause for buoyant call to action; for John F. Kennedy, Schlesinger tells us how, "it all began in the cold," as so soon thereafter it was all so tragically to end. In "A Thousand Days," Schlesinger, as he did before for Jackson and for Roosevelt, brings his sure knowledge, his lucid prose, and his unmatched gift for understanding the endless adventure of governing men to the analysis of the administration of a great President. The book, Schlesinger says at the outset, is "not a comprehensive history of the Kennedy Presidency. It is a personal memoir." But the intensity of the author's personal experience with Kennedy does not, in spite of the disclaimer, diminish the range, the quality, and the authority of the history recorded. Schlesinger's is the first account of the Kennedy years to catch and convey the spirit and the style of the New Frontier and its leader. It will be for many years the account against which all others must be measured, and on which all others will in some degree depend.

Kennedy, as Schlesinger portrays him, served both as the agent and the symbol for an indispensable reformation of public policies as those policies were made and applied and understood at home and abroad. "Let us," the President said of the Alliance for Progress, as by implication he often said of his own country, "let us once again transform the American continent into a vast crucible of revolutionary ideas and efforts—a tribute to the power of the creative energies of free men and women—an example to all the world that liberty and progress walk hand in hand." The Kennedy whom Schlesinger reveals believed in those possibilities and dedicated himself to their fulfillment. He did so even though his political perceptions told him how perilously slow the course of

progress had to be, and—more important—even though his reading of history and his consequent sense of irony reminded him always of the distance that lay between the noblest, most vigorous intentions and their invariably lesser products. That sense of irony contributed to Kennedy's humor, which he wryly turned against himself, without in the least reducing Kennedy's stamina, born partly of rare courage, partly of confidence, and essential to his imperturbability in crisis.

Irony has meaning only to man thinking, only to an intellectual, and Kennedy, as Schlesinger demonstrates, was the most incisive intellectual of the whole brilliant galaxy of men whom he summoned to his side. More than any one of them, he commanded the entire array of difficult subjects to which he adverted. Yet Kennedy, even in repose, exuded the poised grace of a man trained and resolved to act. His command of his mind—thorough in its instruction, jugular in its drive to the essence of a problem—whetted his impatience to be on with his tasks. The impulse to action, the swift concentration on the practicable, the mistrust of the rhetoric of idealism, the unhesitating recourse when circumstances so indicated to the power of the military or of the Irish Mafia—all these led some intellectuals, particularly those who did not know Kennedy or who disagreed with him, to misread his high purpose and to underrate his arresting capabilities, to disown their closest kin to hold the Presidency since the time of Thomas Jefferson.

For his part, Kennedy was hurt and puzzled when intelligent but cloistered men in 1960 found him neither less nor more than Richard Nixon. As Schlesinger observes, 2 years later no one could properly any longer confuse the adversaries; Kennedy in office had proved his right to the margin of support the electorate ultimately awarded to his successor.

Schlesinger's vignettes serve the New Frontiersmen well, especially Averell Harriman, whose wise and selfless engagement merited the unstinted admiration it receives. Some 30 years the senior of most of his colleagues, Harriman nonetheless shared their ebullient youth. Adlai Stevenson, as Schlesinger portrays him, was less at home in Kennedy's Washington, but the picture of Stevenson that emerges captures his spirit, even though Schlesinger ruefully admits the continual uneasiness of Stevenson's relationship with Kennedy. A lesser President might have failed to enlist Stevenson in the common cause which the older man had defined and clarified while the younger was preparing himself for the responsibilities of power. Those who, as Schlesinger describes them, perhaps best represented the essential qualities of Kennedy's use of power, his preferred processes of government, and his goals for the United States were the trenchant, systematic, indefatigable McNamara, and the tough, steady Attorney General—hungry to learn, more and more the most effective and reliable liberal in the Cabinet.

Others fare less well. Lyndon Johnson, for one, whose strength Schlesinger gladly recognizes, appears, as he was, at some remove from the center of affairs—restless, egocentric, but an impressively loyal soldier to an army he had only reluctantly joined. In Los Angeles in 1960, Schlesinger writes, after Kennedy had won the nomination, Johnson was "far from Isalah," and for the heathen Schlesinger adds, in a footnote other historians will envy, "'come now, and let us reason together.' Isalah 1:18. L.B.J. passim." But Johnson is the object only of respectful fun, while Dean Rusk is the object of exasperated disappointment.

The American Establishment (the subject of a puckish footnote that pays special respect to Richard Rovere) has questioned Schlesinger's taste, even his patriotism, for reporting Kennedy's private statement that

Rush would be permitted to resign. In the full context of Schlesinger's book, that report is neither tasteless nor unpatriotic nor undeserved. Schlesinger devotes a major portion of his total narrative and analysis to examining the inertia of the State Department, the Joint Chiefs, and the CIA, and to explaining Kennedy's efforts to break through the depressing influences of those agencies. The crisis for the President arose with the Bay of Pigs, an episode that Schlesinger makes a kind of fulcrum for his own critique of government as Kennedy inherited it. The implications of the story Schlesinger tells are as disturbing now as they must have been to the President at the time. State, CIA, and the Joint Chiefs displayed an invincible inability to question the premises from which the original planning of the operation had proceeded. In a series of small decisions built upon those rigid premises, a series that became irreversible in its momentum (in precisely the manner discussed by D. Braybrooke and C. E. Lindblom in "A Strategy of Decision"), they led the new administration to the calamity of the invasion. That affair, shattering the gay confidence of the spring of 1961, opened a long season of gloom that spread with the troubles in Berlin, Laos, and Africa. But the travesty of the Bay of Pigs had reminded Kennedy that specialists in intelligence and weaponry and protocol were attached to the particular interests they represented and, with singular exceptions, were incapable of comprehending or of representing the general interests of the Presidency or the United States. Accordingly, Kennedy turned increasingly to generalists in whom he had personal confidence, men charged with the dual duty of prodding the bureaucracies to perform at a high level of energy and imagination, and of transcending the advice of bureaucratic expertise. As the White House took over the strings of policy Kennedy gained the initiative and scope necessary for his later achievements, especially for his superb resolution of the second Cuban crisis and for his delicate diplomacy for the test ban. But Rusk, apparently by his own choice, ordinarily stood apart from involvement in those and other major issues, and Rusk only hesitatingly, if at all, endeavored to purge his Department of its sluggishness, parochialism, and banality. Thus Kennedy's statement about Rusk's resignation, and thus Schlesinger's report.

After the Bay of Pigs, Kennedy's largest difficulties in foreign policy, as Schlesinger sees it, derived not from American weakness or fumbling but from the strength and will of adversaries or off-and-on friends, particularly the Soviet Union and France. The accounts of Kennedy's trials with Khrushchev and De Gaulle profit alike from Schlesinger's care with details and his prefatory excursions into the backgrounds of Russian and French policy. Here and elsewhere in the book—for example, in sections on Latin America, Africa, Italy, and Great Britain—the author's grasp of the past enhances his rendering of the immediate. His candor, moreover, exposes certain failures of the administration which he views more generously than will some of his readers—for one, the lapse in communication with and consideration for an ally that intensified British disappointment over the cancellation of Skybolt; for another, the preoccupations that kept Kennedy from reversing the flow of decisions about Vietnam, decisions that originated in large part with various New Frontiersmen. Though no apologist for Diem, Schlesinger suggests in the intractable case of Vietnam how crippling were the limits of Kennedy's available choices. In that and other cases, Schlesinger tends to applaud the practicable and melliorative, and tends to deplore the radical and millennial. Here he reflects the tough but creative mood of the New Frontier. Yet that mood leaves, perhaps, too little

room, not for agreement with, but for sympathy for those theorists who help to preserve a millennial vision against which the impact of the practicable can be measured. And Schlesinger, without being necessarily wrong, is nevertheless harsh in his asides about H. Stuart Hughes and those of like mind.

Schlesinger's more gentle but still critical treatment of the radicals in the civil rights movement appreciates their success in advancing their cause. At the same time, the Kennedys and their associates lent considerable thrust to that accelerating movement, and the Attorney General, in Schlesinger's assessment, receives the credit that his detractors have refused to grant him. Still, some of Robert Kennedy's admirers, including Schlesinger, for their part have not discussed the significance of the New Frontier's judicial appointments with the skeptical detachment of Alexander Bickel in his "Politics and the Warren Court." Overall, however, Schlesinger's approach to civil rights and other domestic issues is distinguished by its clarity and balance. Indeed, his discussion of economic policy provides a model for any general exploration of technical questions. Most important, with marked restraint Schlesinger shows conclusively that Kennedy did get the country moving again. The accomplishments of Lyndon Johnson rose from the strong foundations Kennedy built, for Kennedy's celebrated style was no trick of public relations but the graceful expression of a powerful mind, a powerful person, and a powerful program, admirably timed.

"Is there some principle of nature," Richard Hofstadter asked in a question Schlesinger quotes, "which requires that we never know the quality of what we have had until it is gone?" Perhaps. Those close to Kennedy knew before that dreadful day in Dallas. Many others did not. It is the special triumph of Schlesinger's book that those who read it, now or years from now, will know the quality of Kennedy. They should then conclude, with Schlesinger, that above all Kennedy "gave the world for an imperishable moment the vision of a leader who greatly understood the terror and the hope, the diversity and the possibility, of life on this planet and who made people look beyond nation and race to the future of humanity." In a sense, then, it did not come to an end in the cold.

[From the Saturday Review, Nov. 27, 1965]

BOOK OF THE WEEK: "A THOUSAND DAYS: JOHN F. KENNEDY IN THE WHITE HOUSE," BY ARTHUR M. SCHLESINGER, JR.

(Reviewed by John Barkham)

I hope the overwhelming merits of this book are not overshadowed by a controversy over its so-called instant history. It is far too important a record of Kennedy's years in the White House to be sidetracked for any reason whatever. So let me say at once, and as emphatically as I can, that Schlesinger has written what I believe to be the most articulate, analytical, inseeing report of the President's performance in office so far published.

To peruse this book is to stand at Kennedy's side through the presidential campaign and all through the White House years. To the best of my knowledge, no previous President ever had so distinguished a historian in his immediate circle overseeing his actions, discussing his decisions, and recording his reactions—as they occurred. That John F. Kennedy had the foresight to install so professional an observer on his personal staff is one reason his all too brief administration has become the best documented of any President's.

Inevitably Schlesinger's book will be compared with that of Theodore Sorenson. In style and purpose they are quite different,

Sorenson's being a close personal portrait with background fairly lightly touched in, whereas Schlesinger has held up a wide-angle mirror to the Kennedy years, with the President in the foreground. Both men were devoted to Kennedy—Sorenson without reservations, Schlesinger with something less than adulation. (You may recall that it was Schlesinger who said before the presidential primaries: "I am nostalgically for Stevenson, idealistically for Humphrey, realistically for Kennedy.") Schlesinger's admiration for Kennedy, though always evident, is never permitted to cloud his judgment on the President's actions.

At first glance the length of the book is forbidding—it is almost as long as "War and Peace." But it is never less than absorbing reading. If you are in the least interested in J.F.K., there are no longueurs. Schlesinger is meticulous in his overall coverage; nothing of consequence is overlooked from the start of the 1960 primaries to that fatal day in Dallas. Kennedy's relationship with his Cabinet, with the Congress, with the press, and with the public are explicitly described and dissected. Nowhere else, for example, have I found so lucid an explanation of the ambivalent relationship with Adlai Stevenson.

The Bay of Pigs episode is pictured from a ringside seat, with clear labels as to who was for it and who against it. (Schlesinger himself was against.) The Cuba "eyeball" confrontation is recorded in even greater detail, right down to the role played by peripheral figures. Sorenson is sketchy when he moves away from Kennedy's presence: not so Schlesinger.

The prose is polished and incisive, and many passages are unexpectedly moving. A particularly affecting chapter is that in which Schlesinger described Kennedy's relationship with his immediate family and with his personal aids. He tells us vastly more than anyone else of daily life inside the White House. Of Mrs. Kennedy he says at one point: "Her husband's delight in her was visible. His eyes brightened when he talked of her or when she unexpectedly dropped by the office." Schlesinger quotes the President saying with a smile: "Whenever a wife says anything in this town everyone assumes that she is saying what her husband really thinks. Imagine how I felt last night when I heard Jackie telling Malraux that Adenauer was un peu gaga" (slightly gaga).

The book is enlivened with many such a revealing story, all of them expertly integrated into the narrative. Schlesinger's puissant style combines the detachment of the trained observer with the immediacy of the eyewitness. The one serious question raised by the book is that of taste. Is Schlesinger justified in recording strictures on present officeholders such as Secretary of State Dean Rusk? Is it a breach of confidence to report that Kennedy considered replacing Rusk?

The reader will have to answer such questions for himself, but it should be noted that Schlesinger equitably lists all the pluses as well as the minuses in Rusk's case, which the magazine excerpts did not always do. As to instant history, think what would be lost if, as some suggest, all this Kennedy material was buried in archives till the major participants were deceased and all passions spent. What would we not have given to have a Schlesinger in the White House during the Lincoln years?

[From the New York (N.Y.) Post, Nov. 18, 1965]

SCHLESINGER'S "KENNEDY": HISTORY, NOT EULOGY

(By Richard J. Whalen)

During his Presidency, John F. Kennedy, the youngest man ever elected to the office,

sometimes mused about how he might occupy himself after he left the White House. As he once wryly remarked, he would be at an awkward age—"too old to begin a new career and too young to write my memoirs." One of the deprivations we suffered on that terrible day in Dallas was the loss of the account of his administration on what Kennedy would have written.

In the case of an Eisenhower or a Truman, both of whom have done their self-justifying duty in the grand tradition, it would be no great loss if not a line had been written.

But in the case of Kennedy, it is reasonable to believe that we have been denied a rare chance to know something of the inner reality of the Presidency—not how it "feels" to sit in the oval office, but how the occupant of that room, from his unique vantage point, sees the world that looks to him for leadership and so often frustrates his efforts to provide it. Kennedy, unlike his predecessors, took pride in what he wrote and knew that much more than the ordinary memoir would be expected of him. In him, the instinct to justify his Pulitzer Prize probably would have overcome the conventional impulse to forget mistakes.

Fortunately for Kennedy's place in history, Arthur Schlesinger, Jr., the most gifted of America's contemporary historians, was inside the White House, simultaneously performing staff functions and plying his profession. In his enormous yet immensely readable volume, the loss of Kennedy's own memoir is almost made good.

So much has been written about Schlesinger's presumed "competition" with other Kennedy memoirists, notably Theodore Sorensen, that comparisons are inevitable. With the authority of his intimacy, Sorensen has described his recently published "Kennedy" as his substitute for the book the President intended to write.

Had he lived Kennedy almost certainly would have chosen Sorensen as his chief collaborator, continuing their earlier practice. And yet I doubt that Kennedy himself would have written a book resembling Sorensen's. His capacity for ironic self-criticism would not have permitted it.

Schlesinger labels his book a "personal memoir" and concedes his limited view, adding that no one "will ever be able to achieve the central, presidential, perspective" that would have been Kennedy's. Still, working from just outside with a professional's skill and insight, he has more than compensated for the limitations of his position—and he has avoided the pitfalls of being too close, too protective, too involved in the ego of his subject.

Not that he stints his praise of Kennedy; far from it. But he, much more than Sorensen, writes under the discipline of his craft and the shadow of a Pulitzer. Consequently, even though he often writes in the first person, he preserves a certain detachment and accepts the obligation of the historian: to render a fair account and pass honest judgments.

Thus, while his claims are duly modest Schlesinger has produced a volume that will henceforth influence everything written about the Kennedy years.

The widely publicized excerpts that appeared in *Life* magazine are chips from a vast forest. In spite of its bulk, this is a surprisingly tightly written book; its lines are densely packed; they have an almost palpable "heft" as they communicate not merely the event, but its antecedents and the background against which it occurred.

The much quoted criticism of Dean Rusk, read in context, recedes into a balanced critique of the semiparalyzed state of the State Department.

All of the "set piece" episodes of the Kennedy years, such as the Bay of Pigs, the Berlin crunch, and the Cuban missile crisis, are rendered vividly and with a compelling

sense of the agonizing choices and risks each involved.

Kennedy is portrayed as reluctant to push or be pushed, always seeking the avenue that would avoid a direct confrontation with his "adversary"—the word "enemy" held connotations too hot to the New Frontier touch—and always willing to believe that reason ultimately governed.

In the end, in the second Cuban crisis, Khrushchev behaved reasonably, but not before his misreading of Washington's mood brought the world perilously close to the brink.

If Kennedy's coolness sometimes left his intentions in doubt, so did his infrequent outbursts of temper, as when the showdown over pricing with Big Steel interrupted his courtship of business. A number of books have already appeared discussing Kennedy's economic views, including one bearing the impressive name of Seymour E. Harris, but none succeeds as well as Schlesinger's in setting forth the implications of the fact that Kennedy was "the first Keynesian President."

The steel skirmish, seen in this perspective, was merely noisy; what was significant was the little noted elevation of theory to power, climaxing a generation of intellectual warfare.

Herein lies the special value of Schlesinger's study: his sense of the continuity of human affairs heightens his awareness of new departures. With him as our guide, we gain not only understanding of Kennedy, but also, and equally important, of ourselves and of the sources of the claim he had upon us.

In this superb volume, the vocabulary of history replaces the rhetoric of eulogy that has come to be expected. It may strike some accustomed to sentimental excess as deficient in feeling. The feeling is there, abundantly, but it is controlled, which is one reason why Kennedy would have admired the book.

More importantly, with this book, the crucial shift in emphasis has begun to occur: away from Kennedy's personal qualities and toward the substance of his administration. Only thus can he be spared the fate, which adoring books thrust upon him, of being remembered fondly, but vaguely, for his "style."

Schlesinger leaves us still some distance removed from a definitive judgment on Kennedy, but at least the man has begun to emerge from the vapors of myth and we see him as he might have shown himself in the book he never wrote.

(NOTE.—Richard J. Whalen, a Fortune editor, is the author of "The Founding Father" and of the current "A City Destroying Itself: An Angry Look at New York.")

[From the London (England) Observer  
Nov. 28, 1965.]

#### KENNEDY IN CLOSEUP

(By John Kenneth Galbraith)

Only the exceptionally retarded will need to be told that these books are about President Kennedy and his administration by two of his most gifted lieutenants. Both have been published in part in newspapers and magazines. And Mr. Sorensen's book has now been out for some weeks and has been extensively reviewed. Both, and especially the excerpts from Mr. Schlesinger's book, have produced great discussion. I think it rather less important at this date to comment on the books than on some of the nonsense the critics have written concerning them. But the conventions of reviewing must be observed—at least in passing.

Theodore Sorensen was President Kennedy's closest adviser and co-worker, not only in the White House years, but for many years preceding. Arthur Schlesinger knew Kennedy only as a contemporary and casual friend before 1960; they were not closely allied in politics. Nor was he as close to the

President as Sorensen in the White House. The President regarded him, I think, less as an assistant than as a distinguished contemporary to be consulted on points of history, used as an emissary to the liberal and literary community, and for particular tasks in the field of Latin America and United Nations affairs.

Each book reflects the particular experience and qualifications of its author. Sorensen has far more to say of the campaign for the Presidency. He has a more intimate personal view of what happened thereafter. He is not in doubt as to who of the President's entourage or appointees were inadequate, incompetent or devoted, in their service, pre-eminently to themselves. But he deals with such handicaps with the restraint of a careful lieutenant. The commonplaces that all politicians use in speeches, the obeisance to honesty, morality, intelligence, and general righteousness slip more than occasionally into his text. I am not sure, however, that he writes best of the domestic issues with which he was most concerned. On foreign policy, including the meeting with Khrushchev and the missile crisis, he is brilliant.

Mr. Schlesinger has little to say of the campaign for the Presidency. And, though he deals at length with questions, Latin American policy in particular, with which he was especially concerned, his book is much more that of a professional historian. He seems always to have the relevant facts at hand and he is all but unique in his ability to order them into an engrossing narrative. He also brings a skeptical and informed judgment to bear on a wide range of matters from economics to foreign policy.

Unlike Sorensen, and reflecting his greater degree of detachment, Schlesinger does not suffer gladly those of whom he disapproves. Where Sorensen feels a certain commitment to the commonplace, Schlesinger has a modest obligation to the unimportant. The activities of the U.S. Government are enormous in their variety. No one can tell about everything it did even in the brief span of 3 years, and Schlesinger shows some evidence of being forced by his historian's conscience to try. He does not deal with design controversies in the Battle Monuments Commission or the bold new approach to prostitution in federally aided housing. But he touches on almost everything else.

Yet, admitting that an adequately disagreeable editor could have been useful here and there on both books, I cannot think that the critics who have complained of their length have any case. Both men have written out of a deep sense of affection for, and of obligation to, the man they served. Mr. Sorensen is right in insisting that Kennedy's accomplishments, in these 3 brief years, were great. And they opened the way for such further and needed change. Surely it would have been unworthy and even irresponsible to have confined this history, as some British critics have recommended, to the few glamorous events—the meeting with Khrushchev, the great row over steel prices, the two Cuban episodes—which make particularly good reading.

In both books I found my attention riveted to the accounts of those enterprises in which I was myself involved. My interest flagged slightly as I passed on to the exploits of McNamara or Dean Rusk. It fell further as I came on the occasional name I didn't know. It might have weakened further had I lived throughout in Stoke-on-Trent. No English reader should feel badly if he doesn't get through both books right away. But historians would have reason to feel badly if either had confined himself to what is fascinating to those only distantly involved.

It was the English critics, or some of them, who took out after Mr. Sorensen for writing too much. The Americans, or some of them, abused Mr. Schlesinger for writing about the

wrong things. He was far too candid. Was it right to cause heartaches for people still in office? Was it proper to reveal the intentions of a man now dead? Was it wise to reveal the substance of confidential conversations around the conference table?

Of course, it was right, proper, and wise for Schlesinger to write as he did. The only people with serious grounds for objection are those who, reflecting the oldest desires of public servants and especially of those concerned with foreign policy, would like to have a license for decorous inaction or error. No one has suggested that any of Schlesinger's revelations were inaccurate. He is not accused of revealing military secrets. Should public officials be protected from the publication of adverse comment on their performance while they are in office? Surely not. Surely that of a President is particularly important. Who else was in a better position to judge?

People generally, and especially those who take Government seriously, have all too little to go on in appraising men and policies. They should applaud every man who adds to their information. It is incredible that journalists, scholars, commentators, publicists, those with a responsible concern for public affairs, should join up with their natural enemies to espouse secrecy and reticence. Nor do I want to seem self-righteous about it. Whenever in public office I awakened to the knowledge that I had done something silly, I have found myself immediately speculating on the public advantages of keeping the whole matter confidential or, at a minimum, keeping it out of the papers.

Nor is there anything but good in reporting the conversations, of public officials, including chiefs of state, after the fact. A man who will clam up because he is afraid that what he says will later be quoted is too craven to have anything worth saying. And that applies to visiting heads of state as to all others. The public official who lowers his voice and pleads for strict confidence is invariably getting ready to say something repugnant to the public interest. If he fears he will be quoted, it may be that he won't say it. So much the better.

Both Sorensen and Schlesinger served in the White House. Their natural opposition highly visible in the case of Schlesinger, always discretely in the background in the case of Sorensen is the permanent official establishment, especially in the field of foreign policy. This establishment, in their view, saw Kennedy as an annoyance. He was an idealist rather than a practical friend of the Latin American hierarchies. He didn't have the same reflex commitment to the cold war as Dulles. He couldn't bring himself to sweep the terrors of nuclear conflict under the rug. He could never be put off by a formula or slogan, however sanctified by use. He wanted other inconvenient changes.

I am not sure Messrs. Sorensen and Schlesinger are completely accurate in the selection of their target. My own impression is that the permanent establishment would have accepted leadership. And the President has the right to appoint Secretaries, Under Secretaries, and numerous Assistant Secretaries and lesser officials to help provide this leadership and assume its risks. This is the reason for political appointees. Quite a few of Kennedy's own appointees thought it their function not to provide leadership, not to absorb political criticism but to give the permanent establishment a lesson in political caution and personal contentment. In effect, they joined the permanent establishment. There was a man in the State Department, now happily at pasture as an Ambassador, who shelved his liberal and academic qualifications the day he took office and spent the next 4 years explaining why nothing

whatever could be changed, why the basic Dulles policies were the best we could do.

In public life the ideal situation is one that provides protection in the present by secrecy and in the future by forbearance. People such as Schlesinger or Senator Fulbright (who was far too candid about the man who advised the President on the Dominican Republic affair) louse things up. The establishment rightly excoriates them. But oddly enough in a world where so much goes wrong, this is almost always a story with a happy ending. Those who are candid almost always survive. Those who seem for a time most successful in suppressing the truth eventually get buried by their own efforts. We should be more grateful than we are for whoever arranged things this way.

[From the London (England) Sunday Telegraph, Nov. 28, 1965]

#### HUNCHES VERSUS COMPUTERS

(By John Hale)

Crammed with names, facts and interpretations, this is a big book. It is immensely skilled, carrying its weight as lightly as good planning, pungency and wit can manage.

It is also, I should imagine, required reading for anyone interested not just in Kennedy, not just in the world role the United States has to play, but in the processes of modern government in any industrialized society.

If "A Thousands Days: John F. Kennedy in the White House," is less than a history of the United States of America in those years, it is the best introduction to them. If it is not a full biography—because it concentrates on the President—it is the finest appraisal of Kennedy's mind and character we are likely to have for a long time.

But it is more than an account of one Presidency, it is a handbook for managerial politicians, a government kit for future administrators, a treatise on decisionmaking, a documentary drama starring those antagonists, hunch and computer, whose sparring will to no small extent determine the fortunes of the future.

More than this: because of the importance of its subject and the skilled speed which has gone into its writing, it raises the whole issue of open ended history.

Is contemporary history different in kind from accomplished political journalism? Is it better for a historian of talent to write about crucial events that are relevant to our world, our decisions, than to write with some degree of detached mastery about the Crusades or the Hundred Years War? Is it better to be wrong among a million modern facts or more secure from challenge among a thousand ancient ones?

Kennedy not only searched the conscience of America more gratefully than any President since Roosevelt, and appealed to its sense of purpose. He also picked its brains. One of the brains he picked was that of the author of this book who, as a Special Assistant to the President, was in the thick of some episodes of the "Thousand Days," more remote from others than a nonperipatetic Washington correspondent would have been.

There are a few awkward I-was-there moments ("his young wife joined him in the Capitol, whispered 'Oh, Jack, what a day,' and softly touched his face"), but one of the book's strengths is the playing down of the autobiographical element.

If we get a clear picture of Arthur M. Schlesinger it is from his writing rather than his actions. He uses his own notes as he would use those of another observer, and the moments when he was not there—as at the first meetings with Khrushchev—play as weighted a part as the others. This is no picture of the White House as snapped by an articulate Crawler.

There is perhaps nothing new that emerges from the portrait of Kennedy as a man. The

greatest tribute the world paid when the first halting grotesque news of the assassination came was revealed in its selfishness. Not "how tragic for him" but "what will become of me?" And the tribute was paid not only because his own personality came over invigorating in the press and on television, but also because there was an appetite for such a man.

He was known, and a historian can do little more than remind us what he was like and why we wanted him. The great events, too, were known—Cuba, for instance—and will eventually be better known.

But if Professor Schlesinger's findings on such topics as the Bay of Pigs invasion must be provisional, it is not likely that their significance—Kennedy's handling of the crisis on the basis of the various intelligence sources available to him—will be enhanced. That episode, as it is treated in this book, represents a turning point in the relationship between information and action.

Time after time, from Kennedy's preinauguration appraisal of how a President can make a governmental complex work, we are reminded of the connections between a problem on the one hand and, on the other, a leader's decision, which cannot be viewed as a mere personal act. It must take into account the wishes of a party, the ability of an administration, and the sanction of public opinion in the country at large.

It is the breadth of the canvas and the wide applicability of its symbols as well as the vigorous and charming figure at its center that must make Professor Schlesinger proud of his signature in the bottom right-hand corner.

[From the Chicago (Ill.) Daily News, Nov. 27, 1965]

#### SCHLESINGER ON KENNEDY: RICH AND GLOWING PORTRAIT

(By Allan Nevins)

This is a book of historical depth as well as reportorial range and liveliness. President Kennedy was fortunate in having at his side two young men who could immediately produce works on his administration as distinguished as Theodore C. Sorensen's "Kennedy" and Mr. Schlesinger's "A Thousand Days." He was still more fortunate in that they could write volumes largely different in content, ideas, and spirit, affording a binocular rather than monocular vision of the man. The commonplace judgment is that Sorensen offers the journalist's approach. Schlesinger the historian's. Actually Sorensen may better be termed the practical politician, and Schlesinger the academic expert. It is creditable to John F. Kennedy that he made good use of two such divergent talents, and the records they write complement each other with little duplication.

Mr. Schlesinger can be subtle and discriminating, but his approach includes a full use of autobiographical material, and these pages from a well-filled notebook glow with the same narrative verve as his volumes on Jackson and Franklin D. Roosevelt. He presents a superb psychological analysis of Kennedy and "the Kennedy style" and an incisive study of the spirit of the New Frontier. But he pauses also to limn with gusto the events of Inauguration Day; the first working days in the White House office, when Kennedy forgot and referred to himself as Senator; such early events as the call from Truman—"a gay talk, the old and the new President, and the young wife"; the first Executive orders and first problems to tackle. He takes time to describe his trip to Latin America for the President, his admiration for Betancourt, and his study of the Cuban chaos out of which Castro emerged.

So his narrative continues to the end—the day in 1963 when, talking with Adlai E. Stevenson, he heard the Ambassador say that he had found "something very ugly and

frightening about the atmosphere" in Dallas, and that "some of the leading people wonder whether the President should go there, and so do I." Mr. Schlesinger is very much the objective historian when he deals with foreign aid, with finance as managed by Dillon, with the emergence of the bloody head of the Vietnam problem from the Asian welter, and with Berlin. But he had eyes and ears so open, and so many points of contact with intellectual observers everywhere, that he keeps his story filled with personal touches. They range from his observation of Harvard circles as Kennedy levied on Cambridge for staff, and his notes on American businessmen making Havana a huge casino and brothel, to his impressions of the transforming touch that Jacqueline Kennedy placed upon the White House, and his hour-by-hour comment on State Department, White House, and United Nations activities during the "confrontation" of Khrushchev in the missile crisis.

It is a rich book. It covers everything from the Birch Society and the race problem to the character of the President's religion—he was the first Roman Catholic in the Presidency but not a Roman Catholic President. It covers, very particularly, the revolution in Africa, and Kennedy's preoccupation with such socioeconomic problems as health, highways, housing, community planning, and, above all, education. Yet despite the wealth of Mr. Schlesinger's personal observation, Kennedy is almost always in the center of the screen. The author makes it plain that he had an attitude all his own toward the Presidency, compounded of exhilarating love of action, conscientious devotion to duty, a clear realization that life and society are too complex for moralistic black-and-white judgments, and a remarkable talent for combining ironic wit with singleminded concentration. When the Bay of Pigs affair exploded in his face, he felt the burden of his responsibilities keenly. He blamed himself more than the CIA or the Pentagon. But normally he had a Rooseveltian joy of life.

As Mr. Schlesinger remarks, his presidential life was instinct with action. (Like T.R.'s). "He did everything around here today," wrote James Reston, "but shinny up the Washington Monument." Watching a small child scramble about a running automobile, he remarked: "I suppose if you had to choose just one quality to have that would be it: vitality." At his desk, writes Mr. Schlesinger, "He radiated a contained energy, electric in its intensity. Occasionally it would break out. . . . His fingers gave the clue to his impatience. They would suddenly be in constant action, drumming the table, tapping his teeth, slashing impatient pencil lines on a pad, jabbing the air to underscore a point." Once in his office he began making golf swings, and broke off with a smile: "I'm getting to be more like Ike every day." He had moments of irritation when the air rocked with violent language of Navy and Bostonian-Irish origin; but they were short.

Like Sorensen, Mr. Schlesinger criticizes his Chief never. His attitude is like that of Nicolay and Hay to Lincoln. He does, however, criticize some of Kennedy's errors emphatically. He makes plain, for example, the almost naive excess of confidence placed in the Alliance for Progress. He can bring out more emphatically Kennedy's errors in the Bay of Pigs affair because he himself struggled to the last against that deplorable piece of governmental folly, and he rose at dawn as the climax impended to write a last-minute protest. In practically all other matters, however, his narrative is full of praise for the President, explicit or implicit. He lays just emphasis on Kennedy's intense concern for racial justice and equal rights, held in leash by his desire to be considerate of southern susceptibilities. He is still more emphatic in giving a foremost place in his book to the President's tireless endeavors,

pursued with vision, skill, and inexhaustible patience, to promote the cause of world peace; endeavors finally crowned by the treaty to restrict the testing of nuclear weapons.

Kennedy, as Mr. Schlesinger writes, had accomplished much. Had he lived he would have accomplished far more, for statements have been collected from congressional leaders of both parties that they intended soon to demolish the dam built against his program of legislation; a jam that he himself was confident would soon give way. Like Sorensen, Mr. Schlesinger offers an impressive summation of Kennedy's achievement, though in somewhat different terms. His book, like the predecessor volume, is a little too long; in places it is a bit too discursive and gossipy. But it is a work of enduring merit, and both this generation and the generations of students to come may count themselves fortunate in possessing two volumes of such high quality.

(EDITOR'S NOTE.—Allan Nevins is the dean of American historians and is currently on the staff of the Henry E. Huntington Library at San Marino, Calif. He has twice won the Pulitzer Prize in history and has been the recipient of a vast number of other scholarly honors, including an honorary degree from Oxford University.)

[From the New York (N.Y.) Herald Tribune, Nov. 28, 1965]

#### STILL SPELLBOUND—A SOPHISTICATED ACCOUNT OF THE KENNEDY YEARS THAT DOES NOT FEIGN DISPASSION

(By Michael Harrington)

For Americans, November 22, 1963, is not yet history. It still hurts too much.

Thus, as Arthur M. Schlesinger Jr., well understands in "A Thousand Days," it is not yet possible even to pretend to dispassion. Some young historian of the future, he says, will attempt to regain the "presidential perspective," that view of the whole which John F. Kennedy had intended to record in his own memoirs. But this generation of chroniclers still lives within the political and emotional spell of the fallen leader. The past they analyze is still very much the present and thus in fragments (for example, Schlesinger's own White House experiences weight his book toward the foreign policy issues in which he was personally involved).

And still, "A Thousand Days," is a permanent and indispensable contribution to the understanding of the Kennedy administration. It is rare that a brilliant scholar is himself an original historical source or that he has an eye for personality as well as massive trends. Schlesinger is certainly a Kennedy partisan, but he is not an apologist and, above all, he writes politically about politics, a virtue which eludes many in his profession.

In "A Thousand Days," John F. Kennedy emerges as a man who restored the youth, excitement, and rationality of the young Republic to the mature Nation, and who provided the world with the vision of a leader who "understood the terror and the hope, the diversity and the possibility, of life on this planet." I share much of this conclusion. If I state it with the qualifications and criticisms of the outsider, I have the same feeling that, with John F. Kennedy, this country changed for the better. While living in Europe in 1963, I had decided to break with my radical orthodoxy and vote for Kennedy in 1964. I heard the terrible news in a Milan restaurant. And even now, while trying to be an objective reviewer, it is that sense of loss which is my true point of departure.

But to attempt the return to history, turn first to John F. Kennedy as Commander in Chief.

Unquestionably, the late President's flexible military policy represented a gain over the apocalyptic and dangerous posturing

of the "massive retaliation" doctrine. And certainly Secretary of Defense McNamara won a memorable victory over the uniformed section of the "permanent government" (the President's battle for control of the executive is a major theme of this book). But three events are clearly decisive in coming to an assessment of Kennedy as a world strategist: the disaster he inherited at the Bay of Pigs, the tragedy that he left behind in Vietnam, and the ambiguity of the Cuban missile crisis.

As a political leader, Kennedy took full responsibility for the Bay of Pigs; as a historian, Schlesinger is right to absolve him of much of the blame. The late President was systematically misadvised by the CIA (which did not even tell its Intelligence Branch that it was mounting an invasion), the Joint Chiefs, and all those with "special competence" in military matters. In addition, Kennedy did not know how to demobilize the secret exile army which Eisenhower left him. And so he suffered the worst defeat of his administration by following the specialized, sophisticated advice of brass and spooks to act like a gunboat diplomat. He was too new to his post to have learned how to reject such documented and imposing madness.

Vietnam represented an analogous case. At the outset, General MacArthur told President Kennedy "that anyone wanting to commit ground forces to the mainland of Asia should have his head examined." Yet the American military painted glowing stories of imminent victory; Washington believed in the false-front villages of Diem and Nhu and basically ignored the social and political needs of the peasantry; and by the time the unpopular government was overthrown, the United States was already deeply and tragically involved in an impossible, immoral action. Schlesinger considers Vietnam to be Kennedy's "great failure." I agree.

The Cuban missile crisis is a much more ambiguous moment to assess than Vietnam. Kennedy did indeed show "toughness and restraint . . . will, nerve and wisdom so brilliantly controlled." From within the premises of American nuclear deterrent policy, he acted magnificently. But Schlesinger's data point to another line of thought, one he does not pursue; that this confrontation contradicted many of the assumptions of that deterrent policy. According to American calculations, Khrushchev broke the rules of military gamesmanship by acting as he did; the President later felt that, had he had only 24 hours to decide, we would "not have chosen as prudently as we did"; and the confusion over two contradictory Khrushchev messages at the end of the crisis was probably a result of goofing off in the Kremlin bureaucracy.

But if the missile crisis challenged the fall-safe rationales of the military theorists, it also freed Kennedy and the world for the nuclear test ban treaty. Coolness, luck, and skill achieved a happy ending, yes, but they showed how insecure we still are, how precarious is the balance of terror.

It was Kennedy's great merit that his approach to international affairs was not simply military. The late President was for the "democratic revolution" in the developing lands. But, as Schlesinger's account of the Alliance for Progress suggests, such a determination is easier stated than carried out. Without making a "Fidelista" oversimplification, the Latin ruling classes are not anxious to give up their privileges, and American business has shown a much livelier interest in guaranteeing their investments abroad than in economic reform. Schlesinger freely admits that these complications distorted many of the original hopes of the Alliance, but he remains optimistic in the long run. I am not so sanguine. The disparity between the rich and poor lands, as Myrdal and others have documented, is still growing and this impoverishment of the

"external proletariat" is a source of wealth—and political power—in the advanced countries. Much more radical means than have yet been proposed are required, I suspect, to fulfill Kennedy's excellent end of the democratic revolution.

On the domestic front, the issue of this generation is, of course, civil rights.

The President responded with forthrightness and even passion in 1963, particularly after Birmingham. Before that, he felt that his own slender mandate and the weakness of the Presidential party in the Congress held him back. Schlesinger approves this judgment; I do not. When Schlesinger says that Kennedy delayed signing the order against discrimination in housing because it might imperil setting up a Department of Urban Affairs with a Negro Secretary to head it, hold back the trade expansion bill and discourage business from housing investments, the practical, political priorities were wrong. And until 1963, it was not the bully pulpit in the White House, but the Negro in the streets, that educated the people in the fundamentals of brotherhood. But here, as in so many other areas, history denied John Kennedy his rightful chance, and I think that the Negro masses who still idolize him rightly intuited the direction in which he would have moved after his tardy but bold beginning.

On economic matters, Kennedy moved brilliantly to establish a new consensus—and privately held, according to Schlesinger, a most fascinating and advanced position. After the mismanagement of the economy during the late Eisenhower fifties, Kennedy established a series of important new principles: unbalanced budgets even in times of business prosperity if unemployment persisted at high rates; special training and retraining programs for leftouts and automation victims; the recognition of the problem of poverty in America. In each case, the basis of the Johnsonian economic performance was laid in the Kennedy years.

But, Mr. Schlesinger tells us, the late President went well beyond tax-cut Keynesianism in his economic thinking. He believed in John Kenneth Galbraith's thesis that government intervention should take form of direct social investment in the public sector—housing, schools, hospitals, etc.—and not confine itself to tax relief. But he did not think he could persuade Congress to so much good sense, and he held back. Now that Mr. Johnson has corporation executives committed to Kennedy's initial programs, one hopes that he will move on to implement his predecessor's more profound insights in this area.

Finally, it is in two areas that Mr. Schlesinger stakes out the strongest claim for the greatness of John F. Kennedy: world peace and the late President's impact upon American thinking. These two points are, I would suggest, quite related.

To an extraordinary degree, Kennedy broke with the dangerous banalities of the cold war. "Peace," he said at American University in 1963, "does not require that each man love his neighbor—it requires only that they live together in mutual tolerance." In the Moscow Treaty banning atomic tests, the late President actually led the American people and the world a tiny step back from the brink—a giant stride in the right direction.

But then, the cold war rigidities were not simply a fact of international life. They were the basis of patriotic celebration, of suspicion and McCarthyite conspiracy theories within America. And, in part because he was seeking a detente, John F. Kennedy was able to make criticism and candor about the national failings a part of the national life once more. (And one wonders, if the present escalation in Vietnam continues, if that reawakening of conscience and consciousness John Kennedy helped to initiate will not come to an end.)

Virginia Woolf once said that those who die young are always remembered. That is true—and not true—about the late President. Youth was indeed murdered in Dallas and there is, as Schlesinger evokes it, an almost unbearable poignance in thinking of what might have been had he completed what he began. But there were deeds as well as promises in the short political space of a thousand days. If I cannot agree with some of Schlesinger's interpretations of them, I can share his main conclusion that this was a man who changed his nation. He has written a truly political history—sophisticated, partisan, provocative even when one disagrees with it—and one of the most important books about the Kennedy years that will come from a contemporary of the late President.

[From the New York Post, Nov. 30, 1965]

#### SCHLESINGER ON THE FRONTIER

(By Mary McGrory)

WASHINGTON.—Two men are vindicated by the publication of Arthur Schlesinger, Jr.'s, "A Thousand Days." One is the author, who insisted, during the summer furor over sensational snippets published in Life magazine, that the full text would restore his good name. The other is John F. Kennedy, who after the Bay of Pigs somewhat grimly directed the Harvard historian to keep a diary.

For Schlesinger's "personal memoir" is history after all, and wonderfully lively history at that. In contrast to Theodore C. Sorensen's solemnly definitive account, Schlesinger's crackling style catches his electric principal and recaptures that heady adventure in government that was known as the New Frontier.

The most fanatical Kennedy loyalists will be satisfied with the portrait of their assassinated idol as a superbly rational President and "a gallant and collected human being."

And no President could ask for a more coherent contemporary translation of the tumbling events of his administration into a grand and noble design. At home, Schlesinger says Kennedy wanted "to transform a wealthy society into a civilized community." In international affairs, with which this book is mainly concerned, the young President sought "to lead the world beyond the cold war."

Schlesinger depicts Kennedy as a man who, despite his youth and his haste, was instantly at home in the White House, totally suited to the office he insisted on being given. He was magnanimous, inspiring, and eerily able to understand the problems and motives of "the adversary." And the use of that word instead of "enemy" at his icy inaugural set the tone and carried him through all that was to come—through Berlin, the missiles crisis, to his supreme achievement, the signing of the Test Ban Treaty.

But it is too long. If Sorensen dwelt exhaustively on issues to prove that Kennedy substance was equal to Kennedy charm, Schlesinger, perhaps to prove his own credentials as a White House adviser, goes off on endless expeditions into Latin American history. He is at his best in intimate vignettes of the President with his staff, shaking his head over the State Department, courting touchy new African heads of state, complaining about businessmen—"It's hard as hell to be friendly with people who keep trying to cut your legs off."

What gives "A Thousand Days" its special dash and drama, however, is that if it has a hero in Kennedy, it has a villain in the State Department. Foggy Bottom—grinding out fatuous memos, promoting obstructive dunceheads, banishing its bright young men, missing the point, dragging its feet, frustrating the President, calling Harold Macmillan's moving document over the resump-

tion of nuclear testing "a hysterical document"—is the sometimes hilarious heavy.

Most personalities are dismissed with glowing praise. The White House staff to a man are worthy allies of the princely leader, Averell Harriman is a towering figure—the old "crocodile" chopping off bureaucratic maunders, decimating delegations, doubtfully negotiating a neutral Laos and the test ban treaty. John Kenneth Galbraith, Ambassador to India, is a wise and cutting voice from the wings. David Ormsby-Gore, the British Ambassador, is the perfect confidant for a President. The chapter on Robert Kennedy and his growth in his brother's image could be used as a campaign tract. Only Dean Rusk fails to measure up to the challenge of those exhilarating days. Only he stands outside the charmed circle of the happy few.

Still this is such an evocative and spirited chronicle that it would inspire any President to hurry up to Harvard and find himself a historian who could do for him what Schlesinger has done for John F. Kennedy.

[From Time magazine, Dec. 3, 1965]

#### BALANCED LEDGER

Of all the Kennedy books that have cascaded from the presses in the past 2 years, this is the first from a professional historian. By no coincidence, it is also the best. As an ex-Presidential assistant, Harvard Historian ("The Age of Jackson") Arthur M. Schlesinger, Jr., is not an altogether dispassionate chronicler; he makes the fatuous claim, for example, that Kennedy's legislative record was "unmatched in some respects since the days of Roosevelt." But if he frequently hymns the Kennedy administration, he also limns it with objectivity and perception.

#### BOWL OF JELLY

Schlesinger was nowhere near as close to Kennedy as Speechwriter Ted Sorensen, whose own memoir soared to the top of the best seller lists. No matter. Acutely aware of his peripheral vantage point, Schlesinger has managed—by using state papers, letters, and personal interviews—to reconstruct the period so skillfully that the result is not so much a personal memoir as a penetrating, balanced ledger of the Kennedy administration.

Portions of the book have already appeared in Life and 10 other publications, and consequently his opinions of the State Department as "a bowl of jelly" and of Secretary of State Dean Rusk as a man who "seemed actually to prefer stale to fresh ways of saying things" are already well known. On page after page, he betrays his view of Rusk as a man who is almost always silent because he almost never has anything to say—and he suggests that Kennedy felt the same way. What did Rusk think of Italy's impending apertura a sinistra (opening to the left)? "He did not have, as far as I could find out, any views," writes Schlesinger. Of Berlin? "No one quite knew where he stood." Of the Congo? "Rusk, it seemed, thought about it as little as possible."

If his opinion of Rusk was low, Schlesinger is ungrudgingly admiring of some other members of the Kennedy cast. He found Lyndon Johnson "a good deal more attractive, more subtle, and more formidable than I had expected." Defense Secretary Robert McNamara is a "tough, courteous, and humane technocrat, for whom scientific management was not an end in itself but a means to the rationality of democratic government." White House Aid McGeorge Bundy, "in spite of the certified propriety of his background, had an audacious mind and was quite capable of contempt for orthodoxy." No one rates more admiration than veteran Diplomat Averell Harriman, "who said what he believed and cared not a damn for anything but getting the policy right." He was known among Foggy Bottom types as "the

Crocodile," reports Schlesinger, "for his habit of abrupt biting off proposals which seemed to him stupid or irrelevant."

#### WHIRLED ASUNDER

Schlesinger excels at providing the illuminating stray quote or the odd fact that firmly fixes a character in the reader's mind. Here is Kennedy about to appoint Harriman to an ambassadorial post but first sending a trusted friend over to make sure that the old pro promised to get himself a hearing aid. Here is Britain's Prime Minister Harold Macmillan turning from a discussion of Red China as the real menace to the West to the question of a new NATO commander, and saying breezily to Kennedy: "I suppose it should be a Russian." Here, again, is Kennedy telling a friend how difficult it was, short of a showdown, to convince Russia's Nikita Khrushchev that the United States would not let anybody push it around. "That — won't pay any attention to words," said Kennedy. "He has to see you move."

In the 1962 Cuban missile crisis, Khrushchev saw Kennedy move—and that brink-of-war episode sobered both men. Kennedy felt that he had "peered into the abyss and knew the potentiality of chaos," says Schlesinger, and from then on his overriding aim was to minimize "the ethos of violence" and "to prevent unreason from rending the skin of civility." Shortly before Dallas, he read aloud a passage from King John:

"Which is the side that I must go withal?

I am with both: each army hath a hand;  
And in their rage, I having hold of both,  
They whirl asunder and dismember me."

Kennedy indeed saw himself and his office in princely Shakespearean verse. The prose of attendant-lord Schlesinger does him no disservice.

[From the Boston Sunday Globe, Nov. 28, 1965]

#### J.F.K. IN THE WHITE HOUSE: EXCITING, TRAGIC DAYS

No book in recent times has aroused more anticipation than this one. Schlesinger's massive work now can be read whole, without the distortions inherent in magazine serialization.

It turns out that he has written not a frothy set of reminiscences, but rather a thoughtful, moving, and often brilliant analysis of the thousand exciting, ultimately tragic days of John F. Kennedy's Presidency.

Schlesinger observes that "the historical mind can be analytical, or it can be romantic. The best historians are both."

Certainly the romantic temperament dominates his treatment of Kennedy the man. Even here his intelligence and insight are at play: he has some acute observations on Kennedy's mixture of controlled rationality and pessimistic fatalism.

But for the most part the protagonist of "A Thousand Days" remains a vague and unrealized figure (much as is F.D.R. in Schlesinger's "Age of Roosevelt"). What we see most of all are the qualities—real or imagined—in Kennedy that drew Schlesinger to support him and to work for him (ultimately at the cost of his Harvard career).

But the real purpose of "A Thousand Days" is to tell the story of the Kennedy administration. Schlesinger does this with a style and an acuteness of insight that no other contemporary American historian could hope to match.

Schlesinger's masterful analysis of the Bay of Pigs and missile crises, of Latin American affairs and the Alliance for Progress suggest how constant and demanding were the problems of world affairs.

It was in this realm, Schlesinger suggests, that Kennedy's hope of bringing vigor, intelligence, and realism to American public policy was most fully satisfied.

Yet paradoxically, it was in foreign policy that the administration's central tension developed. Schlesinger locates the great conflict of the Kennedy years not in the classic confrontation of President and Congress, but rather in a continuing struggle between President and bureaucracy.

It is in this context that he makes the famous reference to Kennedy's desire to rid himself of Dean Rusk. The Secretary of State emerges from Schlesinger's pages as the member of the White House circle least inclined to do battle with the entrenched bureaucracy.

While claiming to have written only a memoir, Schlesinger in fact has done far more than that. He has caught the idealism and the spirit of the men who made up the cutting edge of the New Frontier; he has written a moving testimonial to their fallen leader; and he has opened a revealing window into that complex and fateful institution, the modern American Presidency.

—MORTON KELLER.

[From the Baltimore Sun, Dec. 5, 1965]

#### SCHLESINGER ON KENNEDY

This is a superb and important book. It ought to be "must" reading for all future presidential candidates and aspiring White House aids even though it might thin their ranks. It should also be read by anyone wanting to discuss Vietnam, Cuba, civil rights or any of the other major issues involving the Government of the United States because of its important background materials. Arthur Schlesinger has been even more successful than Theodore Sorensen in producing a work of contemporary history of first-rate quality and importance.

The author has been known in his profession as a very political historian in a partisan sense. One of his books found support for the New Deal in Jacksonian Democracy while the first volume of his unfinished series on the Franklin Roosevelt administration left the impression that an inept Herbert Hoover and the Republican Party were chiefly responsible for the stock market crash and the world depression. The author was also active in Adlai Stevenson's campaigns of 1952 and 1956 and only shifted his allegiance to Kennedy at Los Angeles in 1960.

He writes then with the values of a liberal northern Democrat, but within this framework he comes surprisingly close to the unattainable goal of objectivity. Since he has viewed two previous Presidential regimes in a detailed analysis he is able to pick out the most salient details, to ask the important questions and to offer judgments which have some depth.

When President-elect Kennedy added Schlesinger to his staff he knew that he was hiring a historian who would be tempted to write of his White House years. On occasion he jokingly warned Schlesinger against making too much of his position, and he did ask that no staff members keep detailed accounts of conversations as a threat to freedom of expression.

But after the Bay of Pigs disaster Kennedy changed his mind. He told Schlesinger that "You can be damn sure that the CIA has its record and the Joint Chiefs theirs. We'd better be sure that we have a record over here." On that basis Schlesinger kept a full account of subsequent important conferences. Although he does not disclose his sources, he has been given access to and the right to use documents which other historians are not likely to see for decades. A footnoted manuscript of the book has been filed in the Kennedy library to be used after "an appropriate interval."

#### ON STATE DEPARTMENT

The matter which aroused the most attention in the earlier serializing of this book was the treatment of Secretary of State Rusk and the reporting of Kennedy's decision to

replace him. In the fuller version Rusk appears as only one aspect of the President's frustrating experience with the State Department bureaucracy. The Pentagon also had built-in resistance to change, but Kennedy seems to have felt that Secretary McNamara was making some headway. State remained relatively unchanged in its devotion to older and often discredited policies.

In foreign affairs—the test ban treaty, the Alliance for Progress, the American University speech and the tense negotiations over the Cuban missile crisis—were handled with little assistance from the State Department. On some crucial occasions Rusk seemed willing to have the Joint Chiefs of Staff or the CIA invade and take over the decisions which rightly should have been made by the State Department.

#### LATIN AMERICA

Schlesinger was strongly interested in Latin American affairs and writes a full report on the innovation and operation of the Alliance. For those who think that the good neighbor policy has been a cornerstone since the second Roosevelt it will come as a surprise, as it did to Schlesinger that a single Communist country, Yugoslavia, with only 18 million people received more American money in the period 1945-60 than did all of Latin America with its almost 200 million largely impoverished peoples. Kennedy was strongly critical of this neglect and of what Schlesinger calls the Pentagon's chronic need to dispose of obsolescent weapons which led to the dumping of large quantities of arms on Latin American governments.

Foreign affairs rightly takes up much of the volume, but due attention is also given to the domestic issues, particularly civil rights. The role of Robert Kennedy is also handled in ways which will interest those who consider him a future White House possibility.

#### MANY LIGHT TOUCHES

There are many light touches as well, one involving Robert. During World War II PT Boat Commander Jack Kennedy in the Pacific received a picture of his younger brother being sworn into the Navy at the age of 17. But what Jack claimed as his chief concern was the discovery that Bob had appropriated his checked London-tailored coat; "I'd like to know what the hell I'm doing out here while you go stroking around in my drape coat, but I suppose that is what we are out here for."

"A Thousand Days" is a long book with a little more than a page for each day, but it is a richly rewarding book. It will probably be read by many future generations for its penetration into the great complexities which beset a nation and its political leaders in a time of revolutionary change and in a world of troubles.

WILLIAM L. NEUMANN.

[From the Detroit Free Press, Dec. 26, 1965]

#### BOOKS AND MORE BOOKS

(By Saul Friedman)

"Is there some principle of nature," Historian Richard Hofstadter asked, "which requires that we never know the quality of what we had until it is gone?"

Out of Dallas came his question, an inquiry into the aching emptiness; it might as well have been asked of history's winds. How could emptiness answer? What would the winds say? The question is an epitaph on the tombstones of heroes: Socrates, Pericles, Galileo, Copernicus, Goethe, Beethoven, Rousseau, Jefferson, Lincoln, Wilson, and Roosevelt.

John F. Kennedy had not become one of these. Not yet. Perhaps if he had been given more time. If he had lived in another time. In political, pragmatic, preoccupied America, the heroes are not what they used to be.

But there is such a thing as relative heroism, and John Kennedy was a hero. How absurd, how truly absurd that the forlorn epitaph for him and for other heroes is so often said by those who would kill heroism's dreams.

In his book's beginning, Schlesinger quotes Ernest Hemingway:

"If people bring so much courage to this world, the world has to kill them, so of course it kills them. The world breaks everyone and afterward many are strong at the broken places. But those that will not break it kills. It kills the very good and the very gentle and the very brave impartially."

And then the world and its historians feed on the remains of the hero, pitying the broken and killed and ourselves, only fleetingly concerned for our carrion ways.

After the rifle shots came the silence, and after the silence came the outpouring—mourners and readers and writers seeking solace, absolution, revenge, opportunity, flagellation, even answers.

For those of us who have been wearied by it all, it is well—and rather typical of John F. Kennedy—that he had around him men like Theodore C. Sorenson and Arthur M. Schlesinger, Jr.

As Kennedy must have known they eventually would, they come to bury him and not to praise him, to tell us what they knew of "the quality of what we had."

Haunted by the pain of knowing that "it is gone," neither Sorenson nor Schlesinger was able to keep from his prose the muffled sadness of his long mourning; neither could be expected to.

Sorenson's volume, "Kennedy," was an elegant eulogy. But Schlesinger was not so personally involved for so long with Kennedy as Sorenson was. And he is a trained, disciplined historian and a fine writer with a flair for the dramatic.

Hence, he has contributed to the literature of Kennedy—a personal but completely history-oriented account of the comet days in American politics. It is a very valuable book, for comets like those are rare in consensus-gray skies.

A prize-winning historian himself, Kennedy was acutely aware he was playing to posterity. Following the Bay of Pigs foray he made sure Schlesinger was keeping a full account of such things. So aside from his other duties, Schlesinger was the house historian.

At Harvard, from which he was on leave, Schlesinger's colleagues questioned his ability to maintain a historian's objectivity while working in the administration. Perhaps as critical history this book does leave something to be desired. Schlesinger was no doubt too much in love with his subject and too involved in action to retain all his powers of skeptical searching.

So what? This is not conventional history. It is a source work for the historians to come. It is a gift to future researchers from a historian who was involved with history's making.

It is left to the reader to study this volume's view of the facts of Kennedy's "presidentialiad," to compare them—as other journalists have done—with the facts told from other points of view. Schlesinger vividly recounts the primary battles with HUBERT HUMPHREY and Lyndon Johnson, the convention, the choice of a running mate, the election, the strange relationship between Kennedy and Adlai Stevenson, the momentous confrontations with Khrushchev at Vienna and in the Caribbean, and the remarkable intellectual growth of Kennedy. But the retelling of the tale is of secondary importance to the insight Schlesinger brings to bear on the facts.

This work, after all, comes from the man who wrote "The Age of Jackson" and the first three volumes of "The Age of Roosevelt"; in-

sights are therefore well aimed at some lessons. And there is one this reviewer draws: As it was with the heroes in Greek tragedy, the details of the Kennedy days illuminate the larger tragedy in his death.

Pericles, the great leader of Athens, was one of Kennedy's heroes. The President-elect borrowed freely from the ancient orations when he made his farewell address to the Massachusetts Legislature, and again in his beautiful inaugural.

And he borrowed freely from the style of Pericles. Like the Greek and the classical world leaders who followed, Kennedy sought the mystique of statesmanship, tempering the use of power with the counsel of patience, eschewing dogma for rationality, rejecting the demon view of an adversary in favor of diplomacy.

Pericles was such a statesman as the war between his Athens and Sparta began. While he lived, Athens kept the counsel of caution. But when he died, suddenly and prematurely, those who succeeded him in the leadership of Athens were the more conventional politicians—pragmatic, pliable, given to yielding under the pressure of a war-needing populace. Punish Sparta. How dare they attack a Greek city-state. We must keep our commitments to our allies. Athens is good; Sparta is evil.

Pericles was forgotten. The war went on, finally engulfing all of Peloponnesus. And Athens was overcome.

[From the Philadelphia Bulletin, Nov. 28, 1965]

#### KENNEDY—IN HISTORIAN'S EYES

Let me say at once, and as emphatically as I can, that the noted historian Arthur M. Schlesinger, Jr., has written what I believe is the most articulate, analytical, in-seeing report of the late President's performance in office so far published.

To peruse this book is to stand at Mr. Kennedy's side through the presidential campaign and all through the White House years.

Schlesinger's admiration for Mr. Kennedy, though always evident, is never admitted to cloud his judgment on the President's actions.

At first glance the length of the book is forbidding—it is almost as long as "War and Peace." But it is never less than absorbing reading. Schlesinger is meticulous in his overall coverage; nothing of consequence is overlooked from the start of the 1960 primaries to that fatal day in Dallas.

President Kennedy's relationship with his Cabinet, with the Congress, with the press, and with the public are explicitly described and dissected. Nowhere else, for example, have I found so lucid an explanation of the ambivalent relationship with Adlai Stevenson.

The Bay of Pigs episode is pictured from a ringside seat, with clear labels as to who was for it and who against it. (Schlesinger himself was against.)

The Cuba "eyeball" confrontation is recorded in even greater detail, right down to the role played by peripheral figures. Theodore Sorenson's book is sketchy when it moves away from Kennedy's presence; not so Schlesinger's.

The prose is polished and incisive, and many passages are unexpectedly moving. A particularly affecting chapter is that in which Schlesinger describes Kennedy's relationship with his immediate family and with his personal aids. He tells us vastly more than anyone else of daily life inside the White House.

Of Mrs. Kennedy he says at one point: "Her husband's delight in her was visible. His eyes brightened when he talked of her or when she unexpectedly dropped by the office."

Schlesinger's puissant style combines the detachment of the trained observer with the immediacy of the eyewitness.

The one serious question raised by the book is that of taste. Is Schlesinger justified in recording strictures on present officeholders such as Secretary of State Dean Rusk? Is it a breach of confidence to report that Kennedy considered replacing Rusk?

The reader will have to answer such questions for himself, but it should be noted that Schlesinger equitably lists all the pluses as well as the minuses in Rusk's case, which the magazine excerpts did not always do.—J. B.

[From the Sacramento (Calif.) Bee, Dec. 5, 1965]

#### SCHLESINGER'S HISTORY PROVIDES AMERICANS WITH NEEDED INSIGHT

(By Phillip C. Freshwater)

To begin with, this is a thoroughly good memoir-history of a peculiarly important time in modern American history.

It demolishes some fables, some legends, and some excuses. All of this is to the good.

It also provides for the thoughtful American a source book—one which may have some wrong emphases, some incompletely reported incidents, some errors in interpretation, granted—for that sadly brief period of time which appears to have marked a watershed in American and therefore world history.

It is also the best book, so far, on the actual operation of the Presidency of the United States, with emphasis on foreign policy. The emphasis is one forced by circumstances because the Kennedy administration was forced to emphasize foreign policy and because the author was most intimately connected with that phase of the Presidency.

The book and the author have been subjected to some unfair and essentially frivolous criticism: That the publication now might inhibit foreign leaders from free expression (as though anyone but the most naive believe national leaders are uninhibited in their exchanges with one another); that it may hurt the feelings or damage the effectiveness of current Cabinet members (Dean Rusk, for example) or some members of the Foreign Service.

The critics of Schlesinger actually have done more damage to Rusk than the book could possibly do; Rusk needs no defense from Schlesinger and indeed may in reality gain much from the remarks about the ineffectiveness of the State Department.

What the book does—and it has its kinky parts—is to provide the reader with a view from the inside of the day-to-day operations, the planning for the future, and the examination of mistakes—the activities which must go on within an executive body if any control is to be exercised over the course of events.

Instead of Camelot, we are ushered into the busy offices of a political leader who also must be a management specialist or fall victim to his advisers, a common fate of American Presidents. Certainly Schlesinger's reports on the Cuban affair are of deep interest but most instructive of all is his study of the President's struggle with the professionals in the administration he inherited—professionals the previous administration to a large extent inherited.

It is the almost autonomous life of the administration, servant to but under Civil Service almost independent of the Executive, which is the most interesting part of this almost instant archeology and one which is most frightening. The inertia of the great machine of administration is too great for a thousand days to overcome and Kennedy did not realize his dream of having the State Department break out of its shackles, largely self-donned, to assume its rightful dominance of the execution of foreign policy. Because Schlesinger reveals this to thoughtful Americans, Rusk may yet be able to

modernize the State Department and bring the professionals under the policy control of the Executive.

Schlesinger also, while taking us through the veil of legend, manages to show how that veil grew up.

[From the Chattanooga (Tenn.) Times, Dec. 28, 1965]

#### A PRESIDENTIAL AID RECORDS AN ERA

A reviewer is tempted to say, "A thousand days, a thousand pages," when this book reaches his hands, and to wonder if after all so much was really needed. But when he puts the book down after its complete reading, he will hardly have a page in mind to be eliminated. In part this is the result of the enthusiastic response of the author to his subject; in part, it is attributable to the talents the author brings to his undertaking. He is not only a distinguished historian, the winner of a Pulitzer Prize for his "The Age of Jackson," but he was one of the staff of assistants President Kennedy took with him to the White House. So the book comes out of personal participation in many of the events and decisions described in it.

Mr. Schlesinger says in a foreword that the book is largely about foreign affairs and because of their importance reviewers have generally tended to dwell largely upon them. But even those matters have their elements of personal comment. For an example, much has been said about the decision not to reappoint Secretary of State Rusk, but little attention has been given to the praise Mr. Schlesinger gives Rusk as "a man of exceptional intelligence" and broad experience, but one who failed to be as communicative as he was capable.

Informed readers will expect and will get enlightening discussions of such troublesome affairs as the Cuban crisis and "the legacy in southeast Asia," as the section on the involvement in Vietnam is entitled. But there are also those other matters which have their interest among readers. Why did so young a man wish to attempt to be President? His father once asked John Kennedy that question. The implication in the reply was that someone had to take the job, and the others who sought it seemed to be no better qualified than he thought himself to be.

He liked being President, says the author, although some of the details of the office irked him, and he also at times realized that someone might try to kill him. But what would he do when he left the office, still a young man. He said something on one occasion of following the example of John Quincy Adams and running for Congress, but as the idea for the Kennedy Library at Harvard began to take shape, he saw it as an opportunity to consult with politicians and scholars, of study, himself, and more writing. He planned to do a history of his administration, of course, but would be more critical than Eisenhower was in his account. Interestingly the two men liked each other after they became really acquainted.

I have left until last any discussion of family relationships. They do not appear in one place, but glimpses fall naturally here and there. There is the conversation between the then Senator and his fiancée in which he describes his worst and best traits as irritability (Schlesinger says he really meant impatience) and curiosity (Schlesinger interprets this as "more than the purely intellectual trait; he meant that hunger for experience which caused him to demand that life be concentrated, vivid, and full.") And a number of times the reader watches the President as he enjoys his children.

It is a remarkably fine book, one good enough to win another Pulitzer award for its author.

ALBERT C. ELTON.

[From Our Sunday Visitor, Dec. 5, 1965]  
HISTORIAN'S APPRAISAL: BALANCING THE BOOKS  
(By Msgr. John S. Kennedy)

Arthur M. Schlesinger, Jr.'s "A Thousand Days: John F. Kennedy in the White House" (Houghton Mifflin, \$9) makes its appearance just a few weeks after the publication of Theodore C. Sorensen's "Kennedy." Both are gargantuan books, with Schlesinger's taking up 1,031 pages exclusive of a copious index. Having read the Sorensen book, and reported on it in this space, I thought I could not possibly stomach another massive memoir so soon. But I sampled the Schlesinger book, and quickly felt compelled to read it all.

Mr. Schlesinger has certain advantages over Mr. Sorensen. One is that he was not nearly so close to President Kennedy as Mr. Sorensen was. This may seem like a disadvantage, but such is not the case.

Mr. Sorensen was intimately associated with President Kennedy long before the latter ran for the Presidency. In some respects, he was a kind of alter ego to Kennedy. This personal identification necessarily makes him more reticent. He discusses the record, the political figure, and, to some extent, the man, but he makes no startling disclosures, and tightly guards what must be a treasury of secrets.

#### NOT GOSSIPY

This is not to say that Mr. Schlesinger's book is, by contrast, a gossipy affair. It, too, is discreet. But Mr. Schlesinger's acquaintance with Kennedy began later and was never so constant. Mr. Schlesinger had been a Stevenson man up until the 1960 primaries. He worked for Kennedy in the presidential campaign, and later became a White House assistant. There is not, therefore, in his case, the bond which continues to put restraint on Mr. Sorensen, and he can be more objective than Mr. Sorensen.

Mr. Schlesinger has another great advantage. He is a professional historian and an experienced writer of books. As a historian, he can put Kennedy and his administration in perspective. He can discern parallels with earlier Presidents, as well as significant differences. He can show the antecedents of policy. He also knows how to weave together a book which has vitality and movement, continuity and coherence, while being freighted with uncountable facts and recalling innumerable events.

Perhaps the best known of Mr. Schlesinger's books are those dealing with the administration of Franklin D. Roosevelt. Of F.D.R.'s Presidency he made an exhaustive study, and at some points in his work on Kennedy he puts side by side the two principals, their policies, their accomplishments.

Kennedy, Mr. Schlesinger tells us, was like Roosevelt in having no misgivings about assuming and wielding power. He sought the Presidency precisely because the power lay there. In the job, he showed complete confidence in his own capacity, and had "a hard and sure instinct how to get what he wanted. In Kennedy the will to command and the will to victory were visible and unbeatable."

But he was not at all an exact replica of Roosevelt. Their eras were different, as were their backgrounds and the problems with which they had to grapple. Mr. Schlesinger describes Roosevelt as "buoyant, expansive, spontaneous, audacious, theatrical, overflowing with a careless confidence about the future." Kennedy he calls the child of a darker age, and pronounces him "more disciplined, more precise, more candid, more cautious, more sardonic, more pessimistic."

Another advantage enjoyed by Mr. Schlesinger is his previous, and abundant, knowledge of matters on which he was consulted by Kennedy while a White House assistant. For example, he knew quite a bit about Latin America. And this is beneficial to the reader, as it was to the President.

Mr. Schlesinger provides much biographical material on Kennedy, although this is not a biography (for example, there is no reference to Kennedy's birth). He explores the formative influences from childhood to the threshold of the Presidency. He analyzes the evolution of America in the years of Kennedy's life.

He writes massive chapters on the Kennedy administration, both as to domestic business and as to foreign affairs. In these numerous and lengthy chapters there is a whole series of mines of information for the future historian. And all of this is enlivened with thumbnail sketches of all sorts of people, with stories galore, with not a few intriguing disclosures, and with plenty of critical observations. Sorensen's book is far more bland than this and will occasion far fewer disclaimers, objections, and rebuttals.

I should say that the Schlesinger portrayal of the President is both more ample and more incisive. It lets us see more of a many-faceted man, and see more deeply into his essential quality.

In Mr. Schlesinger's view, many strains were met in Kennedy (Boston Irish and Yankee Harvard form but one of these combinations of opposites). And Kennedy had many sets of friends, no two sets having much in common with each other, but each having something in common with him. These sets did not mingle, would not be at home one with another, but he was at home with each, gave to, and got from, each something special.

Similarly, as President he wanted the provinces of various task forces to overlap, so that he could get different judgments on the same subjects. He had no chief of staff and he gave no one exclusive or final authority.

He would reach into the bureaucracy and consult a minor, but probably extremely knowledgeable, officer instead of conferring with his chief. This, says Mr. Schlesinger, resulted in his getting information which he would not otherwise have secured, in getting action which would not have been forthcoming without his intervention, and in making those in other than the top ranks of the executive department feel a sense of identification with the administration and a boost in morale.

#### MAN OF VITALITY

He was, says Mr. Schlesinger, a man of extraordinary vitality, extraordinary powers of concentration, extraordinary patience and keenness as a listener. He read constantly, even while dressing. He had a passion for knowledge, especially for how things worked. Techniques in any field fascinated him, and his intense admiration went to the superb technician.

Was he an intellectual? Mr. Schlesinger characterizes him as "a man of action who could pass easily over to the realm of ideas and confront intellectuals with perfect confidence in his capacity to hold his own."

Mr. Schlesinger's regard for Kennedy, as extensively set out in this mountainous book, is not that of the idolater. The portraitist gives us a fallible human being, not a demigod. But if not worshipful, Mr. Schlesinger's regard is certainly favorable in high degree.

Despite its appearance, this is not a ponderous or stodgy book, but vivid, sharp to the taste, informative in an original sort of way, and both frank and judicious. The subject, one supposes, would have liked it.

**THE PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

#### PROCEDURE FOR REVIEW OF PROPOSED BANK MERGERS

**Mr. ROBERTSON.** Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Repre-

sentatives to S. 1698, the bank-merger bill.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1698) to establish a procedure for the review of proposed bank mergers so as to eliminate the necessity for the dissolution of merged banks, and for other purposes, which was to strike out all after the enacting clause and insert:

That (a) section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended to read:

"(c) (1) Except with the prior written approval of the responsible agency, which shall in every case referred to in this paragraph be the Corporation, no insured bank shall—

"(A) merge or consolidate with any non-insured bank or institution;

"(B) assume liability to pay any deposits made in, or similar liabilities of, any noninsured bank or institution;

"(C) transfer assets to any noninsured bank or institution in consideration of the assumption of liabilities for any portion of the deposits made in such insured bank.

"(2) No insured bank shall merge or consolidate with any other insured bank or, either directly or indirectly, acquire the assets of, or assume liability to pay any deposits made in, any other insured bank except with the prior written approval of the responsible agency, which shall be—

"(A) the Comptroller of the Currency if the acquiring, assuming, or resulting bank is to be a national bank or a District bank;

"(B) the Board of Governors of the Federal Reserve System, if the acquiring, assuming, or resulting bank is to be a State member bank (except a District bank);

"(C) the Corporation if the acquiring, assuming, or resulting bank is to be a nonmember insured bank (except a District bank).

"(3) Notice of any proposed transaction for which approval is required under paragraph (1) or (2) (referred to hereafter in this subsection as a 'merger transaction') shall, unless the responsible agency finds that it must act immediately in order to prevent the probable failure of one of the banks involved, be published—

"(A) prior to the granting of approval of such transaction,

"(B) in a form approved by the responsible agency,

"(C) at appropriate intervals during a period at least as long as the period allowed for furnishing reports under paragraph (4) of this subsection, and

"(D) in a newspaper of general circulation in the community or communities where the main offices of the banks involved are located, or, if there is no such newspaper in any such community, then in the newspaper of general circulation published nearest thereto.

"(4) In the interests of uniformed standards, before acting on any application for approval of a merger transaction, the responsible agency, unless it finds that it must act immediately in order to prevent the probable failure of one of the banks involved, shall request reports on the competitive factors involved from the Attorney General and the other two banking agencies referred to in this subsection. The reports shall be furnished within thirty calendar days of the date on which they are requested, or within ten calendar days of such date if the requesting agency advises the Attorney General and the other two banking agencies that an emergency exists requiring expeditious action.

"(5) The responsible agency shall not approve—

"(A) any proposed merger transaction which would result in a monopoly, or which

would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

"(B) any other proposed merger transaction whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

In every case, the responsible agency shall take into consideration the financial and managerial resources and future prospects of the existing and proposed institutions, and the convenience and needs of the community to be served.

"(6) The responsible agency shall immediately notify the Attorney General of any approval by it pursuant to this subsection of a proposed merger transaction. If the agency has found that it must act immediately to prevent the probable failure of one of the banks involved and reports on the competitive factors have been dispensed with, the transaction may be consummated immediately upon approval by the agency. If the agency has advised the Attorney General and the other two banking agencies of the existence of an emergency requiring expeditious action and has requested reports on the competitive factors within ten days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency. In all other cases, the transaction may not be consummated before the thirtieth calendar day after the date of approval by the agency.

"(7) (A) Any action brought under the antitrust laws arising out of a merger transaction shall be commenced prior to the earliest time under paragraph (6) at which a merger transaction approved under paragraph (5) might be consummated. The commencement of such an action shall stay the effectiveness of the agency's approval unless the court shall otherwise specifically order. In any such action, the court shall review de novo the issues presented.

"(B) In any judicial proceeding attacking a merger transaction approved under paragraph (5) on the ground that the merger transaction alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), the standards applied by the court shall be identical with those that the banking agencies are directed to apply under paragraph (5).

"(C) Upon the consummation of a merger transaction in compliance with this subsection and after the termination of any antitrust litigation commenced within the period prescribed in this paragraph, or upon the termination of such period if no such litigation is commenced therein, the transaction may not thereafter be attacked in any judicial proceeding on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), but nothing in this subsection shall exempt any bank resulting from a merger transaction from complying with the antitrust laws after the consummation of such transaction.

"(D) In any action brought under the antitrust laws arising out of a merger transaction approved by a Federal supervisory agency pursuant to this subsection, such agency, and any State banking supervisory agency having jurisdiction within the State involved, may appear as a party of its own motion and as of right, and be represented by its counsel.

"(8) For the purposes of this subsection, the term 'antitrust laws' means the Act of July 2, 1890 (the Sherman Antitrust Act, 15 U.S.C. 1-7), the Act of October 15, 1914 (the Clayton Act, 15 U.S.C. 12-27), and any other Acts in pari materia.

"(9) Each of the responsible agencies shall include in its annual report to the Congress a description of each merger transaction approved by it during the period covered by the report, along with the following information:

"(A) the name and total resources of each bank involved;

"(B) whether a report was submitted by the Attorney General under paragraph (4), and, if so, a summary by the Attorney General of the substance of such report; and

"(C) a statement by the responsible agency of the basis for its approval."

(b) Section 18 of such Act is further amended by adding at the end thereof the following new subsection:

"(1) (1) No insured State nonmember bank (except a District bank) shall, without the prior consent of the Corporation, reduce the amount or retire any part of its common or preferred capital stock, or retire any part of its capital notes or debentures.

"(2) No insured bank shall convert into an insured State bank if its capital stock or its surplus will be less than the capital stock or surplus, respectively, of the converting bank at the time of the shareholder's meeting approving such conversion, without the prior written consent of—

"(A) the Comptroller of the Currency if the resulting bank is to be a District bank;

"(B) the Board of Governors of the Federal Reserve System if the resulting bank is to be a State member bank (except a District bank);

"(C) the Corporation if the resulting bank is to be a State nonmember insured bank (except a District bank).

"(3) Without the prior written consent of the Corporation, no insured bank shall convert into a noninsured bank or institution.

"(4) In granting or withholding consent under this subsection, the responsible agency shall consider—

"(A) the financial history and condition of the bank,

"(B) the adequacy of its capital structure,

"(C) its future earnings prospects,

"(D) the general character of its management,

"(E) the convenience and needs of the community to be served, and

"(F) whether or not its corporate powers are consistent with the purposes of this Act."

Sec. 2. (a) Any merger, consolidation, acquisition of assets, or assumption of liabilities involving an insured bank which was consummated prior to June 17, 1963, the bank resulting from which has not been dissolved or divided and has not effected a sale or distribution of assets and has not taken any other similar action pursuant to a final judgment under the antitrust laws prior to the enactment of this Act, shall be conclusively presumed to have not been in violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2).

(b) No merger, consolidation, acquisition of assets, or assumption of liabilities involving an insured bank which was consummated after June 16, 1963, and prior to the date of enactment of this Act and as to which no litigation was initiated by the Attorney General prior to the date of enactment of this Act may be attacked after such date in any judicial proceeding on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2).

(c) Any court having pending before it on or after the date of enactment of this Act any litigation initiated under the antitrust

laws by the Attorney General after June 16, 1963, with respect to the merger, consolidation, acquisition of assets, or assumption of liabilities of an insured bank consummated after June 16, 1963, shall apply the substantive rule of law set forth in section 18(c)(5) of the Federal Deposit Insurance Act, as amended by this Act.

(d) For the purposes of this section, the term "antitrust laws" means the Act of July 2, 1890 (the Sherman Antitrust Act, 15 U.S.C. 1-7), the Act of October 15, 1914 (the Clayton Act, 15 U.S.C. 12-27), and any other Acts in pari materia.

Sec. 3. Any application for approval of a merger transaction (as the term "merger transaction" is used in section 18(c) of the Federal Deposit Insurance Act) which was made before the date of enactment of this Act, but was withdrawn or abandoned as a result of any objections made or any suit brought by the Attorney General, may be reinstated and shall be acted upon in accordance with the provisions of this Act without prejudice by such withdrawal, abandonment, objections, or judicial proceedings.

Mr. ROBERTSON. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia [Mr. ROBERTSON] to concur in the House amendment.

Mr. ROBERTSON. Mr. President, I wish to make a statement.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBERTSON. Mr. President, we have before us an amendment to S. 1698. The Senate passed this bill on June 11, 1965. The House Banking and Currency Committee reported this amendment almost unanimously on January 24, 1966, and the House yesterday passed it by a vote of 372 to 17.

I recommend strongly that the Senate accept the House amendment to S. 1698 and send it to the President for his signature.

This is a good bill. I do not believe it is a perfect bill, but I am convinced it is workable and satisfactory, and it is certainly the best that we have any chance of getting in this session.

The bill will end the confusion and controversy which has surrounded the bank merger situation since the ill-advised and unfortunate decisions of the Supreme Court in the Philadelphia and Lexington cases and the district court decision in the New York case which followed those precedents. It will do this by establishing a uniform rule for the bank supervisory agencies and the courts to follow in bank merger cases: a rule which takes into account both the competitive factors on which the antitrust laws are based—for banks these were written into the Bank Merger Act of 1960—and the convenience and needs of the public to be served by the proposed merged bank—these were also written into the Bank Merger Act of 1960, to be considered along with the competitive factors, equally, neither element being controlling.

The bill will also, for all practical purposes, remove the sword of Damocles hanging over the head of the 2,000 and more bank mergers which have occurred since 1950, the crucial date under the Philadelphia decision—to say nothing of

all the mergers which have occurred since 1890, which are all subject to attack under the Sherman Act according to the decision in the Lexington, Ky., case.

The bill would terminate the three Philadelphia cases now pending in court—in New York City, Lexington, Ky., and Chicago—where mergers were consummated in reliance on the actions of the Congress and the statements of the Justice Department and of leading Senators and Congressmen in connection with the Bank Merger Act of 1960 and its predecessors over the preceding 15 years. It would permit the continuance of proceedings against the three "post-Philadelphia" cases—in Nashville, San Francisco, and St. Louis—where mergers were consummated after that decision, but in these three cases the courts would be directed to follow the new statutory standards laid down in the statute for all mergers to be considered in the future.

The bill before us will accomplish substantially what we had in mind when we passed the Bank Merger Act in 1960, and what we had tried to accomplish in the years before 1960—to regulate bank mergers under special standards designed to reflect the special considerations applicable to banking as a competitive but regulated industry, vested with a public interest.

It is not often that the Congress finds it necessary or desirable to reverse a decision of the Supreme Court. It is necessary and desirable in this instance because the consequences of the Court's erroneous opinions and decisions are so serious and because the error is so clear. The legislative history of this specific repeal of two Supreme Court decisions and one district court decision, and the clearer and more specific standards set forth in this bill, should convince the courts that the Congress does not intend that mergers in the banking field should be measured solely by the antitrust considerations which are applied in other industries.

I invite attention to the fact that at the meeting of the Banking and Currency Committee this morning to discuss the House amendments to the Senate bill, while the final vote to instruct me to accept the House amendments was 9 yeas to 2 nays, four members of the committee had previously voted to instruct me to accept all of the House amendments except the one authorizing intervention by Federal and State banking authorities in suits attacking bank mergers. They sincerely feel that the House made a mistake in changing our bill by permitting officials other than those of the Justice Department to enter these litigated cases. That was not in the Senate bill. I have some sympathy with the viewpoint of the four members who think this permission ought to come out.

No one desires to kill this bill. All that is sought is to try to make a better bill.

I have lived with this problem day and night for months. I am convinced that we have a good bill. No one who ever studied it would wish to support it 100 percent. We have the only bill that we are likely to get in this session, and it is better than no bill at all.

The distinguished Senator from the great State of Michigan is equally sincere. He feels that the House bill does not go as far as he thinks it should go in giving control to the Department of Justice over mergers. The distinguished Senator from Michigan is just as desirous as I am to attain proper legislation on this subject. He is sincere in feeling that the bill should be referred to the Committee on the Judiciary for hearings.

However, I would be forced to speak in opposition to such a motion, in all deference to his sincerity, for the reason that I am firmly and definitely convinced that there is no hope of getting the House committee and the House itself to change their position.

The committee in the House of Representatives took over 2,000 pages of testimony. The greater part of the testimony dealt with the issue of increased control of the Justice Department. I have been reliably informed that, having voted and finally agreed to a compromise, the House will not make any further changes in our behalf.

However, I concede the sincerity of my good friend from Michigan. If there is even one Member of this distinguished body who does not recognize the need for legislation on this subject, and who would deliberately seek to kill the bill without offering anything better in its place, I do not know who he is.

I do not believe there will be a Member of the Senate who would take that position. There was not one vote cast against the bill before, although the Senator from Michigan thought it did not go far enough with respect to control in the monopoly field. I do not know of any Member of this body who would wish to kill all legislation on this subject.

In the long run, perhaps the most important result of this bill will be to reassert the basic constitutional principle that the legislative function has been delegated to the Congress, and that the Supreme Court should not engage in judicial legislation contrary to the letter of the law and contrary to the intent and understanding of the Congress.

The House bill, like the Senate bill—although it is now a Senate bill, because before passage, the House language was inserted in the Senate bill—provides that mergers approved by the bank supervisory officials shall not, except in emergency cases, be consummated for 30 days. This postponement is designed to give the Department of Justice an opportunity to go into court to seek to prohibit the merger under the antitrust laws. If the Attorney General did not start a suit within this 30-day period, the merger could be consummated and be free from future attack.

If, however, during the 30-day period the Attorney General started a suit against the merger, the Senate bill provided that—

The merger shall not be consummated until after the termination of such antitrust suit.

The House bill changes this provision. If the Justice Department starts such a suit within the 30-day period, the House bill provides that—

The commencement of such an action shall stay the effectiveness of the agency's approval unless the court shall otherwise specifically order.

The provision in the Senate bill received a good deal of criticism, particularly from a leading financial reporter, Joseph Livingston. The critics felt that this provision gave the Justice Department an absolute veto over bank mergers.

All the Department would have to do would be to file a mimeographed complaint attacking a merger, and the banks would abandon the merger, partly because of the cost involved, but primarily because the 2- or 3-year delay in consummating the merger would make any agreement entered into outdated by the time the merger could be effective, assuming the case was eventually won. The Banking and Currency Committee recognized this problem, and in our report on the bill we warned the Department of Justice to exercise this power with restraint.

The committee recognized that the bill places in the hands of the Justice Department a considerable measure of authority which the committee expects will be used with care and discretion. The committee is aware that many banks proposing to merge under an approval by the Federal banking authorities might feel compelled to abandon their merger plans by the mere threat of a suit by the Justice Department, however insubstantial the basis for such a suit might be.

It seems to me the House version is preferable. The criticisms of the Senate version were, I think, soundly based. It would, of course, be a mistake to let the banks consummate the merger in every case at the commencement of the suit because this would prejudice the Justice Department in its efforts. So the House bill quite correctly provides for postponement of the merger as the usual rule. However, the House bill will permit the banks to apply for permission to consummate the merger at once and will permit the court to approve this in any case where the court finds it appropriate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement in which I elaborate upon the views I have just summarized.

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

STATEMENT BY SENATOR A. WILLIS ROBERTSON ON S. 1698, AMENDMENTS TO THE BANK MERGER ACT OF 1960

We have before us an amendment to S. 1698. The Bank Merger Act amendment bill. The Senate passed S. 1698 on June 11, 1965. The House Banking and Currency Committee reported this amendment almost unanimously on January 24, 1966, and the House yesterday passed it by a vote of 372 to 17.

I recommend strongly that the Senate accept the House amendment to S. 1698 and send it to the President for his signature.

The bill is a good bill. I do not think it is a perfect bill, but I am convinced it is workable and satisfactory, and it certainly is the best bill we have any chance of getting.

The bill will end the confusion and controversy which has surrounded the bank merger situation since the ill-advised and unfortunate decisions of the Supreme Court in the Philadelphia and Lexington cases, and the district court decision in the New York case which followed those precedents. It

will do this by establishing a uniform rule for the bank supervisory agencies and the courts to follow in bank merger cases: a rule which takes into account both the competitive factors on which the antitrust laws are based—for banks these were written into the Bank Merger Act of 1960—and the convenience and needs of the public to be served by the proposed merged bank—these were also written into the Bank Merger Act of 1960, to be considered along with the competitive factors, on an equal basis, neither element being controlling.

The bill will also, for all practical purposes, remove the sword of Damocles hanging over the head of the 2,000 and more bank mergers which have occurred since 1950, the crucial date under the Philadelphia decision—to say nothing of all the mergers which have occurred since 1890, which are all subject to attack under the Sherman Act according to the decision in the Lexington, Ky., case.

The bill would terminate the three pre-Philadelphia cases now pending in court—in New York City, Lexington Ky., and Chicago—where mergers were consummated in reliance on the actions of the Congress and the statements of the Justice Department and of leading Senators and Congressmen in connection with the Bank Merger Act of 1960 and its predecessors over the preceding 15 years. It would permit the continuance of proceedings against the three post-Philadelphia cases—in Nashville, San Francisco, and St. Louis—where mergers were consummated after that decision, but in these three cases the courts would be directed to follow the new statutory standards laid down in the statute for all mergers to be considered in the future.

I would have preferred enactment of S. 1698 as I originally introduced it. My bill would have exempted all mergers approved under the Bank Merger Act of 1960, in the past or in the future, and all mergers duly approved before 1960, from all of the provisions of the Clayton Act and the Sherman Act. My bill would have terminated all six cases now pending in court, and it would also have exempted all mergers approved by the bank supervisory agencies from the threat of future attack under the antimonopoly provisions of section 2 of the Sherman Act. This would have eliminated completely any attempts by the Department of Justice, through court proceedings under the antitrust laws, to prevent or undo mergers which had previously been approved by the Federal banking agencies. In my opinion this would have been a cleaner, simpler and more effective way to legislate in this field.

However, I have been in Congress long enough to know that I cannot, as a practical matter, expect to get through the Congress in every case what I personally consider the very best legislation. Simplicity and effectiveness are not always the keys to congressional approval of a bill.

The Proxmire amendment, which was accepted by the Senate committee and the Senate, was a good compromise, but only a compromise. It would have terminated all six pending cases, the three post-Philadelphia cases as well as the three pre-Philadelphia cases, and it would have exempted all past mergers. In any future merger, it would give 30 days to the Justice Department to start suits against the merger, but if there were no such suit or if it were lost, it would exempt the merger from any future attack under any provisions of the Clayton Act and the Sherman Act, including the antimonopoly provisions of section 2 of the Sherman Act. In these respects it would have gone beyond the bill before us in the direction of providing exemptions from the antitrust laws.

The Proxmire amendment, however, in spite of the extra protection from the antimonopoly provisions of section 2 of the

Sherman Act which it would give to mergers once they had been consummated, and in spite of the protection it would give to the three "post-Philadelphia" mergers, still would leave unchanged the inconsistency of having the bank supervisory agencies and the courts applying different standards to the same merger.

The Proxmire amendment would not have eliminated the present irrational situation where a bank supervisory agency can approve a merger on the ground that the merger's overall effect will be in the public interest, and the courts can then order the merged bank dissolved on the ground that it would lessen competition in one line of business—in one particular phase of banking, perhaps the safe deposit business or the trust business—in one section of the country—one county, one city, or perhaps even one block.

As I have said, the bill before us avoids these problems. Both the banking agencies and the courts will apply the same standards, including both the strictly competitive factors and the public interest factors, neither being completely controlling. It would prevent banks from merging in the future until the status of the merger had been made clear, thereby avoiding both the unfortunate consequences of requiring a merged bank to be split in two and the prejudice to a suit against a merger resulting from the fact that the merger had been consummated.

The bill before us will accomplish substantially what we had in mind when we passed the Bank Merger Act in 1960, and what we had tried to accomplish in the years before 1960—to regulate bank mergers under special standards designed to reflect the special considerations applicable to banking as a competitive but regulated industry, vested with a public interest.

Ever since Hamilton's report on a national bank, in 1790, banking has been recognized as being of special importance to the Government, to industry and commerce, and to the public. Banking as a financial institution channels vast sums of the public's money to useful purposes. Banking has provided the bulk of the Nation's medium of exchange since its creation—first in the form of bank notes and more recently in the form of demand deposits and checks. Banking has provided the vast sums needed by the Government, in war and peace, through purchases of Government bills and notes and bonds.

Federal and State governments have regulated banking ever since 1790. The first and second banks of the United States were early efforts to provide a form of central banking, and a nationwide distribution of credit. The failure to extend the first bank of the United States and the veto of the extension of the second bank were shifts in the direction of more competition and a more fragmented system of banking. The era of "free banking" which followed in the 1840's and 1850's resulted in an impossible confusion of partly or wholly worthless bank notes, which seriously handicapped commerce and industry and the public generally.

Senator John Sherman, late sponsor of the Sherman Antitrust Act, introduced the National Currency Act in 1863, rewritten as the National Bank Act in 1864, in order to provide a sound currency through a system of national banks, and incidentally to provide a market for Government bonds. Senator Sherman in his autobiography written in 1895, made this revealing comment:

"With a narrow view of the powers of the National Government, Congress had repeatedly refused to authorize a national bank, a policy I heartily approve, not from a doubt of the power of Congress to grant such a charter, but from the danger of entrusting so vast a power in a single corporation, with or without security. This objection did not lie against the organization of

a system of national banks extending over the country."

This countrywide system of national banks, along with a revived system of State banks, has grown into our dual banking system, with 50 different State bank systems and 50 corresponding national bank systems, with 14,000 individual banks, large and small, ranging from the smallest of local banks to the 37 billion-dollar banks, located in 14 different cities, which compete with each other and with many of the smaller banks for the nationwide and international accounts of the giant industrial and commercial businesses, and compete too with smaller banks for regional and local business. They also compete for most of their business with other financial institutions—savings and loan associations, insurance companies, finance companies, credit unions, and so on.

The development of this dual banking system has been made possible by many Federal statutes—the Federal Reserve Act, the Federal Deposit Insurance Act, and many others. These statutes provide a high degree of regulation for the industry. Entry into the business is limited to those granted a charter; branching is limited or prohibited; interest on demand deposits is prohibited and interest on time deposits is limited; the size and nature of loans is limited; investments are restricted; banks are required to hold certain reserves against their deposits and the supplies of these reserves are controlled by the Federal Reserve System, thus regulating the growth potential of the banking system and, above all, banks are examined regularly and thoroughly to make sure that they maintain sound banking practices.

In the Banking and Currency Committee report on the bank merger bill in 1959, we quoted the following remark from Mr. Adolph A. Berle:

"A bank failure is a community disaster, however, wherever, and whenever it occurs."

In 1959 there had been virtually no bank failures for 20 years, and Mr. Berle's comment was principally of historic interest. The bank failures in recent years have given Mr. Berle's comment a more real and more personal meaning to many depositors and other bank customers. And if the failure of a single bank is a community disaster, a wave of bank failures like the one in the early 1930's is a national disaster. Banking must be regulated, and competition in banking must be limited, in order to prevent such disasters. As Mr. Berle went on to say:

"The economic and social premises of the Sherman Act in respect of other businesses are not fully accepted by the Congress, the States, or the public as the only considerations applicable to deposit banking."

The problem of bank mergers did not arouse much concern until after World War II. During the 5 years from 1945 to 1950, the Congress devoted much time to the consideration of an amendment to section 7 of the Clayton Act, in order to slow down the wave of industrial mergers that had been taking place.

During the 78th, 79th, 80th, and 81st Congresses, many bills were introduced to restrict mergers, and on December 29, 1950, a bill was finally signed into law which prohibited mergers which might substantially lessen competition or tend to create a monopoly. This amendment to section 7 applied, however, only to mergers of corporations subject to the jurisdiction of the Federal Trade Commission, and banks were and are subject to the jurisdiction of the Federal Reserve Board for the purposes of the Clayton Act.

In order to restrict bank mergers and bank holding company acquisitions, the Federal Reserve Board, pointing out that a bill, limited to corporations under the jurisdiction of the FTC would not apply to banks,

recommended on March 21, 1945 that no bank mergers and no bank holding company acquisitions should be permitted until the Federal Reserve Board had found the transaction was consistent with the public interest, and unless it could also find—

(a) That the acquisition will not substantially lessen competition, restrain trade, or tend to create a monopoly (either in a single section of the country or in the country as a whole) in the trade, industry, or line of commerce in which such corporations are engaged;

(b) That the size of the acquiring corporation after the acquisition will be compatible with the existence and maintenance of effective competition in the trade, industry, or line of commerce in which it is engaged;

(c) That the acquisition will not so reduce the number of competing companies in the trade, industry, or line of commerce affected as materially to lessen the effectiveness of competition therein;

(d) That the acquiring corporation has not, to induce the acquisition, indulged in any unlawful methods of competition, and has not otherwise violated the provisions of the Federal Trade Commission Act, as amended; any of the acts of Congress now being administered by such Commission, Authority, or Board;

(e) That the acquisition will not be incompatible with greater efficiency and economy of production, distribution, and management.

This amendment was not adopted, and the law was limited to corporations under the Federal Trade Commission, in spite of repeated efforts by the Federal Reserve Board to make this change.

The problem of bank holding companies was handled in the Bank Holding Company Act of 1956.

During the years between 1950 and 1960, repeated efforts were made to enact legislation in the field of bank mergers, on the clear understanding that the 1950 amendment to section 7 of the Clayton Act did not apply to bank mergers, and on the understanding that the Sherman Act might well not apply to banking and bank mergers, partly because banking had been held not to be interstate commerce by the Supreme Court in *Nathan v. Louisiana* in 1850, as I pointed out in the Senate on July 20, 1961, partly because under the rule of reason in the Standard Oil case it was not expected that bank mergers would be affected, and partly because in the 70 years after the enactment of the Sherman Act, no bank merger cases under it had come before the Supreme Court.

In 1956 the House passed a bill which would have made section 7 applicable to banks in the 1950 formula, making competition the sole test. This did not become law, nor did the bills the Senate passed in 1956 and 1957 which, like the Federal Reserve Board bill in 1945, and the Bank Merger Act of 1960, required consideration of both competitive factors and banking factors, and made the final decision depend on the public interest. This long process is set forth in a memorandum beginning at page 324 of the Senate Banking and Currency Committee hearings on S. 1698. The chairman of the House Judiciary Committee expressed his agreement with this view in the debate yesterday on the House floor.

Senator FULBRIGHT, who handled the bill which became the Bank Merger Act when it was finally passed by the Senate in 1960, expressed the views of the Senate when he made the following comments:

"As it passed the Senate, S. 1062 expressed the view of the Senate, for the third time, that bank mergers should be regulated by the Federal banking agencies on the basis of banking factors and competitive factors, with no single factor being in itself controlling.

S. 1062 was a clear statement, for the third time, of the Senate's view that the provisions of section 7 of the Clayton Act should not apply to bank mergers.

"The amendments to S. 1062 made by the House do not change this aspect of the bill. The House has agreed with the Senate that bank mergers should be controlled by the Federal banking agencies on the basis of both banking factors and competitive factors, and that section 7 of the Clayton Act should continue to be inapplicable to bank mergers.

"It is not clear whether the Sherman Antitrust Act of 1890 would now be held to apply to banking in general and to bank mergers in particular, though it seems clear that Senator John Sherman, the former Secretary of the Treasury, for whom the act was named, and the 51st Congress, did not expect or intend banking to be covered by an act applicable to interstate commerce. And even if the Sherman Act is held to apply to banking and to bank mergers, it seems clear that under the rule of reason spelled out in the Standard Oil case, different considerations will be found applicable, in a regulated field like banking, in determining whether activities would 'unduly diminish competition,' in the words of the Supreme Court in that case."

In the light of this background it was a surprise and a shock when the Supreme Court held in the Philadelphia case that section 7 of the Clayton Act applied to bank mergers and held in the Lexington, Ky., case that under section 1 of the Sherman Act the outdated railroad cases applied to bank mergers. Mr. Justice Harlan was entirely correct when he made these comments in his dissent in the Philadelphia case.

"The result is, of course, that the Bank Merger Act is almost completely nullified; its enactment turns out to have been an exorbitant waste of congressional time and energy.

"This frustration of a manifest congressional design is, in my view, a most unwarranted intrusion upon the legislative domain."

He was also correct when he made these comments in his dissent in the Lexington case.

"In combination with the Philadelphia National Bank case, today's decision effectively precludes any possibility that the will of Congress with respect to bank mergers will be carried out. The Congress has plainly indicated that it does not intend that mergers in the banking field be measured solely by the antitrust considerations which are applied in other industries."

The bill before us will reinstate the manifest congressional design and intent of the 1950 and 1960 acts. It will strike the Philadelphia, Lexington, and New York decisions and opinions from the books.

Subsection 2(a) of the bill applies directly to the Lexington case and the Manufacturers Hanover case, and states flatly that mergers which have been consummated and have not yet been broken up under a court order "shall be conclusively presumed to have not been in violation of any antitrust laws other than section 2" of the Sherman Antitrust Act. Subsection 3 of the bill authorizes the Philadelphia banks, and the Hammond, Ind., banks, and any other banks which abandoned their plans to merge as the result of suits or threats of suits by the Department of Justice to reinstitute their applications, and these may be acted on under the provisions of the new bill without prejudice by such abandonment or judicial proceedings. Subsection 2(a) and subsection 2(b) eliminate any threat of action under the antitrust laws (except under the antimonopoly provisions of section 2 of the Sherman Act) in the past but have not been taken to court by the Department of Justice. And in the three "post-Philadelphia" cases and all subsequent cases brought by the Department of Justice,

the courts are directed to apply the new standards prescribed by this bill.

It is not often that the Congress finds it necessary or desirable to reverse a decision of the Supreme Court. It is necessary and desirable in this instance because the consequences of the Court's erroneous opinions and decisions are so serious and because the error is so clear. The legislative history of this specific repeal of two Supreme Court decisions and one district court decision, and the clearer and more specific standards set forth in this bill, should convince the courts that the Congress does not intend that mergers in the banking field should be measured solely by the antitrust considerations which are applied in other industries.

In the long run, perhaps the most important result of this bill will be to reassert the basic constitutional principle that the legislative function has been delegated to the Congress, and that the Supreme Court should not engage in judicial legislation contrary to the letter of the law and contrary to the intent and understanding of the Congress.

#### MONOPOLY AND COMPETITION IN BANKING

The bill would amend the Federal Deposit Insurance Act, section 18(c) (5) (A), to provide that the banking agencies may not approve a proposed merger "which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States." These are the prohibitions of section 2 of the Sherman Act. The prohibition is reinforced by the fact that approval of a merger under the bill and its consummation after 30 days in the absence of an antitrust suit to enjoin the merger does not give any protection against section 2 of the Sherman Act, though it does provide protection against a suit based on section 1 of the Sherman Act or against section 7 of the Clayton Act.

Since the banking agency has considered the very same elements which make up the gravamen of the later section 2 case, it seems clear that, although the court will not be bound by the administrative decision, it should give great weight to the informed judgment and expertise of the banking agency, particularly as to the considerations which might lead to the conclusion that a monopoly would or would not result from the merger, in the light of the special circumstances applicable to the business of banking.

Generally speaking, the monopoly power prohibited by section 2 of the Sherman Act, as applied in *American Tobacco Co. v. U.S.*, 328 U.S. 781, 811 (1946), is the power to exclude competitors from the market, either wholly or restrictively, or the power to control the market price.

The power to exclude competitors from a business which one cannot enter without the consent of a regulatory agency must be viewed very differently from a similar power in the ordinary businesses which firms may enter at will and where firms may merge at will, without the necessity of premerger notice—a tool which the Justice Department has long sought.

For instance, if a banking agency reaches the conclusion that there is only sufficient business in a neighborhood to support one bank, and therefore charters only one bank there, one might say that this constitutes a monopoly, in a limited sense. This would be particularly likely if the local competition from local credit unions, savings and loan associations, and finance companies were not considered. And, if there were two banks in the same town, neither large enough to do more than accept deposits and invest them in Government bonds, so that the town was without the real benefits of an active bank, it would clearly be contrary to the public interest to prohibit a

merger that would permit the two to merge into one substantial bank which could provide adequate financial service to the town, even though this would result in having only one bank in the town. To prohibit this as the creation of a monopoly would indeed be to make a farce out of the antitrust laws.

In considering the amount of competition in a town, even a town with only one bank or no banks, we cannot overlook the importance of banking by mail. Many banks and many savings and loan associations, too, make a considerable effort to attract savings by mail, and this constitutes a substantial element of competition for funds, both individual and corporate, in large and small amounts, in every town which has a post office or a mail box.

Furthermore, the business of banking is not a simple or limited activity. On the contrary, commercial banking consists of many different activities, and there are competitors in other fields for each of these activities.

For personal demand or time deposits, banks compete with savings banks, savings and loan associations, and credit unions. This is real and fierce competition, as can easily be seen from the various trade publications and the newspaper advertisements which have followed the recent increase in the ceilings on interest rates in savings accounts in commercial and savings banks.

For consumer loans and home mortgages, commercial banks must compete with finance and insurance companies, in addition to savings banks, savings and loans, and credit unions.

Commercial banks must compete for deposits from and loans to business firms, with insurance companies, factors, savings banks, and savings and loans, and even with the U.S. Government—both as issuer of bills and notes which corporate treasurers now find attractive in large quantities, and as issuers of vast quantities of FNMA, EXIM, and SBA, Home Loan Bank and other obligations or participations.

And in most of the other services commercial banks provide, they meet with other competition. Trust services are also provided by individual lawyers, as every lawyer in the Senate knows, or by professional trustees, about whom our friends from Boston can tell us.

Furthermore, even in the field of commercial banking there are many varieties and kinds of competition. As the House report on the bill points out, the nationwide competition of automobile companies is quite different from the local competition of laundries. So also, competition between the 37 different billion-dollar banks in 14 different cities for the million-dollar deposits and loans of the great nationwide steel, aluminum, and chemical companies is very different from the competition of the local banks and savings and loan associations for an individual \$20,000 home mortgage or the competition of local banks, credit unions, and automobile dealers for a \$2,500 loan on a new automobile.

The small banks, the credit unions, and the small savings and loan associations are apt to compete only for the small local deposits and loans—the big banks compete with the big insurance companies and commercial factors and with each other for the nationwide business. They also compete with the small organizations for the local business. Each bank is surrounded by a series of concentric circles. The smallest one represents the area of competition for small deposits and small loans. A larger ring represents the area of competition for medium loans, and so on. The whole world is the area of competition for the biggest loans.

Any estimate of the competitive nature of the banking business in the broad and

meaningful sense of the terms, and of the opposite—the degree of monopoly—must be based on the realities of the business of banks and of the other closely related institutions which make up the financial world.

The bill would also amend the Federal Deposit Insurance Act, section 18(c) (5) (B), to prohibit a proposed merger "whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade" unless the anticompetitive effects of the merger "are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served." It will be noted that the prohibitory language is based generally on the terms of section 1 of the Sherman Act and section 7 of the Clayton Act. Section 1 of the Sherman Act (15 U.S.C. 1) prohibits contracts, combinations, and conspiracies "in restraint of trade or commerce" while section 7 of the Clayton Act (15 U.S.C. 18), as amended in 1950, prohibits acquisitions "where in any line of commerce in any section of the country the effect may be substantially to lessen competition, or to tend to create a monopoly."

The text of paragraph (B) of the new bill follows the terms of section 1 of the Sherman Act and section 7 of the Clayton Act, with the exception that the reference to "any line of commerce" in the Clayton Act is not carried over into the new bill. In this respect the new bill resembles the Bank Merger Act of 1960, and calls for an appraisal of the overall effects of the merger on competition, weighing increases of competition in one field against decreases in competition in another field. The banking agencies and the courts, in other words, are not intended and are not permitted to select some single, perhaps minor aspect of the banks' business and to say that, because there is some lessening of competition in this element of the business, the overall effects of the merger—the increase of competition in the entire field of banking and in the broader field of financial institutions which may result from other aspects of the merger—are irrelevant and may not be considered.

As the Banking and Currency Committee said in 1959 in reporting out the Bank Merger Act of 1960, we do not want the banking agencies and the courts to say, as did Judge Weinfeld in the Bethlehem-Youngstown merger, "If the merger offends the statute in any relevant market then good motives and even demonstrable benefits are irrelevant and afford no defense." (*U.S.A. v. Bethlehem Steel Corp.*, et al, 168 F. Supp. 576, 1958; see Senate Report No. 196, 86th Cong., S. 1062, pp. 5-6.)

We do not want the court to say, as it did in the Philadelphia case, that a merger which may substantially lessen competition in one line of business in one section of the country "is not saved because, on some ultimate reckoning of social debits and credits, it may be deemed beneficial." We do not want the court to apply a statute which, in the words of the court in the Philadelphia case, proscribes "anticompetitive mergers, the benign and the malignant alike." (Hearings on S. 1698, p. 403.)

In considering whether a proposed merger may lessen competition or tend to create a monopoly or be in restraint of trade, the banking agencies and the courts will, of course, take into consideration all the factors which I have discussed under the question of monopoly—the competition from other financial institutions in one or another part of its business, the competition from other banks and other financial institutions, locally, regionally, nationally and internationally, the inevitable limitations on competition imposed by statute and by regulatory authorities, with respect to entry

into the business and with respect to the carrying on of the business. All of these factors must be taken into consideration in weighing the overall anticompetitive effects of the proposed merger.

Of course, if there are no substantial anticompetitive effects and no tendency to create a monopoly and no suggestion of restraint of trade, the banking agency will proceed to consider the merger on the basis of the financial and managerial resources and future prospects of the existing and proposed institutions and the convenience and needs of the community to be served. The banking agency may approve the merger if it thinks the merger will be beneficial from these points of view, or it can turn the merger down if it thinks the merger undesirable or objectionable in any respects from these points of view.

However, even though the proposed merger may substantially lessen competition or may tend to create a monopoly or may be in restraint of trade, the banking agencies and the courts may approve the merger if they find that its anticompetitive effects are clearly outweighed in the public interest from the point of view of the convenience and needs of the community to be served.

This rule will apply both to the banking agencies and to the courts. The courts will no longer be able to say—in the case of a merger which does not reach to the point of creating a monopoly—that proof that a merger will have demonstrable benefits or will be benign is irrelevant. On the contrary, the question whether there are or are not demonstrable benefits—whether the merger is benign or malignant—will be the heart of the issue.

This is the key to the new standards of the bill. It is in clear recognition of this specific change in the law that section 3 of the bill was added so as to authorize the Philadelphia National Bank and the Girard Trust Company, which abandoned their merger plans as the result of the decision of the Supreme Court in the Philadelphia case, to reinstitute their application and have it acted upon under the new standards without prejudice by such judicial proceedings, if they wish to do so. In the light of section 3 of the bill, there can be no question whatever that the principle of the Philadelphia decision is erased from the books and will no longer be a precedent for any future bank merger.

In considering the effect of a proposed merger in meeting the convenience and needs of the community to be served, attention should, of course, be directed by the banking agencies and the courts to the persons to be served—to the customers and the prospective customers of the banks. A merger of two small banks may only affect the immediate neighborhood and may only affect the individuals who have their small accounts and their small loans at the two small banks. Such a merger may have little or no effect upon anyone outside the immediate neighborhood. On the other hand, a merger of two large banks or a merger of a large bank with a small one may also affect customers of the bank in the entire metropolitan area, in the entire region of the country, across the country, or around the world.

Clearly, the effect of the merger in meeting the convenience and needs of the community to be served is not limited to the immediate area within which the bank may establish branches. In any metropolitan area the competition between suburban banks and downtown banks for the accounts of commuters is intense. Clearly, the great international banks with branches all around the world are not competing in the United States only within the limited area in the United States within which they may open their American branches. A New York City bank, which can only have branches in

a limited area of New York State, is clearly competing through its branches in Paris and Rio de Janeiro and Bombay and Australia. It is also competing in Newark and Albany, in Boston and Richmond, in Chicago and Dallas, and in San Francisco and Los Angeles.

The community to be served by the giant international loans of this kind of a bank is very different from the community to be served by the two small banks I mentioned earlier, and it is very different also from the community which the big New York bank serves through its automobile loans and special checking accounts at its branches in New York City. The effect of the merger on the public interest and on the convenience and needs of the community to be served must be measured in specific and realistic terms in the light of the kinds of business involved and the kinds of people being served. The banking agencies and the courts must be guided by the realities of the industrial, commercial, and financial worlds. They must look through theories and percentages and doctrines to the hard facts of life.

#### POSTPONEMENT OF MERGERS

The House bill, like the Senate bill, provides that mergers approved by the bank supervisory officials shall not, except in emergency cases, be consummated for 30 days. This postponement is designed to give the Department of Justice an opportunity to go into court to seek to prohibit the merger under the antitrust laws, under the new standards for bank mergers. If the Attorney General should not start a suit within this 30-day period, the merger could be consummated and be free from future attack.

If, however, during the 30-day period the Attorney General should start a suit against the merger, the Senate bill provided that "the merger shall not be consummated until after the termination of such antitrust suit." The House bill changes this provision. If the Justice Department starts such a suit within the 30-day period, the House bill provides that "the commencement of such an action shall stay the effectiveness of the agency's approval unless the court shall otherwise specifically order."

The provision in the Senate bill received a good deal of criticism, particularly from a leading financial reporter, Joseph Livingston. The critics felt that this provision gave the Justice Department an absolute veto over bank mergers. All the Department would have to do would be to file a mimeographed complaint attacking a merger, and the banks would abandon the merger, partly because of the cost involved, but primarily because the 2- or 3-year delay in consummating the merger would make any agreement entered into outdated by the time the merger could be effective, assuming the case was eventually won. The Banking and Currency Committee recognized this problem, and in our report on the bill we warned the Department of Justice to exercise this power with restraint.

"The committee recognized that the bill places in the hands of the Justice Department a considerable measure of authority which the committee expects will be used with care and discretion. The committee is aware that many banks proposing to merge under an approval by the Federal banking authorities might feel compelled to abandon their merger plans at the mere threat of a suit by the Justice Department, however insubstantial the basis for such a suit might be."

It seems to me the House version is preferable. The criticisms of the Senate version were, I think, soundly based. It would, of course, be a mistake to let the banks consummate the merger in every case at the commencement of the suit because this would prejudice the Justice Department in its efforts. So the House bill quite correctly provides for postponement of the merger as

the usual rule. However, the House bill will permit the banks to apply for permission to consummate the merger at once and will permit the court to approve this in any case where the court finds it appropriate.

In making this decision the Court will take into consideration the likelihood that this initial action will in fact be the final decision in the suit. The banks may be able to await the termination of the suit before consummating the merger or on the other hand, they may have to give up the merger proposal entirely if they cannot carry it out at once. The Justice Department may feel that its case will be hopelessly prejudiced if the merger is consummated at once, for example if it would later be impossible to split the resulting bank or to achieve any equivalent form of relief in the way of spinning off branches or the like, or the situation may be such as to make a later divestiture practicable.

The court will also have to take into consideration the strength of the Justice Department's prima facie case and the strength of the banks' defense. This will, of course, be easier than in most cases involving applications for temporary restraining orders because such a very large part of the relevant information will have been made known to the banks, the banking agency and the Department of Justice in the course of the proceedings leading up to the approval of the application by the banking agency.

The burden of proof will, of course, be on the banks to justify the exception to the statutory rule that consummation of the merger must be postponed until after the antitrust litigation has been concluded.

I agree with the House, however, that it is desirable at least to give the banks an opportunity to make an affirmative showing sufficient to convince the court to let them merge.

#### BANK SUPERVISORY AGENCIES IN COURT

The bill would insert a new paragraph (D) in section 18(c) (7) of the Federal Deposit Insurance Act. This provision that, if a suit is brought under the antitrust laws arising out of a merger transaction approved by the Federal supervisory agency, the Federal supervisory agency and the State bank supervisory agency in the State involved may appear as parties on their own motion as of right and be represented by their own counsel.

This provision has been criticized on the ground that it is not proper for two Federal officials to oppose each other in court.

As a general principle, I agree that Government officials should not oppose each other in public or in court. My bill would not have permitted this to happen. Under my bill the bank mergers would have been entirely exempt from the Clayton Act and the Sherman Act, and the Attorney General could not have gone to court to attack a merger approved by the Federal bank supervisory agency. This is the simple and clear way to prevent disagreement between two Federal agencies from getting into court.

However, if it is the wish of the Congress to permit the Attorney General to go into court under the antitrust laws—even under modified standards applicable to bank mergers—to attack mergers approved by the Federal banking agencies, it seems to me entirely appropriate for the banking agencies to appear in the litigation to tell the court why they had approved the merger. The banks may well not know what the basis for the agency's action was, and it is entirely unrealistic and, I think, possibly unethical to have the Attorney General represent both the Antitrust Division which is attacking the merger and the agency which approved it—the Comptroller of the Currency, the Federal Reserve Board, or the FDIC. It is hard to imagine a more clear case of conflicting interests than to ask the Attor-

ney General to undertake both of these responsibilities.

If the Congress wishes to permit controversies between two Federal agencies to get into court, either by having the agencies sue each other or by having one agency sue members of the public who have acted on the basis of specific authorization from another agency, I think we would be more realistic to permit both of the agencies to be represented in court rather than to whitewash over these disagreements and pretend they do not exist.

This is not a novel suggestion. In *U.S. v. ICC*, 337 U.S. 426 431-32 (1949), the Supreme Court held that the United States, acting as a shipper, could bring an action to set aside an order issued by the Interstate Commerce Commission denying certain refunds to the United States. The United States, in its capacity as a shipper, was represented by the Department of Justice. Mr.

Daniel W. Knowlton, Chief Counsel of the Interstate Commerce Commission, argued the cause and filed a brief for the ICC as appellee. The Court recognized that the ICC was a real party in interest. The Court recognized the realities of the case and was not distracted by the legalistic shibboleths argued before them—that the United States cannot sue itself and that the Attorney General must represent all Government agencies in court.

The Senator from Arkansas, Mr. FULBRIGHT, and the Senator from Illinois, Mr. DOUGLAS, will remember that the Senate Banking and Currency Committee in 1956, in the course of the committee's investigation of the Illinois banking situation, found it necessary to institute a proceeding in the U.S. district court against the U.S. attorney for the northern district of Illinois in the U.S. district court in order to get access to the ledger of the forged State warrants maintained by Mr. Hintz for Orville Hodge.

The committee appeared by its own counsel, under S. Res. 262, 70th Congress, and the U.S. attorney was ordered to turn over the documents in question to the committee (19 F. R. D. 410 (1956); see also 245 F. 2d 667 (1957)). Clearly the U.S. attorney in this case would not and could not have properly represented the committee in its efforts to compel him to release these documents to the committee.

It is appropriate to add that this provision follows the precedent established by Judge Hayes of the U.S. District Court for the Eastern District of Missouri in the St. Louis merger case. Judge Hayes on July 9, 1965 granted leave to the Comptroller of the Currency to intervene as a defendant and to file an answer in the St. Louis bank merger case.

A table accompanying my original bill, S. 1698, the Senate version, and the House version, is attached:

Bank Merger Act amendments—S. 1698, H.R. 12173

	Robertson bill, S. 1698, as introduced	Proxmire amendment, S. 1698, as reported and passed by Senate	House bill, H.R. 12173
1. Cases in court.....	Exempts all 6 cases from Sherman secs. 1 and 2 and Clayton sec. 7.	Exempts all 6 cases from Sherman secs. 1 and 2 and Clayton sec. 7, unless merged bank has been split, etc., at date of enactment.	A. Exempts 3 pre-Philadelphia cases (Lexington, Ky.; Mfg. Hanover, N.Y.; Cont'l. Ill., Chicago) from Sherman sec. 1 and Clayton sec. 7 (sec. 2(a)). B. Does not exempt 3 post-Philadelphia cases (Nashville, San Francisco, St. Louis), but provides new bank merger standards must be applied (sec. 2(c)). Exempted from Sherman sec. 1 and Clayton sec. 7 (sec. 2(a), (b)).
2. Other mergers consummated before enactment.	Exempted from Sherman secs. 1 and 2 and Clayton sec. 7.	Exempted from Sherman secs. 1 and 2 and Clayton sec. 7.	Authorizes preannouncement merger applications withdrawn or abandoned as a result of objections or suits by Justice Department to be reinstated and acted on under the new standards without prejudice by such abandonment or judicial proceedings (Philadelphia and Hammond, Ind., mergers are only ones known in this category) (sec. 3).
3. Mergers not consummated because of Justice Department action.	Exempted from Sherman secs. 1 and 2 and Clayton sec. 7.	Not affected.	A. Merger must not be approved— (1) If it would result in monopoly, or is part of conspiracy to monopolize or to attempt to monopolize banking in any part of the country. (2) If effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or in any other manner would be in restraint of trade—unless anticompetitive effects are clearly outweighed in the public interest by the probable effect in meeting the needs of the community to be served. In every case financial and managerial resources and future prospects of banks and the convenience and needs of the community to be served must be considered (sec. 1; sec. 18(c)(5)).
4. Future mergers.....	A. Must meet present standards of Bank Merger Act. Factors: Financial history and condition of banks, adequacy of capital structure, future earnings prospects, general character of management, convenience and needs of community to be served; effect on competition (including tendency toward monopoly)—no approval unless merger is "in the public interest" after considering all above factors.  B. Exempt from Sherman secs. 1 and 2 and Clayton sec. 7.	A. Must meet present standards of Bank Merger Act.  B. Subject to suit for 30 days under Clayton sec. 7, and Sherman secs. 1 and 2. Clayton sec. 7. Substantial lessening of competition in any line of commerce in any section of the country—merger not saved because it is "beneficial." 374 U.S. 321. Sherman sec. 1. "Elimination of significant competition between major competitive factors in a relevant market." 376 U.S. 665. Sherman sec. 2. Monopoly or attempt to create monopoly. C. If suit is started in 30 days, merger cannot be consummated until end of suit.	B. Subject for 30 days to de novo suit under Sherman sec. 1 or Clayton sec. 7 (sec. 1; sec. 18(c)(6)). Standards applied in such a case shall be identical with those the banking agencies are directed to apply (sec. 1; sec. 18(c)(7)(B)).  C. If suit is started in 30 days, merger cannot be consummated until end of suit, unless the court shall otherwise specifically order (sec. 1; sec. 18(c)(7)(A)). D. In any such suit, the appropriate Federal bank supervisory agency and State bank supervisory agency may appear as parties of their own motion and as of right and be represented by their counsel (sec. 1; sec. 18(c)(7)(D)). E. After merger has been consummated, exempted from Sherman sec. 1 and Clayton sec. 7, but not from antimonopoly provisions of Sherman sec. 2 (sec. 1; sec. 18(c)(7)(C)). F. No exemption for the merged bank for antitrust violations after the merger (sec. 1; sec. 18(c)(7)(C)).
	F. No exemption for the merged bank for antitrust violations after the merger.	F. No exemption for the merged bank for antitrust violations after the merger.	

Mr. ROBERTSON. Mr. President, as I have said, this is not a perfect bill. I should have preferred the bill I sponsored. The distinguished Senator from Wisconsin [Mr. PROXMIRE] would have preferred the bill that carried our joint names—the Robertson-Proxmire bill. The distinguished Senator from Michigan [Mr. HART] would have preferred a

bill that gave more power to the Department of Justice. But all of us who have been engaged in the legislative process for a number of years know that, after all, no one Member can have his way in matters of national import.

We finally reached agreement by the give-and-take process. The bill is a compromise. If we are not willing to

accept a reasonable compromise, we do not get anything. I do not know of anyone who has read the entire bill, who has studied it, and who is interested in it, who would endorse it 100 percent. But it is the best bill we can get. For that reason, I hope that my motion to accept the House amendment as it has been sent to us will be agreed to.

Mr. HART. Mr. President, I suspect that no one takes any pleasure in rising in a setting such as this to voice disagreement with the recommendation of an able and distinguished committee chairman as to the course that should be followed in connection with a bill that has been handled over the months, and skillfully, by that committee. I find myself, nonetheless, unhappily today playing that role. I do so without any expectation that I shall find a verbal formula that will serve as a policy.

My only explanation is a deep conviction that what the House has presented to us will leave very uncertain, not alone with respect to the protection of the public interest, but to banks themselves, the law which shall apply with respect to mergers in the future.

Last year the Senate acted favorably, as the able Senator from Virginia has explained, upon a bill which sought to resolve the principles that operate in the area of bank mergers. At no time in the course of the discussion or debate in the Senate did we ever consider a bill that sought—and the bill that was passed did not seek—to moderate the applicability of the antitrust laws to future bank mergers. This is the critical point that I should like to suggest as supporting the effort that I shall make to insure that the Senate shall have an opportunity to review the bill's antitrust implications.

There is a second serious reason, in my judgment, that ought to persuade us not to move too fast, merely for the sake of moving. The House amendment now authorizes, as a matter of right, the intervention in court proceedings by the Department of Justice in connection with bank mergers authorized by Federal and State bank regulatory agencies.

Whatever the attitude is with respect to what we shall do with the bill, I think it will be agreed by all of us as a unique way to "run a railroad" intelligently. Visualize, if you will, the scramble in court of the representatives of the Department of Justice, the State banking commissioners, and the Comptroller of the Currency. The court would have to have a program with names and numbers to figure out who is representing the public with respect to the principal issues in litigation.

How can we insure either that this concern that I voice is groundless, and that therefore we should prudently move favorably on the bill, or that we should identify those areas that ought to be corrected before we move? I suggest that it is only by a hearing, thorough and brief, which will enable us to pinpoint the problems that are created by these two additions made by the House yesterday. The bill returns to the Senate after a lapse of about 8 months. It technically bears the form of the amended version of the measure which passed the Senate on June 11. Actually, as I read it, it is a radically different piece of legislation. Unlike the Senate version, the effect of the amendment added to the bill by the House is to amend the antitrust laws by providing special treatment for the banking industry. If is, I think, an overriding obligation on our part to have a hearing to establish

a record that would justify such treatment of bank mergers. Under the House bill the banking industry will be less subject to the antitrust laws than any other segment of our economy. The legal and economic consequences of these changes in the bill are serious. They have not been assessed in a public form by the House. It should be emphasized that the amended bill has never been the subject of hearings. The House version of the bill was conceived entirely in the House Committee on Banking and Currency and was never scrutinized or commented on publicly by those who are charged with the administration of the antitrust or even the banking laws.

No independent expert witness has ever had an opportunity to comment on the bill which passed the House on February 8. In my judgment a bill as important as this should be examined intensively in public session for a limited period of time so that its precise character and consequences can be assessed. Before it acts on this measure, the Senate should have a record of testimony available to the Members with respect to the bill's antitrust and general economic effects; and also the consequences, as well as they can be identified, of the authorization given to State and other Federal banking agencies to intervene as a matter of right.

It is for this purpose, and this purpose alone, that it seems to me wise that the bill be referred to the Committee on the Judiciary. Clearly, here are two areas of primary jurisdiction of that committee in which it can compile a record which the Senate does not now have.

Let me make very clear that this is not an effort to kill the bill. I would suggest that the reference, if authorized, be subject to a condition or instruction that the bill be reported back within an appropriate period of time.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. HART. Surely.

Mr. TOWER. Did the Senator consider making such a request last year, when the bank merger bill was under consideration before the Senate?

Mr. HART. The answer is "No." Why? Because the two provisions that were added in the House were at no time before us in the Senate.

It is precisely because of the absence of consideration of these two aspects of the bill that I now suggest that prudence requires this reference to the Judiciary Committee.

Mr. TOWER. Was any such suggestion made in the House Committee on the Judiciary?

Mr. HART. I do not know.

Mr. TOWER. Mr. President, I thank the Senator.

Mr. HART. Mr. President, the question asked by the Senator from Texas underscores and highlights the principal reason that I now arrive at my conclusion. We did not take a whack at the antitrust laws with respect to future bank mergers when the bill left the Senate. The amendment now does this.

We did not authorize the intervention of the assortment of other public officials, in addition to the Department of

Justice spokesman, in bank merger litigation. The House did that.

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

Mr. HART. I yield.

Mr. JAVITS. Mr. President, I think I was responsible for the argument about unscrambling the eggs in the merged banks. I know a good deal about this subject, being from New York.

The Senator speaks of the new provisions introduced in the House as justifying something that was not done before. That does not mean it is wrong now. But I think we ought to have our minds clear on why we did what we did.

Is it not a fact that the House has added antitrust safeguards to the bill, which safeguards were not contained in the measure when it left the Senate? There is less reason now for feeling that the antitrust laws are being laid aside as far as banks are concerned if we pass this measure than there was when the bill formerly left the Senate. The bill then did not have a provision which would entitle the Department of Justice to sue in a freeze period. The Department of Justice now has a 30-day freeze period within which it can sue and join issue.

As I understood it when the measure left the Senate before, the Department of Justice had the right to give an advisory opinion to the central banking authority. I suppose it could have sued before the banking authority rendered an opinion. The Department of Justice now has a guaranteed 30-day freeze period within which they cannot be bypassed.

Mr. HART. Mr. President, I cannot agree with the very able Senator from New York that the bill, when it passed the Senate the last time, modified the reach of the antitrust laws on bank mergers. All it did was to require that the Department of Justice act within 30 days of the proposed merger's approval by the appropriate official.

We now have a very different treatment of the application of the antitrust laws to bank mergers. If the assumption of the Senator from New York were correct as to what happened the last time, I would then agree with him.

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

Mr. HART. I yield.

Mr. PROXMIRE. Mr. President, the 30-day period was viewed by the Department of Justice, to the best of my knowledge—and I discussed it with them—as ample. The Department of Justice in each of these cases, from the very beginning, was required by law to advise the banking regulatory agency as to its view on the competitive or anticompetitive effect of the merger.

Since the 30 days did not begin to run until after the Justice report on each merger, the Department of Justice could easily take action within 30 days. It was believed that under these circumstances the Department of Justice was not seriously affected by the freeze.

The only thing that the Department of Justice questioned at that point was with regard to the six banks which

would have been excluded. The remainder of the bill, as I understood from the Department of Justice and their antitrust experts generally, was perfectly acceptable.

Mr. HART. That is my impression and recollection.

Mr. PROXMIER. Has the Senator concluded?

Mr. HART. No. However, I should be glad to have a comment by the Senator.

Mr. PROXMIER. I shall wait until the Senator has completed his speech.

Mr. HART. Mr. President, I suggest the desirability of understanding clearly what we are doing. Perhaps the exchange which has just occurred has confirmed the desirability of that course of action. I suggest, second, that the Committee on the Judiciary be instructed to report back within a reasonable time.

Surely a few days spent on thoughtful examination of this new bill would be time well spent and helpful indeed to the banking industry and to the lawyers who must counsel the industry with respect to what lies ahead if they take the merger road under the new bill. It also will be time well spent in the public interest.

The House amendment is a new animal from the measure that passed the Senate in June. It is new particularly with respect to the application of the antitrust laws to the banking industry. Perhaps it is desirable that we refresh our recollection.

When the bill came to the Senate last June from the Committee on Banking and Currency, it contained an amendment which had been offered by the able Senator from Wisconsin [Mr. PROXMIER] and agreed to in executive session. This amendment retained full antitrust application to future bank mergers.

The only changes, as I have indicated in my exchange with the Senator from New York, were procedural in nature. If suit is brought, the Department must file its action within 30 days. With that procedural modification, no other change was made.

When that measure passed the Senate, future bank mergers were as fully subject to the antitrust laws as they had been before.

I believe that point is critical and ought to be fully appreciated. The House amendment changes the role of the antitrust laws with respect to bank mergers. As I have said, if this bill passes, bank mergers may be approved, even though they would otherwise, absent special treatment, violate section 7 of the Clayton Act or section 1 of the Sherman Act. Let me point out the differences between the two bills with a simple example. Suppose that two banks merge. If that merger tends to lessen competition in the relevant market, it would violate section 7 and perhaps also section 1. In accordance with the Senate bill such a merger could be blocked by the courts. But under the House version such a merger could be approved, even though it is admitted that it has serious anti-competitive effects. This sharp discrepancy in the treatment of anticompetitive bank mergers points up the pronounced differences between the bill which the

Senate considered last year and the bill which has now passed the House.

In providing special treatment for bank mergers the House not only has, in effect, amended the antitrust laws but it has substituted a new standard that is so novel and so vague that no one understands its meaning.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. LONG of Louisiana. I confess that I have had no opportunity to study this question. Judging from what the Senator has said, it sounds as though this measure raises a very serious monopoly problem. If it does, it seems to me that it would be inappropriate that the Senate be asked to vote on this measure without understanding it.

It is not as important to me that the Senate committee conduct hearings on it as it is that we understand what this proposal is. If I correctly understand, the Senator, he is saying that bank mergers were subject to the antitrust laws when the bill passed the Senate. However, the Senator is saying that mergers would not be subject to the antitrust laws as the bill has come back to us from the House.

If that is the case, it would seem to me that the Senate should understand what it is voting on.

My impression has been that in the monopoly field the Senate usually arrives at the correct conclusion if it understands what it is doing.

If the Senate has had an occasion to study a measure, it understands it. However, if one bill has passed the Senate without changing the existing antitrust law with regard to bank mergers or future mergers, and then the bill comes back changed so that it would drastically change the law, it would seem most inappropriate that we should vote on that proposal within 1 hour after the measure comes back to us from the House.

Mr. HART. Mr. President, I do not wish to be guilty of overstating the case.

I do not argue that the House amendment removes the antitrust laws as a factor in the evaluation of a proposed bank merger. I do say, with absolute confidence, that it has substituted a new standard, which I rather suspect would prove difficult of explanation with any assurance of certainty about its meaning on the part of anybody.

I submit that our function in light of that is to take the time to see if we really know where this road will take us ultimately.

Remember, this bill treats banks as less subject to antitrust tests than other industries; and a very good case can be made—though we argue here it is not appropriate—that concentration in banking has a more far-reaching anti-competitive influence on the whole society than concentration in school class rings or bleacher seats.

Mr. ROBERTSON. Will the Senator yield?

Mr. HART. I yield.

Mr. ROBERTSON. I can explain to my distinguished colleague, the Senator from Louisiana [Mr. LONG] that this in

no sense removes banks from the jurisdiction of the antitrust laws. They are just as much subject to those laws, if they violate them, as they ever were.

The measure does only this: One cannot start a bank merely because he gets together \$100,000 or \$1 million and says, "I am going in the banking business." He must obtain a charter; and when he obtains his charter, he is inspected, he is regulated, and his interest rates are restricted in many ways.

There are times, when there are two banks in a community and one is about to fail because of poor loans or bad management, and the banking agencies say, "It would be bad to have a bank failure; will you see if you can arrange to merge?" Everybody will agree that such a merger would be in the public interest. But unfortunately, section 7 of the Clayton Act is so harsh that if two banks seek to merge into one, any judge could say, "You have ipso facto lessened competition, you are illegal, and we will destroy you."

All that the House amendment does is to provide that when a merger is proposed, and has been recommended by the banking agencies, and the Justice Department does not agree with them and takes the case into court, something other than the harsh rule of section 7 of the Clayton Act will apply but under standards specially designed for banks. They would still be subject to the antitrust laws. After they began to operate, if they are a monopoly, they would be just as much subject to the provisions of the antitrust laws as would be any monopoly. This applies only to mergers.

I can cite this fact: After we considered this problem in our committee, I did not believe that the antitrust laws should apply at all. We said in 1960 that the Clayton Act did not apply to bank mergers. Three distinguished members of the Supreme Court said the Clayton Act should not apply, but the majority said it should.

So we had to have some relief; there were involved 2,000 or more banks, \$50 billion of assets, and hundreds of thousands of stockholders. As I have pointed out, the courts can go back to 1890, under the Sherman Act, in their efforts to destroy them; there is no statute of limitations. Two thousand pages of hearings before House committees centered on this very issue; and when this bill was before the House yesterday, the distinguished chairman of the House Judiciary Committee, Mr. EMANUEL CELLER, endorsed the bill and said he supported it. I assure my fellow Senators that they had months of hearings, hundreds and hundreds of pages of testimony on this very issue. The House has considered the matter from every angle, and has agreed on it.

That is the reason I say it is not necessary for us now to imperil the passage of this measure by referring it to another committee and letting it conduct hearings, when the House is not likely to accept any change we might make.

Mr. LONG of Louisiana. Will the Senator inform us what is the new test that

will be substituted for section 7 of the Clayton Act?

Mr. ROBERTSON. I did not hear the Senator.

Mr. LONG of Louisiana. As I understand the Senator, he says a new, more appropriate test would be substituted for section 7 of the Clayton Act. What is that test?

Mr. ROBERTSON. Under the House amendment, section 7 would still apply, but competition would not be the controlling factor. The courts could also look into other factors pertaining to a merger; and if the benefits to the public, in the opinion of the court, outweighed the technical diminution of competition, the courts could approve the merger.

We feel that that is in the public interest; and that is the reason why all of the bankers of this Nation, so far as I know, wish to see some legislation on the issue.

Mr. HART. Mr. President, what has happened, I think it is fair to say, is that we are presented with a measure in which, oversimplifying the issue a little, we are told that the antitrust laws shall not be applied to bank mergers as they occur generally in our economy, but rather, that bank mergers shall be subject to a different test.

How does the language read? The amendment which the House has presented to us provides that a banking merger having anticompetitive effects nonetheless can be approved, if those effects are—and here is the test—"clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served."

I have spent, as all of us have, a few years listening to complaints in the business community that "the antitrust laws are too vague; give us a set of good rules we will know how to operate."

I am not unsympathetic with the problem. Yet there is a great body of law that interprets the antitrust laws. Not many antitrust counsel have been driven to suicide because of the existing vagueness of the antitrust laws; but in the interest of their health, I would suggest we be very careful in throwing at them, as the standard that they must use in advising their clients, this kind of language.

First of all, it is vague, and it is so subject to interpretation that I suggest that, while some of us may comfort ourselves with the belief that only a very limited number of bank mergers involving an anticompetitive interest would ever be authorized so as to pass free from challenge, it is conceivable that this might become a rather broad avenue along which such mergers could pass.

Mr. ROBERTSON. Mr. President, will my distinguished friend yield?

Mr. HART. I yield.

Mr. ROBERTSON. I concede that banks would not be as much under the antitrust laws as other kinds of corporations not regulated like banks would be, but I hope that my friend will pardon me if I read what the chairman of the

House Judiciary Committee said on the floor yesterday:

In a sense, this bill is founded on compromise and barter. It is not what I would wish as far as antitrust is concerned, but when you compare it with what the Senate gave us, I certainly prefer this bill.

Then he asked the House to adopt it.

Mr. HART. I am sure the distinguished chairman of the Committee on Banking and Currency would disagree with the able chairman of the Committee on Banking and Currency of the House on that statement. I believe he agrees that the bill we gave the House is a much better bill. I suggest that we find out what the House has sent to us. I say that because the whole banking community will be more comfortable if we do that.

I suggest that others outside the House and the Senate have had some fair comment to make about it. I refer particularly to an article published in the distinguished Wall Street Journal on Tuesday, February 8. I believe anyone who has read the article will agree that we are setting sail with a rusty compass and without a map. The rather surprising caption of the article reads: "The Bank Merger Bill's Zany Journey." It is a rather lengthy and comprehensive article. I ask unanimous consent that it may be printed in the RECORD at the conclusion of my remarks.

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

#### THE BANK MERGER BILL'S ZANY JOURNEY

(By Arlen J. Large)

WASHINGTON.—The Supreme Court snubbed Congress when it ruled in 1963 that the antitrust laws applied to bank mergers. So argued Senator WILLIS ROBERTSON when he introduced his bank merger bill last year. "My bill will reinstate the original purpose and intent of Congress," declared the crusty Virginian.

And now, after months of comic parliamentary pratfalls and fishwifely invective, the bank merger bill is about to pass. Sure enough, it reasserts congressional authority over the subject. But that reassertion is so vaguely worded that the Supreme Court inevitably will be asked to define what Congress really meant, and the honorable justices will have considerable leeway again to make their own law.

The incredible history of the bank merger bill demonstrates again just how hard it is for Congress to shape business regulatory policy. A mushily compromised change in the banking law is just one example. In such matters as rail freight rates, shipping subsidies, and broadcast rules, it's proving almost impossible for lawmakers to budge the status quo. Regulated industries, rather than press their causes in a congressional cockpit of conflicting interests, have learned to rely on their supervisory agencies and the courts for redress of grievances. Congressmen often try to influence agency policymaking, but they rarely produce a change in fundamental law.

#### SECRET LETTERS AND HUDDLES

So the fact that a merger bill is emerging at all is remarkable, furnishing valuable tactical lessons for future plungers into regulatory lawmaking. And, if nothing else, the merger bill's zany journey toward enactment is a wonderful Washington story. For a complex measure directly affecting so few

people, the heat of battle seemed worthy of the Missouri Compromise, League of Nations membership, and prohibition repeal rolled into one. Secret letters circulated in the pockets of those involved. Conspiratorial Congressmen huddled "in the dark" to write legislation without telling their committee chairman. Liberals fought liberals, while the Attorney General wrestled inconclusively with himself.

The tangled story really starts in 1960, when Congress first tried to impose order on the postwar wave of bank mergers. The 1960 act braced the Comptroller of the Currency, the Federal Reserve Board and the Federal Deposit Insurance Corporation with identical standing orders on how to judge mergers in their respective jurisdictions: Examine the banks' financial conditions, and future earnings prospects. Look at the quality of their management. Decide whether the merger would suit the town's needs. Weigh the effect on local banking competition. Using these standards, the three agencies have, since 1960, approved about 800 mergers, or more than 90 percent of those attempted.

The Justice Department has challenged eight of the approved mergers as violations of the Sherman or Clayton Antitrust Acts, or both. When the first challenge reached the Supreme Court in 1963, the justices concluded, 6 to 2, that two Philadelphia banks broke the Clayton Act's ban on combinations that substantially lessen competition even though the Comptroller had judged the merger desirable on economic grounds. In a passage that alarmed the banking industry, the Court decided the Clayton Act "proscribed anti-competitive mergers, the benign and malignant alike."

Citing this decision, a Federal district court last March ruled illegal the 1961 merger of Manufacturers Trust Co. and Hanover Bank in New York. That prompted Senator ROBERTSON to introduce his merger bill.

The original draft would have excused from antitrust prosecution the Manufacturers-Hanover combination and five other mergers still under court challenge. Also, it would have forbidden the challenge of any future bank mergers solely on antitrust grounds, leaving the whole matter in the hands of the three regulatory agencies.

But in return for fast Senate action Senator ROBERTSON had to make an important early concession to Democratic liberals. He agreed to an amendment by Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, making future mergers almost as vulnerable to antitrust prosecution as they were before. The Justice Department would have 30 days to jump on an agency-approved merger, though after that it would be too late. The newly drafted Robertson-Proxmire bill, still excusing the six challenged mergers, was passed almost casually by the Senate after a dull debate.

That was last June 11. The bill's next stop was Representative WRIGHT PATMAN's House Banking Committee. Mr. PATMAN originally was merely suspicious of the measure. It was being pushed by the American Bankers Association, which the combative old Texan regards as a "greedy" lobby. Worse, one of its provisions was originally suggested by Federal Reserve Board Chairman William McChesney Martin, with whom Mr. PATMAN has conducted Washington's longest-running feud. Representative PATMAN has been in Congress 37 years and needs no lessons in the prerogatives of a committee chairman. He put the merger bill firmly in a pigeonhole and went about his other business.

Well, lots of bills are approved by one House and die in the other at the hands of some enemy. On July 19, however, began the series of extraordinary power plays that

were to upset all sorts of hoary traditions in the House of Representatives. Twenty-six of the Banking Committee's 33 members sent Chairman PATMAN a letter demanding prompt public hearings on the merger bill. A chairman's word on his committee's work schedule ordinarily is law, but not in the face of such a rebellious majority. Mr. PATMAN finally said hearings could start on August 11. On that day he began a virtuoso demonstration of a committee chairman's power to block action. It was getting late in the session; if the bill could be held in the House until adjournment, maybe something could turn up next year to kill it. To start the slowdown, the chairman announced he'd propose amendments to curb the Federal Reserve Board's independence—a move that would muddy things up nicely.

#### STRETCHED-OUT HEARINGS

Then there were hearings to stretch out. Mr. PATMAN signed up everyone in sight: bankers, bureaucrats, Senators. Attorney General Nicholas Katzenbach, who had ducked giving an opinion when the bill was in the Senate, came to the House hearing and denounced it roundly. As the days went by, lawmakers who favored the bill began threatening somehow to force Mr. PATMAN to stop the hearings and vote.

The emerging leader of the committee's anti-Patman faction was Representative THOMAS "LUD" ASHLEY, a 43-year-old pugnacious six termer from Toledo. Democrat ASHLEY has a strongly liberal voting record, but on the bank merger issue he was outraged by the chairman's foxy delaying maneuvers; their split finally became a bitter personal struggle for control of the committee itself. The chief Ashley lieutenants were Representatives WILLIAM MOORHEAD, of Pennsylvania, and RICHARD OTTINGER, of New York, liberals both; this trio called the plays for 4 or 5 other dissident Democrats, in harmony with Representative WILLIAM WIDNALL's bloc of 11 Republicans.

On September 25 came a secret letter, written by Attorney General Katzenbach to Chairman PATMAN. It was bad news for the Patman forces, because Mr. Katzenbach backed vigorously out of their camp. He endorsed a substitute bill introduced a few days before by the Ashley-Widnall majority, which instructed the courts to judge a merger by the same 1960 guidelines followed by the regulatory agencies. This was a key objective of the banking industry.

Mr. PATMAN tried to keep the secret letter secret, but his foes obtained a copy and were ready for a showdown. Messrs. ASHLEY and WIDNALL got up a petition requiring Mr. PATMAN to call a voting session of the committee. The chairman, not licked yet, saw to it that a series of these meetings ended impotently in point of order wrangling. At a final preadjournment meeting on October 18, only 13 members answered the opening roll-call and Mr. PATMAN victoriously proclaimed the lack of a quorum. Representative ASHLEY glumly conceded to reporters that he'd lost the fight to pass the bill before adjournment.

But the plot was only thickening. The next morning, according to staffer Paul Nelson, Representative MOORHEAD showed up at the committee office and said he wanted to get something from his desk in the adjoining hearing room. He was admitted to the dark, empty chamber. After a while, a secretary heard "a great deal of shuffling and noise" from the hearing room. When somebody investigated, behold, rebel members admitted through another door were holding a meeting.

#### PATMAN'S CHALLENGE

Chairman PATMAN arrived on this scene too late to stop the group from approving Representative ASHLEY's version of the merger bill. Mr. PATMAN afterward got considerable sat-

isfaction from denouncing his enemies who met "in secret, lawless sessions, in darkened committee rooms." Yet the situation confronting the Texan was quite serious. As Congress adjourned for the year, the Ashley bill was pending on the House calendar bearing the imprimatur of the chairman's own Banking Committee, approved at a meeting to which he hadn't even been invited. Never had the traditional powers of a committee chief been so directly challenged.

This year's session opened with a new flurry of letters. Representative HENRY REUSS, Democrat, of Wisconsin, stepped forward in a peacemaker's role. He produced yet another letter from Mr. Katzenbach, which sought a new compromise balance between the antitrust and financial factors to be weighed in judging a merger. Currency Comptroller James Saxon then fired off a letter to Mr. REUSS complaining that the Katzenbach proposal wasn't a compromise at all, but a sellout to the doctrinaire trustbusters. This offended Mr. REUSS, who replied to Mr. Saxon: "I herewith return to you your letter addressed to me."

By the time the committee met again on January 18, Chairman PATMAN clearly was more interested in reasserting control over his committee than in murky legalisms. He offered to help send any old merger bill to the House floor, if only his colleagues would repudiate the "rump" Ashley measure. But Messrs. ASHLEY and WIDNALL still had the whip and they knew it; by a vote of 18 to 14, the committee insisted on the legitimacy of its October coup. It was Mr. PATMAN's blackest moment.

#### A PROBLEM FOR M'CORMACK

For House Speaker JOHN M'CORMACK, the situation was becoming intolerable. Unless he cooled the dispute, he would be forced to rule publicly which faction was right. So on the evening of January 18 he called leaders of both camps to a private meeting in his office on the second floor of the Capitol. His decision: The committee system must be upheld, so the illegal October bill would be junked; second, the committee majority would get its way in writing the language of a new bill which Mr. PATMAN himself would introduce the next day.

The great fight was over. By a vote of 30 to 2, the Banking Committee approved what well could be labeled to credit its principal authors, the Robertson-Proxmire-Ashley-Ottinger-Reuss bank merger bill. Regulatory agencies and the courts, all applying common standards, would rule against any mergers which substantially lessen competition, unless this drawback is clearly outweighed by other considerations. The Justice Department would have 30 days to challenge an agency's favorable decision. Three banks—including Manufacturers-Hanover—would be let off from further prosecution.

Representative HENRY GONZALEZ, Democrat, of Texas, protests that the wording of the new guidelines "is as vague and undefined a standard as any group of men could possibly dream up." Representative CHARLES WELTNER, Democrat, of Georgia, predicts that, if the bill becomes law, "we must await years of litigation to know what we are actually legislating."

To a judge in some future merger suit, a study of the House floor debate that's scheduled today may prove unavailing as a guide to the true intentions of Congress. Mr. PATMAN, understandably, has been insisting the measure safeguards the antitrust laws and upholds vigorous bank competition. Representative WIDNALL and others who sought to relax the rules have been stressing the new freedom the bill gives the courts to depart from the narrow antitrust boundaries of the 1963 Philadelphia decision. "I'd hate to be the first judge to wade through the legisla-

tive history surrounding this bill," says a banking committee lawyer.

It might well be a lot of work, but that judge at least will have the satisfaction of telling Congress what its "purpose and intent" really was.

Mr. HART. I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial entitled "New Labyrinth for Banking," published in the New York Times of January 24, 1966.

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

#### NEW LABYRINTH FOR BANKING

A bill modifying the standards for bank mergers has been approved by the House Banking and Currency Committee after a heated and highly technical debate. It is of course a compromise, and like most compromises, especially those conceived in haste, it is a grab bag that offers something to everyone with an interest in the proposed legislation.

The banking industry wanted more liberal merger requirements and gets them—in the form of guidelines calling for banking supervisors to consider "the convenience and needs" of the public as well as competitive factors in ruling on mergers. It also wanted action in a hurry because several mergers have been challenged in the courts. It got that too. The banking lobby won exemption for three mergers challenged by the Justice Department that took place before June 1963, when the Supreme Court decided that banks were subject to the antitrust laws and effectively changed banking's ground rules.

The Justice Department lost its fight against modification of the law, but it was tossed a few bones. The most important is that mergers approved by Federal supervisors can still be challenged on antitrust grounds within 30 days; and the Attorney General may bring suit at any time if he decides that a banking merger creates a monopoly. But the bill also offers bank supervisory agencies an opportunity to intervene in court against the Department, a provision reportedly added to win the support of the Comptroller of the Currency.

There is a real need for new ground rules for banking, but it is doubtful that this hasty compromise, which tries to reconcile some justified grievances of the banking industry with the need to protect the public, does the job. By adding to the already complicated and extensive maze of bank regulation, the bill threatens to make the merger issue more difficult and confusing rather than cleaner and clearer. The banking industry professes to be satisfied, yet it may well be more deeply embroiled with more authorities—the supervisory agencies, Justice, and the courts—than ever before.

Certainly the proposed legislation will not be the last word on bank mergers. The prospect is that Congress will soon be engaged in modifying its present modifications. It could be in everybody's interest, but especially the public's, if Congress shelved the committee's handiwork and started all over again in an effort to write legislation that had a chance of meeting the test of time.

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

Mr. HART. I yield.

Mr. JAVITS. I am very glad that the Senator has spoken on the point about the powers of the Department of Justice.

Mr. President, I was first connected with this matter during the Merger Act proceedings in the 1960 period, when I was a member of the Committee on Banking and Currency. At that time,

the prevailing opinion of the committee was that we should give the power to approve a merger to a particular agency regulating banks, and all the others should be advisory. I believe that to be a fair statement, and when I supported this particular bill as it came to the Senate, it was to carry out that intention.

I invite the attention of the Senator from Michigan to page 6 of the bill which has come over to us bearing a Senate number, but being a House bill, lines 13 to 17. Does the Senator feel as a lawyer—I might tell the Senator that I do as a lawyer—that proof of adverse competitive effect will be relevant to litigation instituted by the Department of Justice, notwithstanding passage of this act, and that the courts would then have to pass upon whether an adequate case is made so that the public interest, convenience, and necessity of the public is considered to be superior to the effect in unreasonably restraining competition?

I ask that question because I believe it is very important that we understand the real size of the antitrust change we are making. It is also very important whatever may happen, to have a legislative record that will assume on our part proof of the violations of antitrust laws, as they are now, and will still be relevant in a proceeding instituted by the Department of Justice under this act even after it becomes law.

Mr. HART. The language to which the Senator from New York is directing our attention is conjoined with the requirement in subsection (c) (7) (B) that the standards applied by a court shall be identical with those which the banking agencies are directed to apply under subsection (c) (5) (B). It is the uncertainty and vagueness of those standards on which I wish to comment.

I agree that the courts would have to test a proposed merger de novo. It will be required to identify the anticompetitive effects. Then it will be counseled to see if they are outweighed by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

My point is that here we enter into additional vagueness. It is an admittedly uncertain problem in any antitrust situation—

Mr. JAVITS. But the competitive effect will be in evidence?

Mr. HART. Indeed, it will.

Mr. JAVITS. If the Department of Justice does its job and the courts ultimately apply this test, de novo—in short, is it not implied clearly, from the right of regulatory agencies to go into court, that the court will determine this issue, and, I am sure, being influenced by what the regulatory agency decided but not being bound by it.

Mr. HART. The Senator is correct.

Mr. JAVITS. So that helps, to some extent, does it not?

Mr. HART. To a lawyer reading the bill, the Senator's statement is absolutely correct. However, I caution that there are one or two major problems which will be created by this addition, or this dilution of the test of the antitrust bank merger. First, the court would be required to use the same vaguely worded

standards which bank agencies are required to use. That would not improve the situation, but would only worsen it.

It is conceivable that the court, in reviewing the banking agency's approval of a merger application to which the Justice Department is taking exception, might be inclined to give weight to the agency's conclusion that the merger's anticompetitive effects are clearly outweighed as the statute would require by other factors.

This ties into the second serious concern I have, that we are now putting into the courtroom in that litigation the counsel for the banking agency. Thus, I believe the court might find itself tempted to take refuge in the agency's own determination, but even if it did not—and consciously it would not—the court still must make the difficult determination that the bank merger's anticompetitive effects are—when placed on some set of scales which nobody has yet constructed—clearly outweighed by the probable effect of the transaction in meeting the convenience and needs of the communities to be served.

I do not intend to debate at length the issues involved, but I do wish to point out that the antitrust implications in the new House bill are serious, and we should not assume that it does not significantly affect the antitrust laws as it applies to bank mergers.

Mr. PROXMIRE. Mr. President, will the Senator from Michigan yield?

Mr. HART. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I commend the distinguished chairman of the Banking and Currency Committee, who has rendered such distinguished service to the Senate as chairman ever since I became a member of the committee more than 8 years ago. He is an outstanding chairman. He is fair and competent. Therefore, I hesitate to oppose him because he is well informed on this subject.

However, Mr. President, I rise to support the motion of the distinguished Senator from Michigan [Mr. HART], because it seems to me that there is no other answer to the fundamental question except the answer which the Senator from Michigan has given; namely, that when we provide special antitrust treatment for a major industry, the question then becomes, Should we seek the advice of Senate experts—that is, the Antitrust Subcommittee of the Committee on the Judiciary—or should we ignore it?

The chairman of the subcommittee, the Senator from Michigan [Mr. HART], who has both the responsibility and the competence in this area, states that he believes we should take a good hard look at this problem, that we should have a record of expert testimony, and that we should know what we are doing.

The debate today has made it clear that we do not have a clear conception of just what the House bill provides. The bill is complex, as the Senator from Michigan has declared. There have been no hearings held on this bill in its present form. No record of expert testimony has been taken. And it is a complicated matter.

Mr. President, let me make three points about which we should be deeply concerned—all three have been mentioned before, but I should like to underline them.

First is the fact that this bill would give explicit statutory approval for a regulatory agency to go into court against the Department of Justice, so that the Government would then have two lawyers in such cases. It is not unprecedented for the Government to be represented in this way but, as I understand, in the past it has been a matter of judicial discretion, not a matter of explicit statutory authorization.

I believe that many taxpayers would be concerned about this point. After all, cannot the Government make up its mind? The Government sends in two sets of lawyers to argue both sides of the case. It seems to me that is wasteful. It sets a bad precedent. I can understand why the Department of Justice is deeply exercised about this matter.

If we are to do this for the banking industry and not in other areas, it seems to me very hard to resist other interest groups that come in asking for the same kind of treatment which the banking industry is getting.

Second, the Senator from Michigan has made the persuasive case today that the bill is vague, and that when we are considering a vague, confusing, and unsure piece of legislation of this kind, it would be most helpful to have hearings, to have a record made, and to have a real explanation from the experts on the subject.

Third, and finally, I should like to go back to the standards which have concerned several other members of the Committee on Banking and Currency, and others who have been attorneys general, such as the Senator from Michigan and the present occupant of the chair, the Senator from Minnesota [Mr. MONDALE]. Subsection 5(b) was designed to change the law as it now stands, to allow the convenience and needs of the community to outweigh any anticompetitive effects that the merger might have.

Thus, it is a new standard. It is a clearly different standard that would apply in case of banks. It is a standard for which we can make the strong argument that it should apply in every case or in no case. If it is to apply in every case, or in any case it seems to me that the Antitrust Subcommittee of the Committee on the Judiciary, which is expert on this subject, should advise us on it.

This new standard would be used by the courts under the provisions of section 3 of the House amendment. The House amendment indicates, as shown on page 5, that in all future mergers courts having jurisdiction must apply the new standards set forth.

For the Senate to accept this, without knowing what is covered, without any record on this provision either in the House or the Senate, would be ill advised.

Therefore, I support the Senator from Michigan [Mr. HART]. He has made a devastating argument. I say that with all due respect and admiration for the chairman of the Banking and Currency Committee.

Mr. HART. Mr. President, I am grateful for the comments of the Senator from Wisconsin, and appreciate his support. I know the role he played in improving the bill the Senate passed a few months ago.

I have indicated my concern. I have indicated it is the course of prudence and responsibility, in my judgment, for the Senate to refer the bill to the Judiciary Committee with directions that it shall be required to report back within an appropriate period of time.

I propose in a moment to move that course of action.

Let me close by reading an excerpt from the opinion of the Supreme Court in the Philadelphia National Bank case. Speaking for the Court, Mr. Justice Brennan said:

The fact that banking is a highly regulated industry critical to the Nation's welfare makes the play of competition not less important but more so. At the price of some repetition, we note that if the businessman is denied credit because his banking alternatives have been eliminated by mergers, the whole edifice of an entrepreneurial system is threatened; if the costs of banking services and credit are allowed to become excessive by the absence of competitive pressures, virtually all costs in our credit economy will be affected; and unless competition is allowed to fulfill its role as an economic regulator in the banking industry, the result may well be even more governmental regulation. Subject to narrow qualifications, it is surely the case that competition is our fundamental national economic policy, offering as it does the only alternative to the cartelization or governmental regimentation of large portions of the economy.

That was Mr. Justice Brennan speaking for the Court. He expresses eloquently what should be the overriding concern of both those of us who accept the House version of the bill, with whatever reservations, and those of us who seek to make a record in an effort to better inform this body. Thus, I think it is necessary to pause further to identify precisely what we are doing and what its long-term effects may be, which no one of us with confidence can now predict. If my motion is rejected and a fuller record is not available for Senate consideration, I will be unable to vote for a motion to concur in the House bill.

Mr. President, I move that the bill be referred to the Committee on the Judiciary with instructions to report back not more than 20 days from today.

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

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia to lay on the table the motion of the Senator from Michigan.

The motion to lay on the table was agreed to.

McINTYRE. Mr. President, in all honesty I must admit that the bill H.R. 12173 is not a perfect bill, and I cannot agree with every single part of it.

However, I feel quite strongly that this is the best possible bill which can be enacted this year. Some legislation is clearly needed to bring about a clarification of the rules regarding banking

mergers. This bill will reassert the power of the Congress to set down the rules for bank mergers, and will correct what I consider to be errors which the courts have made.

I feel that our distinguished chairman [Mr. ROBERTSON] has explored all the possible ways of reaching a compromise on this matter, and the present bill, if accepted by the Senate today, would clearly be the most satisfactory way of bringing an end to the confusion surrounding bank mergers. I supported the original Senate bill, S. 1698, and still think it preferable to H.R. 12173, but I am here to say that I think that H.R. 12173 is the best bill possible at this time and it has my support.

Mr. BENNETT. Mr. President, I want to express my support for the bill on behalf of the minority members of the Banking and Currency Committee. I was a member of the committee when we originally passed a bill in 1960. There was then considered the question of how definite the instructions or guidelines should be. I think the record of today should contain the guidelines that were put in the bill in 1960, which we thought were sufficiently direct.

We said then that any investigation leading to a bank merger should consider, first, the financial history and condition of the institution and the adequacy of its capital structure; second, its future earning prospects and the general character of its management; third, the convenience and needs of the community to be served; and fourth, whether or not its corporate powers were consistent with the act.

After these considerations we moved on to say that if the merger would seriously lessen competition, it might be rejected. We passed the bill in 1960. The Court upset it. It may be that the Court will take another look at this one. I can think of nothing better for the Senate to do at this time than to adopt the House amendment.

Mr. LONG of Missouri. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield to the Senator from Missouri.

Mr. LONG of Missouri. What does the bill mean when it states that the anticompetitive effects of a proposed merger may be clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served?

Mr. ROBERTSON. This bill means that a merger, the effect of which may be substantially to lessen competition or to tend to create a monopoly or which in any other manner would be in restraint of trade, may still be approved by the responsible agency and held valid by a court if it is found that such anticompetitive effects are clearly outweighed by the benefits to the public interest which the proposed transaction may have in meeting the convenience and needs of the community to be served. The bill makes clear that the procompetitive and other beneficial effects of a merger will validate the merger even though, upon a consideration of the anticompetitive effects

alone under the tests set out in the Philadelphia National Bank and First National Bank & Trust Co. of Lexington cases, a violation of section 7 of the Clayton Act or of section 1 of the Sherman Act might have been found.

Mr. LONG of Missouri. In considering whether a transaction meets the convenience and needs of the community to be served what factors are to be considered?

Mr. ROBERTSON. The bill means that all the factors which the regulatory agencies presently consider under the Bank Merger Act are still relevant as are, of course, the factors set out in the final paragraph of paragraph 5. The responsible agency and any court in which the merger is challenged must consider the entire banking and financial structure and services of the community in question. For example, the freedom of entry into the banking field and the number of other alternative banking and other financial resources such as savings banks, savings and loan associations, and so on available to customers must be considered. In this context it would be relevant to compare the banking structure and services in the community in question with those in other communities in the country. If the banking system in a community were not keeping pace with the banking systems in other comparable communities this would be a factor tending to favor a merger.

The bill makes clear that while the anticompetitive effects of a proposed merger are to have great weight, the probable effects of the merger on the public interest are to be controlling. Thus any particular community may have a banking need which can be supplied by the merged institution, the fulfilling of which may be so beneficial to the public interest that it outweighs any anticompetitive effect of the merger.

Mr. LONG of Missouri. What area is encompassed by the term "community to be served" in the bill?

Mr. ROBERTSON. This means the entire area to which services are or could be supplied by the proposed merged institution, and such area is of course not limited by city, county, or State geographical boundaries. As I have said earlier, the emphasis here should properly be on the words "to be served." A big New York bank serves local customers in New York, and it serves the big nationwide industrial firms across the country and around the world. Artificial boundary lines, branching areas limited in one way or another by the different States have little or no significance.

Mr. LONG of Missouri. What factors are to be considered in determining the financial and managerial resources and future prospects of the existing and proposed institutions?

Mr. ROBERTSON. Here again this somewhat condensed language refers to all of the tests presently set out in the Bank Merger Act of 1960 and considered by the regulatory agencies at the present time. It should be emphasized that the bill calls for consideration of future prospects so that if a bank were currently enjoying good earnings or were currently adequately managed, but, if it appeared

that these earnings in future years might not continue, or if the bank had not made adequate provision for management succession, these future prospects must be considered both in determining such bank's ability to compete effectively in the future and in determining its ability to meet the convenience and needs of the community to be served in the future. In short, all factors bearing on the bank's ability to compete effectively and to serve the public in the future must be considered, and any one of such factors may, in a particular case, outweigh any anti-competitive effects of the merger.

Mr. LONG of Missouri. In determining whether a proposed merger tends to lessen competition does the bill contemplate that only competition among commercial banks is to be considered?

Mr. ROBERTSON. No; that would be entirely unrealistic. At the present time the banking agencies consider as relevant the competition afforded to commercial banks by other financial institutions, for example, savings and loan associations, credit unions, insurance companies, mutual savings banks, and small loan companies. Such financial institutions compete with commercial banks and the effect of this competition must be considered by the agencies and by the courts when a proposed merger of commercial banks is being questioned.

Mr. COOPER. Mr. President, I am glad at long last that we are to have a vote on this bill. It has been amended and approved by the House and is now before the Senate for final action.

It is true that the bill affects a given bank in the State of Kentucky. But, in truth, it affects the entire banking business, not only in my State, but the entire Nation, because we know how the decision of the Supreme Court in the Philadelphia case has put the banking business in such an unsettled condition. This is particularly true in many communities where the question arises whether local banking institutions would be able to meet the needs of the area that they served.

I am very happy to have voted for the Senate bill when it was before the Senate. I think it was proper to defeat the motion made by the distinguished Senator from Michigan.

I know we owe a great debt to the Banking and Currency Committee, led by the Senator from Virginia [Mr. ROBERTSON], and on the Republican side by the Senator from Utah [Mr. BENNETT].

I believe that this is a very fair bill and will serve not only to preserve the few banks which became the centers of controversy, but will serve the interests of the banking community. More important, the people and the businesses of the area served by these banks will be assured for the future facilities and banking services in keeping with the growth of their communities.

I am glad that we shall have an opportunity to pass the bill finally.

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

Mr. COOPER. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I join the Senator from Kentucky [Mr. COOPER] with respect to this matter.

The banking world is one of very special problems because its probity and integrity have a basic effect on the economy of the Nation to such an extent that we insure their deposits.

In 1932 the banks got into terrible trouble which almost brought society into anarchy, and the banks were closed.

I know of nothing that immobilizes our Nation, no war, no calamity, no strike, like the closing of the banks.

I believe this is a special matter under tight regulation by Federal and State Government. I believe the antitrust problems are real. I appreciate what the Senator from Michigan [Mr. HART] sought to do, but the banks are nonetheless dealt with not only by governmental agency evaluation, but the competitive factor as well as the public interest factor. If it is overriding to the merger, it should be approved because of the economic concrete base of the banking business. But these criteria will have to be applied by the courts.

I believe that that makes a material difference in the situation. The courts are not affected by the findings of the regulatory agencies. If they can evaluate between the public-interest factor and the competitive factor, they can go on to appeal if the public-interest situation is overriding.

We are not throwing antitrust laws into the ashcan, so far as banks are concerned. Mr. President, they ought to have a bill. We are honoring them, except that we are setting a standard for the courts to observe which is even superior because of the nature of the banking business and the antitrust criteria.

They will have an opportunity to go into the courts for evaluation; and the courts are not bound to accept the findings of the regulatory agency as conclusive.

For those reasons I feel justified in supporting the motion of the Senator from Virginia to concur in the House amendment and get this law settled.

Mr. TOWER. Mr. President, I join other Senators in supporting the motion of the distinguished Senator from Virginia. I commend him for his long labors over a course of many months in an effort to bring forth a meaningful bank-merger bill.

As the distinguished Senator from Virginia pointed out, this bill is not perfect. It is not ideal, but it can be hoped that it will relieve much of the confusion that has been attendant on the application of antitrust laws and banking mergers.

I thank the Senator for his efforts. I sincerely hope that the Senate will pass this bill by an overwhelming majority.

Mr. THURMOND. Mr. President, I rise to support the position of the distinguished Senator from Virginia in this matter. This has been a long and complex question that had to be determined. It seems to me that under the circumstances the position taken by the able

Senator from Virginia is the only reasonable one that can be pursued.

I commend him, and also the able Senator from Utah [Mr. BENNETT] for their leadership on the bill.

Mr. HOLLAND. Mr. President, from what I have heard in the Chamber today, and I have heard all of the discussion, I am quite persuaded that this bill, as it comes to the floor of the Senate, and as the distinguished chairman of the Committee on Banking and Currency asked us to approve it by concurring in the House amendment, will do something which has been needed for a long time. It will give greater weight to the finding of the regulatory agency without making that final in the event some bad mistake is made.

It seems to me that what is done by the bill, if we concur in the House amendment, is to slow down the attacks upon accomplished mergers which have been thoroughly investigated and approved by appropriate agencies. I believe that is what is needed.

I ask my distinguished friend, the chairman of the committee, how the bill, if we approve it by concurring in the House amendment, would affect the mergers which have been accomplished and which have been held in a static situation, which has produced inconvenience to the business community and uncertainty to the banking community for years because of the fact that the Antitrust Division of the Department of Justice seemed to feel it had the commanding place in this picture, which I do not think it should have.

What is done with respect to that?

Mr. ROBERTSON. I would say to the distinguished Senator from Florida that that is a difference between the House bill and the Senate bill with respect to banks that have merged.

The Senate bill gave complete clearance to all past mergers, including six that were still involved in litigation. This clearance was complete, and applied to section 7 of the Clayton Act and both sections 1 and 2 of the Sherman Act.

The House amendment gave an acquittance only to those that had merged prior to the decision in the Philadelphia case in good faith, when all of us believed that the 1960 Merger Act authorized banks to merge when they could not approve the decision of the designated regulatory agency. And this acquittance only covered section 7 of the Clayton Act and section 1 of the Sherman Act. The three banks not exempted by the bill would be measurably helped by a new uniform test that does not put all of the eggs in the antitrust basket.

One of those is the State of my distinguished friend from Missouri, one is Tennessee, and another is California. Those three banks merged after the decision of the court. They knew they were subject to the antitrust laws. The Department said, "Do not merge." They merged.

The House said, "You will have to fight it out in court."

In connection with the merger which occurred in the State of my distinguished friend from Missouri, it appears to me that the Department of Justice might well reexamine its decision to bring this suit, particularly in the light of the new standards provided in the bill for judging the propriety of bank mergers. In the House committee report, which I obtained unanimous consent to have printed in the RECORD yesterday for the information of the Senate, the committee expressed its deep concern over the manner in which that case was handled. The facts which caused the committee to express its concern are set forth in detail in the supplemental views of the Congressman from Missouri. I share that concern.

Mr. HOLLAND. What is the situation with respect to others that merged prior to that time?

Mr. ROBERTSON. They are all in the clear under the proposed bill.

Mr. HOLLAND. The mergers will be viewed as an accomplished fact, notwithstanding any difference of opinion in the Department of Justice?

Mr. ROBERTSON. The Senator is correct. There is no statute of limitations. They cannot go back on it under the bill.

Mr. HOLLAND. I thank the Senator. I believe that is the salutary part of the bill. There has been much confusion, great expense, and great difficulty occasioned by what has seemed to be the picayunish position of the Antitrust Division.

Mr. ROBERTSON. I wish to express my heartfelt appreciation for the fine tribute given me by the Senator from Texas and others for my work in connection with this legislation.

Really, it has been more than a matter of months; it goes back to 1956, when I worked with the distinguished Senator from Arkansas [Mr. FULBRIGHT]. At that time we were able to get a bill through the Senate, but could not get it through the House. The Senator from Arkansas then left the Committee on Banking and Currency to become chairman of the Committee on Foreign Relations.

I sponsored a bill in 1959. It passed both bodies in 1960. We thought the issue had been settled, but the Supreme Court unsettled it.

Then I sponsored one bill last year, and we have been working with it ever since.

I thank the members of the Committee on Banking and Currency for the fine support they have given me on the bill. I thank the members of the House Committee on Banking and Currency for agreeing on a bill, because, as the Senator from Florida [Mr. HOLLAND] says, this is a very vital matter, one which is necessary to set some disputed points at rest. I commend the House for passing the bill by an almost unanimous vote. And I want to pay a special tribute to Congressman ASHLEY of Ohio for his work in connection with this bill. His untiring and constructive efforts have brought about the virtual unanimity in

the House Committee and the House itself.

I commend the friendly spirit of my colleagues on the committee who did not want to kill the bill, but who did think there should be some changes in it. After making their position clear, they said they would not go to the point of filibustering against the bill or trying to kill it.

I pay special thanks to the distinguished minority leader [Mr. DIRKSEN] for arranging to bring the bill up today.

I do not have words at my command to thank the distinguished Senator from Utah [Mr. BENNETT], who is the ranking Republican member of the committee. I really do not know how I could function without him. I never make a move without first asking his advice. He is a wonderful, able man, sound in his views. It is a great pleasure to work on a committee with a man like the Senator from Utah.

Mr. President, I renew my motion that the Senate concur in the amendment of the House to the Senate bank merger bill.

The motion was agreed to.

Mr. ROBERTSON. Mr. President, I move that the Senate reconsider the vote by which the motion to concur in the amendment of the House was agreed to.

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

The motion to lay on the table was agreed to.

#### THE ILLEGALITY OF THE UNDECLARED WAR IN VIETNAM—THE ANSWER OF THE SPECIAL LAWYERS' COMMITTEE

Mr. GRUENING. Mr. President, in the last 2 years while I have stood shoulder to shoulder with the able and distinguished senior Senator from Oregon [Mr. MORSE] in opposing U.S. military involvement in Vietnam, we have repeatedly asserted that the United States is there engaged in an undeclared war—a war contrary to the express provisions of our Constitution.

Last September Senator Morse and I invited the attention of the Senate to a memorandum of law prepared by a number of eminent and learned lawyers, grouped together in a Lawyers' Committee on American Policy Toward Vietnam, which fully supported our questioning the legality, under the Constitution, of our military activities in Vietnam.

Among those endorsing the memorandum of law are Profs. Quincy Wright, of the University of Virginia; Wolfgang Friedmann, of Columbia University; Thomas I. Emerson, of Yale; Richard A. Falk, of Princeton; Norman Malcolm, of Cornell; D. F. Fleming, of Vanderbilt; David Haber, of Rutgers; Roy M. Mersky, of the University of Texas; William G. Rice, of the University of Wisconsin; Chancellor Robert M. MacIver, of the New School for Social Research; Profs. Robert C. Stevenson, of Idaho State University; Alexander W. Rudzinski, of Columbia; Darrell Randell, of the American University in Washington, D.C., and

Profs. Wallace McClure and William W. Van Alstyne, both from Duke University and the World Rule of Law Center.

The lawyers' committee itself is headed by an able and distinguished lawyer, the former attorney general of the State of California, the Honorable Robert W. Kenny, as honorary chairman.

On January 25, 1966, the lawyers' committee sent that memorandum of law to the President saying in part:

The rule of law is the essential foundation of stability and order, both between societies and in international relations. When we violate the law ourselves, we cannot expect respect for the rule of law by others. Our present unilateral intervention is an offense, we submit, against the spirit of American institutions.

I ask unanimous consent that the letter from the lawyers' committee and the memorandum of law on American policy toward Vietnam be printed in the RECORD at the conclusion of my remarks.

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

#### LAWYERS COMMITTEE ON AMERICAN POLICY TOWARD VIETNAM, New York, N.Y., January 25, 1966.

HON. LYNDON B. JOHNSON,  
President of the United States,  
Washington, D.C.

Mr. PRESIDENT: Following the issuance by the Department of State in March 1965 of a memorandum captioned "Legal Basis for U.S. Actions Against North Vietnam", our committee, in consultation with leading authorities in the fields of international law and constitutional law, undertook to research the legal issues, culminating in the memorandum of law (here enclosed).

Our committee's memorandum of law has been endorsed, among others, by Profs. Quincy Wright of the University of Virginia, Wolfgang Friedmann of Columbia University, Thomas I. Emerson of Yale, Richard A. Falk of Princeton, Norman Malcolm of Cornell, D. F. Fleming of Vanderbilt, David Haber of Rutgers, Roy M. Mersky of the University of Texas, William G. Rice of the University of Wisconsin, Chancellor Robert M. MacIver of the New School for Social Research, Prof. Robert C. Stevenson of Idaho State University, Alexander W. Rudzinski of Columbia, Darrell Randell of the American University in Washington, D.C., and Profs. Wallace McClure and William W. Van Alstyne, both from Duke University and the World Rule of Law Center.

For the reasons documented in our memorandum our committee has reached the regrettable but inescapable conclusion that the actions of the United States in Vietnam contravene the essential provisions of the United Nations Charter, to which we are bound by treaty; violate the Geneva Accords, which we pledged to observe; are not sanctioned by the treaty creating the Southeast Asia Treaty Organization; and violate our own Constitution and the system of checks and balances which is the heart of it, by the prosecution of the war in Vietnam without a congressional declaration of war.

The principal argument advanced in the State Department's memorandum is that our Government's action in Vietnam is justified under article 51 of the United Nations Charter sanctioning "individual or collective self-defense if an armed attack occurs against a member of the United Nations." However, South Vietnam is indisputably not a member of the United Nations and, indeed, under the Geneva accords of 1954, is merely a temporary zone. Moreover, since the Geneva accords recognized all of Vietnam as a single

state, the conflict in Vietnam is civil strife and foreign intervention is forbidden. We do well to recall that President Lincoln, in the course of our Civil War to preserve the union of the North and the South, vigorously opposed British and French threats to intervene in behalf of the independence of the Confederacy.

In addition, the right of collective self-defense under article 51 is limited to those nations which are within a regional community which history and geography have developed into a regional collective defense system. The United States—a country separated by oceans and thousands of miles from southeast Asia and lacking historical or ethnic connections with the peoples of that area—cannot qualify as a bona fide member of a regional collective defense system for southeast Asia.

The State Department's memorandum also contends that the actions of the United States "being defensive in character and designed to resist armed aggression, are wholly consistent with the purposes and principles of the charter and specifically with article 2, paragraph 4." Yet article 2, paragraph 4 declares in clear and unambiguous language that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations."

The State Department's memorandum also attempts to justify our Government's actions in Vietnam on the ground that the "North Vietnamese have repeatedly violated the 1954 Geneva accords." But this statement ignores our Government's antecedent violations of the pledges we made. On July 21, 1954, Under Secretary of State Walter Bedell Smith in a declaration confirmed by President Eisenhower, pledged that our Government would not "disturb" the Geneva accords and would "not join in an arrangement which would hinder" the rights of peoples "to determine their own future." However, the United States departed from these pledges when on July 16, 1955, the Diem regime announced, with American backing, that it would defy the provision calling for national elections, thus violating the central condition which had made the Geneva accords acceptable to the Vietminh. And the United States also chose to ignore the ban on the introduction of troops, military personnel, arms and munitions into Vietnam and the prohibition against the establishment of new military bases in Vietnam territory—provisions set out in the Geneva accords. It is a historical fact that the refusal to hold the elections prescribed by the Geneva accords coupled with the reign of terror and suppression instituted by the Diem regime precipitated the civil war.

In the light of the foregoing, more fully detailed and documented in the enclosed memorandum, we submit, Mr. President, that the State Department has incorrectly advised you as to the legality of U.S. actions against Vietnam.

We further submit, Mr. President, that the frequent citation of the pledges given by Presidents Eisenhower and Kennedy to aid South Vietnam afford no justification for U.S. intervention in Vietnam. President Eisenhower has stated that his administration had made no commitment to South Vietnam "in terms of military support on programs whatsoever." President Kennedy insisted that the war in Vietnam was "their war" and promised only equipment and military advisers. Hence the historical facts fail to support the point advanced. Beyond this, these Presidential pledges do not even have the status of treaties, not having been ratified by the Senate. Manifestly, the obligations assumed by our Government under the United Nations Charter with the advice and consent of the Senate, transcend any

Presidential pledge undertaken vis-a-vis the South Vietnamese regime.

Our Government has often urged that our presence in South Vietnam is solely to preserve freedom for its people and to uphold the democratic process. Yet the series of regimes supported by the United States in South Vietnam have been authoritarian in character, quite without popular support and largely indifferent to the welfare of the local population. Ambassador Henry Cabot Lodge, on June 30, 1964, commenting on the consequences of massive American involvement in Vietnam, stated, "Well, that means we become a colonial power and I think it's been pretty well established that colonialism is over. I believe that if you start doing that you will get all kinds of unfortunate results: you'll stir up anticolonial feeling; there'll be a tendency to lay back and let the Americans do it and all that. I can't think that it's a good thing to do."

As we have stated, our committee has also come to the painful conclusion that our Government's action in Vietnam violates the clear provision of our Constitution which vests in Congress exclusively the power to declare war—a power not constitutionally granted to the President. The debates in the Constitutional Convention in Philadelphia make explicitly clear that warring was to be a purely legislative prerogative and the President was not to have the power to wage a war or commit our Nation to the waging of a war, although the Executive was intended to have the power to repel sudden attacks.

In pointing out that the President lacks constitutional power to make war, our committee does not imply that a declaration of war by the Congress is desirable. Rather, we mean to point out that the failure to abide and conform to the provisions of our Constitution inevitably lead to tragic situations.

In alerting the American people to the unconstitutionality of the war being waged in Vietnam, we are following the example followed by Abraham Lincoln who, in a speech made on January 12, 1848, before the House of Representatives opposing the war undertaken by President Polk, set out the reasons which impelled him to vote for a resolution which declared that "the war with Mexico was unnecessarily and unconstitutionally commenced by the President."

Our committee conducted its research because of a deep sense of responsibility as members of the bar and because of our dedication to the principle of world peace through law. It was the American lawyers who conceived and nurtured this principle, and after holding conferences on four continents (San Jose, Costa Rica; Tokyo, Japan; Lagos, Nigeria; Rome, Italy), finally convened the First World Conference on World Peace Through Law at Athens, Greece, in July 1963.

In the proclamation of Athens, the declaration of general principles for a world rule of law, among other things, declared that, "All obligations under international law must be fulfilled and all rights thereunder must be exercised in good faith."

Mr. President, we submit that our Government's intervention in Vietnam falls far short of the declaration of principles at Athens, Greece, in July 1963, and is in violation of international agreements. The rule of law is the essential foundation of stability and order, both between societies and in international relations. When we violate the law ourselves, we cannot expect respect for the rule of law by others. Our present unilateral intervention is an offense, we submit against the spirit of American institutions.

As lawyers, we feel that the national interest is best served—indeed, it can only be served—by (a) a commitment that our Government will be bound by and implement the principles of the Geneva accords of 1954, and that the main provisions thereof be the basis for the establishment of an independ-

ent, unified, neutral Vietnam; (b) an invocation of the provisions of the United Nations Charter to assure peace in southeast Asia; and (c) a declaration that there will be no further bombing of Vietnam, that we will agree to a cease-fire, and publicly declare that the United States is willing to negotiate directly with the National Liberation Front—a point endorsed by leading Senators and Secretary General Thant and mandated by article 33 of the United Nations Charter requiring that "The parties to any dispute \* \* \* shall first of all, seek a solution by negotiation \* \* \* or other peaceful means of their own choice," and that all elements of the South Vietnamese people should be represented in that country's postwar government.

Respectfully yours,

ROBERT W. KENNY,  
Honorary Chairman.  
WILLIAM L. STANFORD,  
Chairman.

AMERICAN POLICY VIS-A-VIS VIETNAM, IN LIGHT OF OUR CONSTITUTION, THE UNITED NATIONS CHARTER, THE 1954 GENEVA ACCORDS, AND THE SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY

MEMORANDUM OF LAW

(Prepared by Lawyers Committee on American Policy Toward Vietnam, Hon. Robert W. Kenny, Honorary Chairman)

Executive committee: William L. Stanford, chairman; Carey McWilliams, vice chairman; Joseph H. Crown, secretary.

Lawyers Committee on American Policy Toward Vietnam, 38 Park Row, New York, N.Y.

AMERICAN POLICY VIS-A-VIS VIETNAM

The justification of American involvement\* in Vietnam has troubled lawyers in the light of the literal language of our Constitution and the United Nations Charter. Though the United States initially entered South Vietnam only to advise, American troops, now numbering 125,000,<sup>1</sup> have moved from a passive to an active combat role. American forces have mounted repeated air strikes against targets in North Vietnam. Is such action, raising the threat of large-scale war, consonant with our Constitution, our obligations under the United Nations Charter, the provisions of the southeast Asia collective defense treaty?

Observance of the rule of law is a basic tenet of American democracy. Hence it is fitting that American lawyers examine the action pursued by your Government to determine whether our Government's conduct is justified under the rule of law mandated by the United Nations Charter, a charter adopted to banish from the earth the scourge of war.

We shall explore and assess the grounds advanced to justify the course of conduct pursued by our Government vis-a-vis Vietnam. In section I, we examine American policy in the light of the United Nations; in section II, in the light of the Geneva accords and the southeast Asia collective defense treaty; and in sections III-IV in the light of

\*For a historical background, see "Robert Scheer, 'How the United States Got Involved in Vietnam' (A Report to the Center for the Study of Democratic Institutions, Post Office Box 4068, Santa Barbara, Calif., 93103); sample copy free.

<sup>1</sup>President Johnson, in his news conference of July 29, 1965, stated:

"I have today ordered to Vietnam the Air Mobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested." (Presidential Documents, vol. 1, No. 1, p. 15, Aug. 2, 1965.)

our Constitution. Mindful of the grave importance of the issues, we have exercised the maximum diligence in the preparation of this memorandum which is fully documented.

### 1. The United States in Vietnam: The United Nations Charter

The Charter of the United Nations was signed on behalf of the United States on June 26, 1945, by the President of the United States, and was ratified on July 28, 1945, by the Senate.<sup>2</sup> Thus, the United States became a signatory to the charter, along with 55 other nations (there are now 114), obligating itself to outlaw war, to refrain from the unilateral use of force against other nations, and to abide by the procedures embodied in the charter for the settlement of differences between States. In essence, the obligations assumed by member nations under the United Nations Charter represent the principles of international law which govern the conduct of members of the United Nations and their legal relations.

The Charter of the United Nations is a presently effective treaty binding upon the Government of the United States because it is the "supreme law of the land."<sup>3</sup> Indeed, the charter constitutes the cornerstone of a world system of nations which recognize that peaceful relations, devoid of any use of force or threats of force, are the fundamental legal relations between nations. The following provisions of the charter are relevant:

(a) "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations" (ch. I, art. II(4)).

(b) "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations or shall decide what measures shall be taken \* \* \* to maintain or restore international peace and security." (Ch. VII, 39.)

It is thus plain that signatory members of the United Nations Charter are barred from resorting to force unilaterally and that only the Security Council is authorized to determine the measures to be taken to maintain or restore international peace (apart from the question as to whether or not the General Assembly has any residual authority by virtue of the "Uniting for Peace" resolution for this purpose when the Security Council is unable to meet its responsibilities).<sup>4</sup>

<sup>2</sup> See Historical Note under title 22, United States Code, sec. 287. By the act of Dec. 20, 1945, c. 583, 59 Stat. 619 (22 U.S.C. 287-287e), Congress enacted "The United Nations Participation Act of 1945," empowering the President to appoint representatives to the United Nations and to render various forms of assistance to the United Nations and the Security Council under specified terms and conditions.

<sup>3</sup> The treaties to which the United States is a signatory are a part of the fundamental law, binding upon all officials and all governmental institutions. Art. I, sec. 2, clause 2, of the U.S. Constitution confers power upon the President to make treaties with the concurrence of two-thirds of the Senate. Art. VI, clause 2 of the U.S. Constitution provides that treaties so made, together with the Constitution and the laws of the United States made pursuant thereto, are "the Supreme Law of the Land." *Missouri v. Holland*, 252 U.S. 416, 432-434; *Hines v. Davidowitz*, 312 U.S. 52, 62-63; *United States v. Pink*, 315 U.S. 203, 230-231; *Clark v. Allen*, 331 U.S. 503-508.

<sup>4</sup> The constitutional validity of the "Uniting for Peace" resolution adopted in 1950, is disputed.

It may be recalled that in 1956, Israel justified its attack on the Egyptian forces in the Sinai Peninsula "as security measures to eliminate the Egyptian Fedayeen 'commando' bases in the Sinai Peninsula from which raids had been launched across the Israeli frontier." Starke, "Introduction to International Law," fourth edition, London, 1958, at page 83 et seq.

When Great Britain and France introduced their troops into the Sinai Peninsula, under claim of a threat to their vital interests, the "preponderant reaction of the rest of the world was to condemn this action as *inter alia*, a breach of the United Nations Charter." Starke, "Introduction to International Law," fourth edition, London, 1958, at pages 85-88.

When the Soviet Union suggested a joint military operation with the United States to restore the peace in the Middle East, Secretary of State John Foster Dulles, rejected this proposal as "unthinkable" (*New York Times*, Nov. 6, 1956). Dulles declared:

"Any intervention by the United States and/or Russia, or any other action, except by a duly constituted United Nations peace force would be counter to everything the General Assembly and the Secretary General of the United Nations were charged by the charter to do in order to secure a United Nations police cease-fire."

At a news conference on November 8, 1956, President Eisenhower, answering an announcement of the Soviet Union at that time, declared that the United States would oppose the dispatch of Russian "volunteers" to aid Egypt, saying that it would be the duty of all United Nations members, including the United States, under the clear mandate of the United Nations Charter to counter any Soviet military intervention in the Middle East. The President said:

"The United Nations is alone charged with the responsibility of securing the peace in the Middle East and throughout the world." *United Nations Action in the Suez Crisis*, Tulane Studies in Political Science, volume IV entitled "International Law in the Middle East Crisis."

To the fundamental substantive and procedural requirements and conditions vesting sole authority in the United Nations to authorize utilization of force, there are only two exceptions set forth in the charter. The first exception is found in article 51 of chapter 7:

"Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures to maintain international peace and security."

Article 51 of the charter marked a serious restriction on the traditional right of self-defense. As was stated by Prof. Phillip C. Jessup in his work, "A Modern Law of Nations," published in 1947 (at pp. 165-166):

"Article 51 of the charter suggests a further limitation on the right of self-defense: it may be exercised only 'if an armed attack occurs.' \* \* \* This restriction in article 51 very definitely narrows the freedom of action which states had under traditional law. A case could be made out for self-defense under the traditional law where the injury was threatened but no attack had yet taken place. Under the charter, alarming military preparations by a neighboring state would justify a resort to the Security Council, but would not justify resort to anticipatory force by the state which believed itself threatened."<sup>5</sup>

<sup>5</sup> In support of his views, Professor Jessup noted:

"The documentary record of the discussions at San Francisco does not afford conclusive evidence that the suggested interpretation of the words 'armed attack' in article 51 is correct, but the general tenor of

The traditional right of self-defense, even prior to the adoption of the United Nations charter, was limited. As stated by Secretary of State Daniel Webster in the Caroline case,<sup>6</sup> and as adopted in the *Neurenberg Judgment* in 1945, any resort to armed force in self-defense must be confined to cases in which "the necessity of that self-defense is instant, overwhelming and leaving no choice of means and no moment of deliberation."<sup>7</sup>

In expressly limiting independent military action to instances of armed attack, the founding nations explicitly and implicitly rejected the right to the use of force based on the familiar claim of "anticipatory self-defense," or "intervention by subversion," or "pre-emptive armed attack to forestall threatened aggression," and similar rationale. Such concepts were well known to the founding nations if only because most of the wars of history had been fought under banners carrying or suggesting these slogans. More importantly for our purposes here, however, the United States was aware of these precepts before the Senate ratified the United Nations Charter and consciously acquiesced in their rejection as a basis for independent armed intervention.<sup>8</sup>

It has been authoritatively said that the exceptional circumstances stipulated in article 51 are "clear, objective, easy to prove and difficult to misinterpret or to fabricate."<sup>9</sup> The wording was deliberately and carefully chosen.<sup>10 11</sup>

Hence article 51 can under no circumstances afford a justification for U.S. intervention in Vietnam, since the Saigon regime is indisputably not a member of the United Nations and, indeed, under the Geneva Accords of 1954, South Vietnam is merely a temporary zone not even qualifying politically as a state (See section II *infra*), even if it be assumed that an "armed attack," within the meaning of article 51, has occurred against South Vietnam. For, as has been shown, article 51 is operative only in the event of "an armed attack against a member of the United Nations." Hence, neither the right of individual self-defense nor the right of collective "self-defense" can become operative.

It has been claimed that United States intervention in Vietnam is sanctioned under article 51 on the ground (1) that South Vietnam is an independent state; (2) that South Vietnam had been the victim of an armed attack from North Vietnam and (3) that the United States, with the consent of South Vietnam, was engaging in "collective self-defense" of that country, as claimed by

the discussions, as well as the careful choice of words throughout chapters VI and VII of the Charter relative to various stages of aggravation of dangers to the peace, support the view stated." (Jessup, "A Modern Law of Nations," p. 166.)

<sup>6</sup> See, Louis Henkin (Professor of Law and International Law and Diplomacy, Columbia University), 57 "American Society of International Law Proceedings," 1963, at p. 152, Moore's "Digest of International Law," vol. II, p. 412.

<sup>7</sup> Henkin, *ibid.*

<sup>8</sup> Hearings on U.N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong., 1st sess., July 9-13, 1945, at p. 210.

<sup>9</sup> Henkin, *ibid.*

<sup>10 11</sup> \* \* \* at the Conference itself, every word, every sentence, every paragraph of the charter's text was examined and reconsidered by the representatives of 50 nations and much of it reworked." (Report to the President on the results of the San Francisco Conference [by the Chairman of the U.S. Delegation, i.e., the Secretary of State, June 26, 1945], hearings on U.N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong., 1st sess., at p. 41.)

<sup>11</sup> *Supra.*

the United States in a communication to the United Nations Security Council in March, 1965 (U.N. Chronicle, vol. 2, p. 22). To sustain this claim, all three elements must be satisfied.

This claim is untenable, however, on several grounds. First, South Vietnam was not recognized as an independent state at the 1954 Geneva Conference (see sec. II, *infra*). Even if it had become a *de facto* state in the course of events since 1954, the infiltration from North Vietnam cannot be deemed to constitute an "armed attack" within the purview of article 51.

Since the Geneva accords recognized all of Vietnam as a single state, the conflict whether of the Vietcong or Ho Chi Minh against South Vietnam is "civil strife" and foreign intervention is forbidden, because civil strife is a domestic question—a position insisted upon by the United States in its Civil War of 1861. Ho Chi Minh can compare his position in demanding union of Vietnam with that of Lincoln, when Britain and France were threatening to intervene to assure the independence of the Confederacy (and with the added point that the national elections mandated for 1956 in the Geneva accords were frustrated by South Vietnam with apparent support of the United States; see sec. II, *infra*). Nor should it be overlooked that Lincoln had very little support from the people of the South, who generally supported the Confederacy, while Ho Chi Minh has a great deal of support from the people in South Vietnam organized in the National Liberation Front whose military arm is the Vietcong. There is, therefore, a basic issue whether the hostilities in Vietnam constitute external aggression (by North Vietnam) or "civil strife." Here it should be noted that the United Nations is authorized to intervene where civil strife threatens international peace, as the United Nations did in the Congo, in accord with article 39 of the charter—but individual states are not permitted to intervene unilaterally.

The third element requisite for the invocation of the right of collective self-defense under article 51 presupposes that the nations invoking such right are properly members of a regional collective system within the purview of the United Nations Charter. The point here involved is: Can the United States validly be a genuine member of a regional system covering southeast Asia? Article 51 and article 53, dealing with regional systems, were interrelated amendatory provisions intended primarily to integrate the inter-American system with the United Nations organization (see fn. 8, 13, 15). The concept that the United States—a country separated by oceans and thousands of miles from southeast Asia and bereft of any historical or ethnic connection with the peoples of southeast Asia—could validly be considered a member of a regional system implanted in southeast Asia is utterly alien to the regional systems envisaged in the charter. The "Southeast Asia Collective Defense Treaty"—connecting the United States with southeast Asia, architected by Secretary of State Dulles, is a legalistic artificial formulation to circumvent the fundamental limitations placed by the United Nations Charter on unilateral actions by individual members. However ingenuous—or disingenuous—the Dulles approach, SEATO is a caricature of the genuine regional systems envisaged by the U.N. Charter. A buffalo cannot be transformed into a giraffe however elongated its neck may be stretched. The Dulles approach to collective defense treaties employed legal artifice to circumvent the exclusive authority vested in the United Nations to deal with breaches in the peace. Articles 51 and 53 were intended to make a *bona fide* integration of regional systems of cooperation with the world system of international security—but these envisaged regional systems which historically and geographically developed into

a regional community—not contemplating a regional system which fused a region like southeast Asia with a country on the North American Continent. SEATO is not a regional agency within the letter or spirit of the U.N. Charter as to authorize the United States to claim the right of collective self-defense even if there had been an armed attack on a member of the United Nations geographically located in southeast Asia. If artifices like SEATO were sanctioned, the path would be open for the emasculation of the United Nations organization and the world system of international security assiduously developed to prevent the scourge of war.

Hence article 51 cannot be properly invoked for (1) South Vietnam does not have the political status of a state; (2) even if South Vietnam were deemed a *de facto* state, the infiltrations do not constitute an "armed attack" within the purview of article 51; and (3) the United States cannot claim the right of "collective self-defense" in respect of a regional system involving southeast Asia.

Apart from article 51 (inapplicable to the situation here), the only other exception to the renunciation of the "threat or use of force" by member states is found in chapter VIII of the charter dealing with regional arrangements. Article 53 of said chapter contains two paragraphs of particular significance:

(a) "The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against an enemy state, as defined in paragraph 2 of this article." (Ch. VII, art. 53(1).)

Paragraph two of that article provides:

(b) "The term enemy state as used in paragraph 1 of this article applies to any state which during the Second World War has been an enemy of any signatory of the present charter."

With respect to regional arrangements therefore, it is clear that no enforcement action may be undertaken without the authorization of the Security Council of the United Nations, save and except in only one instance; against any state which, during World War II, was an enemy of any of the charter,<sup>12</sup> to wit, Germany, Italy and Japan. Since Vietnam was manifestly not an "enemy state" within the purview of article 53(b), enforcement action under SEATO is unauthorized and cannot be justified in view of the express restrictions set out under article 53(a) of the United Nations Charter.

In summary, the United Nations Charter obligates all of its signatory members to refrain from the threat or use of force, and only the Security Council (apart from the residual authority (see footnote 4) granted the General Assembly under the "uniting for peace" resolution) is authorized to determine the existence of any threat to the peace, breach of the peace or act of aggression and to determine the measures to be taken to maintain or restore international peace. To these salient provisions, there are only two exceptions: the first, the right to self-defense if an armed attack occurs against a member of the United Nations; and, the second, the right of nations to enter into

<sup>12</sup> The reason for this exception appears clear. When the charter was signed in San Francisco on June 26, 1945, peace treaties had not yet been finally signed by the allied nations with each of the enemy states. Reparations, sanctions, territorial changes, had not then been finalized. And so, in order to permit necessary flexibility in these respects, this sharply limited exception, permitting action against an enemy state in World War II by an allied government, was spelled out.

appropriate "regional arrangements," subject, however, to the provision that no enforcement action shall be taken under such arrangements without the authorization of the Security Council, the only exception to the latter requirement being with respect to measures against an enemy state, as defined in the charter.

We have shown that none of the aforementioned exceptions can be invoked by the U.S. Government with respect to its conduct in Vietnam. It follows therefore that the fundamental requirements of the United Nations Charter with respect to the renunciation of force and the threat of force are directly applicable to the actions of the United States.

One other noteworthy charter provision is article 103 which subordinates all regional and treaty compacts to the United Nations Charter.

"In the event of a conflict between the obligations of the members of the United Nations under the present charter and their obligations under any other international agreement, their obligations under the present charter shall prevail." (Ch. XVI, art. 103.)

This supremacy clause was drafted to meet the predictable reassertion of dominance by the great powers within their respective geographic zones or hemispheres. Because of the unhappy history of a world fragmented by such "spheres of influence," the supremacy clause and the restrictions on the use of force under regional agreements emerge as limitations upon the superpowers even within their own geographic zones. It is significant that the United States not only accepted these limitations, but actively supported their incorporation within the charter.<sup>13</sup>

<sup>13</sup> Hearings on U.N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong. 1st sess., supra, n. 6, at p. 306.

On May 15, 1945, Secretary of State Stettinius issued a statement at the San Francisco Conference regarding the Act of Chapultepec vis-a-vis the United Nations organization which declared (so far as here pertinent); hearings on U.N. Charter, op. cit., p. 306:

"As a result of discussions with a number of interested delegations, proposals will be made to clarify in the charter the relationship of regional agencies and collective arrangements to the world organization.

"These proposals will—

"1. Recognize the paramount authority of the world organization in all enforcement action.

"2. Recognize that the inherent right of self-defense, either individual or collective, remains unimpaired in case the Security Council does not maintain international peace and security and an armed attack against a member state occurs. Any measures of self-defense shall immediately be reported to the Security Council and shall in no way affect the authority and responsibility of the Council under the charter to take at any time such action as it may deem necessary to maintain or restore international peace and security.

"3. Make more clear that regional agencies will be looked to as an important way of settling local disputes by peaceful means."

The first point is already dealt with by the provision of the Dumbarton Oaks proposals (ch. VIII, sec. C, par. 2) which provides that no enforcement action will be taken by regional agencies without the authorization of the Security Council. It is not proposed to change this language.

The second point will be dealt with by an addition to chapter VIII of a new section substantially as follows:

"Nothing in this chapter impairs the inherent right of self-defense, either individ-

Article 103 makes clear that the obligations of the United Nations Charter prevail vis-a-vis the obligations of the SEATO treaty. Indeed, article VI of the SEATO expressly recognizes the supremacy of the United Nations Charter (see sec. II, *infra*). Moreover the frequent citation by President Johnson of the pledges given by Presidents Eisenhower, Kennedy, and himself to aid South Vietnam afford no justification for U.S. intervention in Vietnam.<sup>14</sup> In the first place, these pledges or commitments do not even have the status of treaties, for these Presidential pledges have not been ratified by the Senate. And even if these Presidential pledges had been solemnly ratified by the Senate, any obligations thereunder must yield to the obligations imposed under the United Nations Charter by virtue of the supremacy clause embodied in article 103. Nor would the illegality of U.S. intervention in Vietnam be altered by the circumstance that the Saigon regime may have invited the United States to assume its role in the Vietnam conflict. The supremacy clause of the charter manifestly prevails and cannot be annulled by mutual agreement of third parties.

It is by virtue of the supremacy clause that the Secretary General of the United Nations has called the world's attention to the emasculation of the authority of the United Nations resulting from actions taken by regional agencies without reference to the Security Council.

We believe that any fair study of the United Nations Charter will affirm the observations of Prof. Lewis Henkin, of Columbia University, when he speaks "of the law of the charter":

"So far as it purports to prescribe for the conduct of nations, it consists, basically, of one principle: Except in self-defense against armed attack, members must refrain from the threat or use of force against other

ual or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member state occurs. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

The third point would be dealt with by inclusion of a specific reference to regional agencies or arrangements in chapter VIII, sec. A, par. 3, describing the methods whereby parties to a dispute should, first of all, seek a peaceful solution by means of their own choice.

The United States delegation believes that proposals as above outlined if adopted by the Conference would, with the other relevant provisions of the projected charter, make possible a useful and effective integration of regional systems of cooperation with the world system of international security.

This applies with particular significance to the long established inter-American system.

<sup>14</sup> President Johnson, in his news conference of July 28, 1965, declared:

"Moreover, we are in Vietnam to fulfill one of the most solemn pledges of the American Nation. Three Presidents—President Eisenhower, President Kennedy, and your present President—over 11 years have committed themselves and have promised to help defend this small and valiant nation" (Presidential Documents, vol. 1, No. 1, p. 15). President Eisenhower has stated that his administration had made no commitment to South Vietnam "in terms of military support on programs whatsoever" (The New York Times, Aug. 18, 1965, p. 1).

states \* \* \* the rule of the charter against unilateral force in international relations is the essence of any meaningful concept of law between nations and the foundation on which rests all other attempts to regulate international behavior. It is a rule which all nations have accepted and which all have a common interest essential to law."<sup>15</sup>

It appears difficult to escape the conclusion therefore, in the light of the aforesaid, that the action of the U.S. Government in Vietnam contravenes essential provisions of the United Nations Charter. The U.S. Government has decided for itself to use armed forces in South Vietnam and to bomb North Vietnam without authorization of the Security Council or the General Assembly of the United Nations. The failure of the United States to honor its obligations under the United Nations Charter is a regrettable but inescapable conclusion which we as lawyers have been compelled to reach. We, as lawyers, urge our President to accept the obligations for international behavior placed upon us by our signature of the United Nations Charter.

#### II. The United States in Vietnam: The 1954 Geneva Accords and the SEATO Treaty

Officials of the U.S. Government have nevertheless asserted, on different occasions, that the actions of the United States in Vietnam are consistent with the U.S. duties and obligations under the United Nations Charter and sanctioned by the treaty creating the Southeast Asia Treaty Organization (SEATO).<sup>16</sup> The conduct of the U.S. Government has been justified as support of a legitimate government defending itself against insurrection from within and aggression from without. We have demonstrated above that even if this latter position were accepted on its face, unilateral conclusions and actions taken by the Government of the United States upon the basis of such conclusions are violative of the firm obligations under the United Nations Charter. However, we do not let the matter rest with this assertion, but proceed to an examination of the validity of the claims made by the U.S. Government in support of its conduct in Vietnam.

The Geneva agreement under which the war between Vietnam and the French was terminated, effected the division of Vietnam into north and south, at the 17th parallel. The said "agreement on the cessation of hostilities in Vietnam," entered into in Geneva on July 20, 1954, provided that the division of Vietnam at the 17th parallel was only "a provisional military demarcation line," on either side of which the opposing forces could be "regrouped"—"the forces of the Peoples Army of Vietnam to the north of the

<sup>15</sup> Henkin, in 57 "American Society of International Law Proceedings," 1963, *supra*, n. 6, at p. 148. See also in further explication of Professor Henkin's succinct conclusion: Statements of Hon. Edward R. Stettinius, Jr., Secretary of State, the testimony of Senator Millikin, and the testimony of Mr. Pasvolosky, Special Assistant to the Secretary of State for International Organization and Security Affairs, in hearings on U.N. Charter, Committee on Foreign Relations, U.S. Senate, 79th Cong., 1st sess., *supra*, n. 8, at pp. 34-147, 210, 95-100 and 304-307; Jessup, "A Modern Law of Nations" (1947); Proclamation of Athens and Declaration of General Principles for a World Rule of Law, adopted by the First World Conference on World Peace Through Law, Athens, Greece, July 6, 1963; Francis T. P. Plimpton, U.S. Representative to the United Nations, State Department Bulletin, vol. XLIX, No. 1278, Dec. 23, 1963, pp. 978-979.

<sup>16</sup> Geneva Conf. Doc. No. IC/42/Rev. 2, in 1 "American Foreign Policy"; 1950-55 Basic Documents 750; New York Times, July 24, 1954, p. 4.

line and the forces of the French Union to the south" (ch. I, art. 1).<sup>17</sup>

The Geneva agreement makes plain that the division of the 17th parallel was to be temporary and a step in the preparation for a general election to elect a government for a unified nation. Pending such election, "civil administration in each regrouping zone [was to] be in the hands of the party whose forces are to be regrouped there" [art. 14(a)].

The day after the aforesaid cease-fire agreement was entered into, representatives of Cambodia, the Democratic Republic of Vietnam (Vietminh), Laos, France, the Peoples Republic of China, the U.S.S.R., and the United Kingdom affirmed The Final Declaration of the Geneva Conference on the Problems of Restoring Peace in Indochina, July 21, 1954.<sup>18</sup> The declaration emphasized that the north-south division was solely a means of ending the military conflict and not the creation of any political or territorial boundary. Article 6 of the declaration stated:

"The Conference recognizes that the essential purpose of the agreement relating to Vietnam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and shall not in any way be interpreted as constituting a political or territorial boundary."

This constitutes a recognition of the historical fact that Vietnam is a single nation, divided into two zones only temporarily for administrative purposes pending an election. This being so, the action of the North Vietnamese in aiding the South Vietnamese, to the extent that it has taken place, neither affects the character of the war as a civil war nor constitutes foreign intervention. It cannot be considered an armed attack by one nation on another.

The United States is in fact a foreign nation vis-a-vis Vietnam; North Vietnam is not. The latter by the Geneva agreement was to participate in an election not to determine whether North and South Vietnam should be united, but to select a government of the nation of Vietnam, constituting all of Vietnam—north, south, east, and west. It was the refusal on the part of the Diem regime and the subsequent "governments" of the south, supported by the United States, to participate in such elections that opened the door to the present conflict.

<sup>17</sup> It is relevant to note that at the time this provision was agreed upon, the Vietminh occupied all but a few "islands" of territory to the north of the 17th parallel as well as approximately two-thirds of the territory south of that line. See map showing areas of South Vietnam under Vietminh control at end of May 1953 in Henri Navarre, "Agonie de L'Indo-Chine" (1953-54) (Paris, 1956) p. 37. Thus, by the cease-fire agreement the Vietminh gave up substantial areas of territory in what is now called South Vietnam.

An article in the New Republic, May 22, 1965, p. 29, by the Honorable Henry W. Edgerton, senior circuit judge of the U.S. Court of Appeals for the District of Columbia, brilliantly delineates the provisional character of the "Government" of South Vietnam and casts doubt on the juridical claim to the existence of that government.

<sup>18</sup> See "Further Documents Relating to the Discussion of Indo-China at the Geneva Conference" June 16-July 21, 1954 (London) (Her Majesty's Stationery Office, Cmd 9239), 1954 (referred to as "Geneva Accords"). The French-sponsored Bao Dai regime, which was not endowed as yet with any real political substance, did not sign the Geneva accord; not until 1956 did France relinquish control over South Vietnam; the Republic of Vietnam was proclaimed on Oct. 26, 1955, but French troops were not completely evacuated from the country until Nov. 1, 1956.

It was also stated in the declaration that the clear objective of settling political problems and unifying the nation was to be by means of free general elections. Article 7 of the declaration provided:

"The Conference declares that so far as Vietnam is concerned, the settlement of political problems effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to insure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, national elections shall be held in July 1956, under the supervision of an international commission."<sup>19</sup>

The reference to "national elections" reinforces the evidence of the historical status of Vietnam as a single nation. To present the picture, as the United States repeatedly has done, as though North Vietnam were an interloper having no organic relationship to South Vietnam is to ignore both the applicable legal principles and treaties and the facts of history.

Although the United States participated in the discussion leading up to the Geneva accords, it did not sign the final declaration. Instead, the U.S. Government, through its Under Secretary of State, Walter Bedell Smith, made its own unilateral declaration<sup>20</sup> on July 21, 1954. In this declaration, the United States took note of the Geneva agreements and declared that the United States would "refrain from threat or the use of force to disturb them, in accordance with article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force."

Referring to free elections in Vietnam, the United States declaration stated:

"In the case of nations now divided against their will, we shall continue to seek to achieve unity through elections supervised by the United Nations to insure that they are conducted fairly."<sup>21</sup>

Thus the United States recognized the fact that Vietnam was a single nation. Nevertheless the justification of United States policy today ignores this admitted fact. The United States persists in its denial that it is intervening in a civil war. It seeks to justify the bombing of North Vietnam by the United States on the basis that North Vietnam is a foreign aggressor in South Vietnam.

Nor is this all. The United States further pledged "that it will not join in any arrangement which will hinder" the reunification of Vietnam, and concluded with the hope that:

"The agreement will permit Cambodia, Laos, and Vietnam to play their part, in full independence and sovereignty in the peaceful

community of nations, and will enable the peoples of the area to determine their own future."

No election was ever held pursuant to the Geneva accords, although both the International Control Commission (composed of India, Poland, and Canada) and the United Nations announced readiness to supervise such elections. South Vietnam announced that it did not regard itself obliged to take part in the elections because the participation of North Vietnam would render such elections not free, a position apparently supported by the State Department.<sup>22</sup> In 1955, following the Geneva accords, then Prime Minister of State Diem repudiated the Geneva agreements and refused to hold the elections. Former President Dwight D. Eisenhower, in his memoirs, suggests a further reason for Diem's refusal to hold elections pursuant to the Geneva accords:

"I have never talked or corresponded with a person knowledgeable in Indo Chinese affairs who did not agree that had elections been held at the time of the fighting possibly 80 percent of the population would have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai."<sup>23</sup>

The consequences of the repudiation of the Geneva accords were delineated by Senator ERNEST GRUENING in a speech to the Senate on April 9, 1965:

"That civil war began—let me repeat, because this is crucial to the issue—when the Diem regime—at our urging—refused to carry out the provision contained in the Geneva Agreement of 1954 to hold elections for the reunification of Vietnam. That was one of the underlying conditions of the Geneva agreement. The civil war began and has continued with intensified fury ever since \* \* \*. For over 800 years, before its conquest by France, Vietnam was a united country. After defeating the French in 1954, the Vietnamese went to the conference table at Geneva, agreeing to a settlement only on condition that reunification elections be held. Yet, nowhere in President Johnson's speech of April 7, 1965, at Johns Hopkins University is there held out a hope of ultimate reunification of Vietnam. He conditioned the ultimate peace upon an independent South Vietnam instead."

In view of all of the aforesaid, the assumptions and justifications for our governmental policy in Vietnam do not appear to have support, either in law or in fact. The conduct of the U.S. Government in Vietnam

<sup>22</sup> See, Question No. 7, "Questions and Answers on Vietnam," Department of State publication No. 7724, August 1964, p. 8. See also footnote 19, George McT. Kahin and John W. Lewis, professors of government at Cornell University, in their article, "The United States in Vietnam," which appeared in the June 1965 issue of the Bulletin of Atomic Scientists, note (op. cit. p. 31):

"When on July 16, 1955, the Diem government announced, with American backing, that it would defy the provision calling for national elections, it violated a central condition which had made the Geneva accords acceptable to the Vietminh. Regardless of what sophistry has been employed to demonstrate otherwise, in encouraging this move the United States departed from the position taken in its own unilateral declaration. And France in acquiescing abandoned the responsibility which she had unequivocally accepted a year earlier."

(Citing—Allan B. Cole, ed., "Conflict in Indo-China and International Repercussions," a documentary history, 1945-1955 (Ithaca, N.Y.) 1956, pp. 226-228; and Donald Lancaster, "The Emancipation of French Indo-China" (Oxford, 1961), pp. 370-372.)

<sup>23</sup> Dwight D. Eisenhower, "Mandate for Change: The White House Years, 1953-1956" (London, 1963), p. 372.

appears plainly to violate the terms of the Geneva accords and to repudiate solemn pledges to "refrain from the threat or the use of force" to disturb the Geneva accords.

Moreover, nothing in the provisions of the Southeast Asian Collective Defense Treaty would appear to justify the conduct of the U.S. Government in Vietnam. The SEATO Treaty was signed in Manila some 7 weeks after the signing of the Geneva Agreement on the Cessation of Hostilities in Vietnam. The SEATO Treaty became effective in February 1955, following the treaty ratification by eight member states—the United States, France, Great Britain, Australia, New Zealand, Thailand, Pakistan, and the Philippine Islands.

By the preamble and by article I of the SEATO Treaty, the parties acceded to the principles and supremacy of the United Nations Charter in accordance with article 103 thereof, which it will be recalled, provides as follows:

"In the event of a conflict between the obligations of the members of the United Nations under the present charter and their obligations under any other international agreement, their obligations under the present charter shall prevail."

The supremacy of this provision was expressly reiterated by the eight SEATO nations under article VI of said treaty, in which each solemnly agreed that the SEATO Treaty:

"\* \* \* does not affect the rights and obligations of any of the parties under the Charter of the United Nations, or the responsibility of the United Nations for the maintenance of international peace and security."

The key provisions of the SEATO Treaty are to be found in article IV. Paragraph 1 thereof permits the use of force by one or more member states only in the event of "aggression by means of armed attack." But where the integrity or inviolability of any territory covered by the treaty is threatened "by other than armed attack" or "by any fact or situation which might endanger the peace of the area," then, paragraph 2 of article IV requires, as a prerequisite to intervention, that "the parties shall consult immediately in order to agree on the measures to be taken. \* \* \*"

The consent of all eight SEATO nations was originally required before any military action under article IV could be undertaken by any of them (New York Times, May 28, 1962). Later, this rule was modified so that action could be undertaken if there was no dissenting vote—i.e., an abstention would not count as a veto (New York Times, April 19, 1964). At the last two annual meetings of the Ministerial Council of SEATO, France has refused to support a communique pledging SEATO backing for South Vietnam against the Vietcong (New York Times, April 15-16, 1964; May 3-6, 1965; see also, Los Angeles Times, May 3-4, 1965). It would appear that with the threat of a French veto a formal SEATO commitment in Vietnam has not been sought by the United States. However, even if there had been unanimity among the SEATO nations, the provisions of article 53 of chapter VIII of the United Nations Charter will still prevail:

"But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. \* \* \*"

Manifestly, no such authorization has ever been conferred, either by the Security Council of the United Nations, or by the General Assembly, from which it follows that American action in Vietnam clearly cannot be supported by reference to SEATO.

So long as the United States remains a member of the United Nations, our right to intervene is circumscribed by the provisions of the United Nations Charter. As members of SEATO, our right to intervene is limited,

<sup>19</sup> Note that article 7 stipulates that the elections were to be antecedent to and a necessary condition for the "fundamental freedoms, guaranteed by democratic institutions" and that the elections were to be held "in order to insure \* \* \* that all the necessary conditions obtain for free expression of the national will." This particular portion of the Geneva accord has frequently been quoted out of context, with the key phrases in reverse order, in order to justify the refusal to hold elections on the grounds that the necessary conditions did not exist.

<sup>20</sup> See "Extracts From Verbatim Records of Eighth Plenary Session," Geneva accords.

<sup>21</sup> Nowhere in its own declaration did the United States recognize the political partition of Vietnam; insofar as it referred to the country, it designated it as "Vietnam," not "South Vietnam" and "North Vietnam."

both by the requirement for unanimity among all of the eight treaty nations and, in addition, by the superseding requirement of article 53 of chapter VIII of the United Nations Charter, prohibiting any enforcement action under a regional arrangement without the authority of the Security Council. Our justification for acting contrary to our solemn obligations under the United Nations Charter appears tenuous and insubstantial. The fact of the matter is that the U.S. Government has simply acted as its own judge of its own interests in patent disregard of the fundamental law embodied in the United Nations Charter.

### III. Constitutional aspects of United States intervention in Vietnam

This disregard of the rules of the charter, inherent in U.S. intervention in Vietnam, is compounded by the fact that such intervention is also violative of our own Constitution. Whatever doubts may have existed prior to the President's "Report to the Nation Following a Review of U.S. Policy in Vietnam"<sup>24</sup> (set out at his news conference on July 28, 1965), as to whether U.S. action in Vietnam constituted the conduct of a war, the President in that report made it explicitly clear that "this is really war," noting that "our fighting strength" was being raised from 75,000 to 125,000 "almost immediately" and that "additional forces will be needed later, and they will be sent as requested." Can the President's conduct be squared with our Constitution (apart from the obligations imposed upon member states by the United Nations Charter)?

It is the genius of our constitutional system that ours is a government of checks and balances. A dangerous concentration of power is avoided by the separation—in Articles I, II, and III of the Constitution—of the legislative, executive, and judicial powers. The doctrine of "separation of powers" is fundamental to, and is one of the "great structural principles of the American constitutional system."<sup>25</sup> The Supreme Court has recently characterized this "separation of powers" as "a bulwark against tyranny." *United States v. Brown*, — U.S. —, 33 Law Week 4603 (June 7, 1965). The Supreme Court had earlier said:

"The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate powers. Each includes all authority essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President." *Ex parte Milligan*, 4 Wall 2, 139 (1866).

Classically stated by Blackstone<sup>26</sup> and derived from Plato, Aristotle, Polybius, Cicero, Machiavelli, Harrington, Locke, and Montesquieu,<sup>27</sup> this constitutional separation of powers was deliberately carried over by the Framers into the conduct of foreign affairs. For, contrary to widely held assumptions, the power to make and conduct foreign policy is not vested exclusively in the President, but is divided between him and Congress,

with each endowed with complementary, but separate<sup>28</sup> powers and responsibilities.<sup>29</sup>

Thus, in making and carrying out general foreign policy, Article II, Section 2 requires the President to have the "Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." And the President also requires the advice and consent of the Senate to "appoint Ambassadors, other public Ministers and Consuls."

When statecraft fails and the question becomes the ultimate one of war or peace, the Constitution imposes a tight rein upon the President. His participation ends at the threshold of the decision whether or not to declare war. Under Article I, Section 8, Clause 11, that power is confided exclusively to the Congress.<sup>30</sup> There is no mention of the President in connection with the power to "declare war." Under the Constitution, Congress alone must make this decision. The Clause does not read "on recommendation of the President," nor that the "President with advice and consent of Congress may declare war." As former Assistant Secretary of State James Grafton Rogers has observed "The omission is significant. There was to be no war unless Congress took the initiative." Rogers, "World Policing and The Constitution," p. 21 (Boston, 1945).

"Nothing in our Constitution is plainer than that declaration of war is entrusted only to Congress." *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 579, 642 (1952) (Jackson, J.).

That the President lacks constitutional power to make war is underscored by the historic statement made by President Woodrow Wilson on the night of April 2, 1917 when he addressed the Congress in a joint session:

"I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making."<sup>31</sup>

"One of the most striking facts in the institutional philosophic history of the United States (is) that the legislative-executive quarrels during the colonial period convinced the colonists of the desirability of a separation of powers rather than a union of powers." Wright "Consensus and Continuity," p. 17 (Boston, 1958).

"The doctrine of separated powers is implemented by a number of constitutional provisions, some of which entrust certain jobs exclusively to certain branches, while others say that a given task is not to be performed by a given branch." *United States v. Brown*, *supra*—U.S. at p. —, 33 Law Week, at p. 4605.

<sup>25</sup> Story, "Commentaries on the Constitution" (Boston, 1833), passim, Dahl, "Congress and Foreign Policy" (New Haven, Conn., 1950); Robinson, "Congress and Foreign Policy-Making: A Study in Legislative Influence and Initiative" (Ill., 1962).

<sup>30</sup> Article I, Section 8, Clause 11 of the Constitution reads:

"The Congress shall have Power—

"To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;"

<sup>31</sup> President Wilson went on to say:

"With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United

President Franklin Roosevelt also heeded his constitutional responsibilities and was also mindful and sensitive of the constitutional limitations applicable to the President when, before a joint session of the Congress on December 7, 1941, he requested the Congress for a declaration of war following Pearl Harbor.

The decision to place the responsibility for declaring war exclusively in Congress as the direct representative of the people, and not even to provide for the President's participation in that decision was a most deliberate one by the Framers.

The Constitutional Convention had been urged to rest the power to declare war, the "last resort of sovereigns, ultima ratio regum," in the executive, or, alternatively, in the Senate. 3 Story, "Commentaries on the Constitution," par. 1166. The arguments were made that "large bodies necessarily move slowly" and "despatch, secrecy, and vigor are often indispensable, and always useful towards success." Story, *ibid*.

When the issue was debated at the Convention, Mr. Gerry stated that he "never expected to hear in a republic a motion to empower the Executive alone to declare war." Madison and Gerry "moved to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repeal sudden attacks." The motion carried. Farrand ed., "Records of the Federal Convention" (New Haven, 1911), II, pp. 318-319.<sup>32</sup>

Nowhere in the debates is there support for the view that the President can wage a war or "commit" our Nation to the waging of a war. On the contrary, warmaking was to be a purely legislative prerogative. The only use of force without a declaration of war that was contemplated as the debates clearly show, was "to repel sudden attacks."<sup>33</sup>

These constitutional provisions that only Congress shall have the power to declare war

States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war."

<sup>32</sup> The Framers concluded and provided "that the power of declaring war is not only the highest sovereign prerogative; but that it is in its own nature and effects so critical and calamitous, that it requires the utmost deliberation, and the successive review of all the councils of the nation. War, in its best estate, never fails to impose upon the people the most burdensome taxes, and personal sufferings. It is always injurious and sometimes subversive of the great commercial, manufacturing, and agricultural interests. Nay, it always involves the prosperity, and not infrequently the existence of a nation. It is sometimes fatal to public liberty itself, by introducing a spirit of military glory, which is ready to follow, wherever a successive commander will lead; and in a republic whose institutions are essentially founded on the basis of peace, there is infinite danger that war will find it both imbecile in defense, and eager for contest. Indeed, the history of republics has but too fatally proved, that they are too ambitious of military fame and conquest, and too easily devoted to the views of demagogues, who flatter their pride and betray their interests. It should therefore be difficult in a republic to declare war; but not to make peace." Story *op. cit.*, § 1166.

<sup>33</sup> Manifestly the residuary power left to the President—"to repel sudden attack" contemplated attacks on the country's geographical territory—not "sudden attacks" in far-off lands, such as southeast Asia. Cf. Tonkin Bay Joint Resolution of Aug. 6-7, 1964, discussed in section IV, *infra*.

<sup>24</sup> Presidential Documents, vol. 1, No. 1 (Aug. 2, 1965), pp. 15-19. See also State Department bulletin, April 26, 1965, p. 606; State Department bulletin, May 24, 1965, passim; State Department bulletin, May 31, 1965, p. 838; Krock, "By Any Other Name, It's Still War," *New York Times*, June 10, 1965.

<sup>25</sup> Corwin, "The President: Office and Powers" (New York, 1957), p. 9.

<sup>26</sup> Blackstone, "Commentaries on the Law of England," 146 (7th ed. 1775).

<sup>27</sup> Cf., Sharp, *The Classical American Doctrine of "Separation of Powers"*, 2 U. of Chi. L. Rev. 385 (1935).

and that Congress has the sole responsibility to raise and support the armies, to provide for a navy, and to impose the taxes to provide the funds to carry on a war, reflected a profound distrust of executive authority and a corresponding reliance upon the legislature as the instrument for the decisionmaking in this vital area. Bemis, "The Diplomacy of the American Revolution" (New York, 1935), pp. 29-35.

These provisions reflected things painfully learned during the early colonial period, when every major European frontier had its counterpart on the American frontiers. The Colonies were therefore determined to end the imperial authority to decide for them what wars they should enter and what the outcome of those wars should be. Savelle, "The American Balance of Power and the European Diplomacy 1713-78," in Morris ed., "The Era of the American Revolution" (New York, 1939), pp. 140-169.

The Convention was not only determined to deny warmaking power to the President, but was also unwilling to entrust it to the Senate alone. To assure the fullest consideration, the Framers therefore provided that the House of Representatives, larger and more representative than the Senate, should also be brought in to decide this vital question. The action and decision of the whole Congress were therefore constitutionally made necessary to this fateful undertaking.

"The Constitution says, therefore, in effect, 'Our country shall not be committed formally to a trial of force with another nation, our people generally summoned to the effort and all the legal consequences to people, rights and property incurred until the House, Senate and the President agree.'" Rogers, "World Policing and the Constitution" (Boston, 1945), p. 35.

Concededly there have been many instances when the President has sent U.S. Armed Forces abroad without a declaration of war by Congress.<sup>34</sup> These have ranged from engagements between pirates and American ships on the high seas to the dispatch of our Armed Forces to Latin American countries.

These precedents cannot justify the present actions without bringing to mind Swift's comment on "precedents" in Gulliver's Travels:

"It is a maxim among these lawyers, that whatever hath been done before, may legally be done again; and therefore they take special care to record all the decisions formerly made against common justice and the general reason of mankind. These, under the name of precedents, they produce as authorities to justify the most iniquitous opinions; and the judges never fail to direct accordingly."

Here it is important to distinguish our country's involvement in the Korean war. For the United States fought under the aegis of the United Nations pursuant to a definitive resolution of the Security Council authorizing and directing the employment of armed forces of member states, so that the United States was thus performing its solemn obligations undertaken in becoming a signatory of the United Nations Charter, a treaty which is the "supreme law of the land." But in the Vietnamese situation, there has been no authorization by the Security Council; indeed the Security Council has not even been seized of the matter, has not been requested to entertain jurisdiction of the present conflict.

It is therefore unfortunately vitally necessary, although trite, to recall that "the Gov-

ernment of the United States has been emphatically termed a government of laws, and not of men." *Marbury v. Madison*, 1 Cr. 137 (1803). Under a government of laws, the President is not free from the checks of the Constitution of the United States; the President is not free to assume the powers entrusted solely to the Congress. Ours is not a government of executive supremacy.<sup>35</sup>

Here it is fitting to recall that on May 6, 1954, at a time when the fall of Dien Bien Phu was imminent, then Senator Lyndon Johnson, as Democratic leader of the Senate, at a Jefferson-Jackson dinner, criticized the Eisenhower administration in these terms:

"We will insist upon clear explanations of the policies in which we are asked to cooperate. We will insist that we and the American people be treated as adults—that we have the facts without sugar coating.

"The function of Congress is not simply to appropriate money and leave the problem of national security at that."<sup>36</sup>

A New York Times survey (June 14, 1965) reports widespread "uneasiness" over the President's foreign policies: that the American academic world "is intellectually and emotionally alienated from the President, to whom it gave such strong support in the election"; that there is "increasing—and mutual—hostility between the President and many segments of the press"; that many Democratic Members of Congress are "restive and unhappy . . . over what they regard as [the President's] high-handed manner of making and carrying out decisions in foreign affairs"; that many friendly governments abroad "are apprehensive about Mr. Johnson's use of national power"; that among these views are expressions of "disarm," the unreliability of CIA and FBI reports which the President accepted, the lack of clear policy, the disregard of "principles, support, or advice."

It is therefore imperative that Congress guard zealously against any executive usurpation of its exclusive power to declare, or to decline to declare war.

President Johnson has not been unmindful of the damaging consequences inherent in the violation of the separation of powers. As recently as August 21, 1965, the President vetoed a \$1.7 billion military construction bill, calling it "repugnant to the Constitution." In a stern message to Congress, the President described certain sections of the bill as clear violations of the "separation of powers"; warned Congress to stop meddling in the prerogatives of the executive branch [New York Times, Aug. 21, 1965, p. 1]. Yet the President has not hesitated to intrude upon the exclusive power vested in Congress to declare war.

*IV. Congress has not declared war in Vietnam; its joint resolutions are neither a substitute for a declaration of war nor do they make President Johnson's warmaking constitutional*

Congress has not declared war in Vietnam and the President does not claim that any declaration of war supports his actions in Vietnam. In fact, the President is reported to be extremely reluctant to ask Congress directly to declare war.<sup>37</sup> Instead, the Presi-

<sup>35</sup> "With all its defects, delays, and inconveniences, men have discovered no technique for long preserving free government except that the executive be under the law, and that the law be made by parliamentary deliberations." Mr. Justice Jackson, concurring in *Youngstown Sheet and Tube Company v. Sawyer*, supra, 343 U.S. at 655 (1952).

<sup>36</sup> Jackson, "Role and Problems of Congress With Reference to Atomic War," May 17, 1954, publication No. L 54-135, Industrial College of the Armed Forces.

<sup>37</sup> Wall Street Journal, June 17, 1965, "The U.S. May Become More Candid on Rising Land-War Involvement," pp. 1, 16.

dent is reported (New York Times, June 19, 1965, p. 10) to believe that authority for his actions may be inferred or extracted from the Tonkin Bay joint resolution of August 6-7, 1964 (H.J. Res. 1145; Public Law 88-408, 78 Stat., 384, 88th Cong., 2d sess.), and the joint resolution of May 7, 1965 (H.J. Res. 447; Public Law 89-18; 79 Stat. 109, 89th Cong., 1st sess.), making a supplemental appropriation to the Defense Department for the Vietnam operations.

The Tonkin Bay resolution is not a declaration of war. At most, it is an ultimatum—if that. It "approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It goes on to express the view that "the maintenance of international peace and security in southeast Asia 'is vital' to the national interests of the United States" and declares the readiness of the United States to take all necessary steps, including the use of armed forces, to assist any member or protocol SEATO state to defend its freedom. The resolution, however, provides that all such steps shall be "consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty."

It is clear that Congressmen who voted for the Tonkin Bay joint resolution were not voting a declaration of war in Vietnam. The resolution does not mention North Vietnam nor China; indeed it does not even mention Vietnam. It was "passed in the fever of indignation that followed reported attacks by North Vietnamese torpedo boats against U.S. fleet units in Tonkin Gulf." CONGRESSIONAL RECORD, volume 111, part 10, page 12990. There is no evidence that Congress thought or understood that it was declaring war. It took no contemporaneous action which would have implemented a declaration of war. And the remarks of several Members of the House and Senate during and since the debate on the resolution reinforce the conclusion that the Tonkin Bay resolution was not regarded as a declaration of war. Congress manifestly cannot delegate to the President its exclusive power to declare war; and even under the specific terms of the Tonkin Bay resolution, the President's actions neither conform nor are consonant with the Constitution—and as we have seen in the earlier analysis, the President's actions are not consonant with the charter of the United Nations, nor with the SEATO Treaty.

In passing the May 7, 1965, resolution, authorizing a supplemental appropriation for the Vietnam operations, Congress was confronted with a fait accompli which severely circumscribed its action. Its constitutional check on the will or errors of the Executive was by the President's message reduced to its power of the purse. Such a circumscription will not necessarily prevent unwise or unpopular decisions or allow for the exercise of the full discretion which the Constitution intended Congress to have, and for it alone to exercise. Nevertheless, a resolution authorizing an appropriation does not constitute a declaration of war, nor can it constitutionally authorize the President to wage an undeclared war.

The presidential assumption of powers vested exclusively in the Congress concern arrogations of power which convert republican institutions, framed for the purpose of guarding and securing the liberties of the citizen, into a government of executive supremacy. If the Constitution has such elastic, evanescent character, the provisions for its amendment are entirely useless; presidentially determined expediency would become then the standard of constitutional construction.

Under the rule of law, compliance with the forms and procedures of the law are as im-

<sup>34</sup> See U.S. Senate Committee on Foreign Relations and Committee on Armed Services, hearing, "Situation in Cuba," 87th Cong., 2d sess., Sept. 17, 1962 (Washington, G.P.O., 1962), pp. 82-87; Rogers, op. cit., especially pp. 93-123.

perative as compliance with the substance of the law. A lynching is a totally inadequate substitute for a trial, regardless of the guilt of the victim. What Mr. Justice Frankfurter wrote in another context is equally applicable here: "The history of liberty has largely been the history of observance of procedural safeguards." *McNabb v. United States*, 318 U.S. 332, 347 (1947).

Under our system, constitutional powers must be exercised in a constitutional manner by constitutionally established institutions. Disregard of fundamentals in an area concerning the highest sovereign prerogative affecting the very lives and fortunes of its citizens in the interest of a short-term expediency undermines "constitutional morality" to such an extent that the maintenance of the order itself is endangered." Friedrich, "The Philosophy of Law in Historical Perspective," p. 216 (Chicago, 1963).

Finally, it cannot be overemphasized that even a declaration of war by the Congress would not negate the violations of our obligations assumed under the United Nations Charter or negate the violations of international law inherent in United States intervention in Vietnam.

#### Conclusion

A learned authority in international affairs has stated:

"Bluntly, all the rules about intervention are meaningless if every nation can decide for itself which governments are legitimate and how to characterize particular limited conflict. Unless we are prepared to continue a situation in which the legality of intervention will often depend upon which side of the fence you are on, and in which, therefore, our policy becomes one of countering force with force, we must be willing to refer questions of recognition (i.e., legitimacy of the government involved) and characterization of a disorder (i.e., whether an armed attack from abroad or a civil war) to some authority other than ourselves. The United Nations is the most likely candidate for the role."<sup>38</sup>

The United States has not observed the letter or spirit of its treaty obligations with respect to the action taken in Vietnam. World order and peace depend on the willingness of nations to respect international law and the rights of other nations. The United Nations is a symbol of the rejection of fatal policies which led to World War II, and an acceptance by the peoples of the world of the principles of collective security, and the avoidance of war and the use of armed forces in the settlement of differences between nations. The United Nations was intended to insure the preservation of international peace, security, and justice, through rules of law, binding upon all member nations. The fundamental condition for the effective functioning of the United Nations is the observance on the part of all signatory nations of the obligations assumed under the charter. Only in this way can the awesome potential of a third world war be prevented.

We have concluded that the U.S. Government is in violation of its treaty obligations under the U.N. Charter. We urge upon the Government that all steps be immediately taken to undo this illegality by an immediate return to an observance of the letter and spirit of the provisions of the U.N. Charter.

This is a solemn hour in history. We have a moral obligation to history to return to the high purposes and principles of the United Nations—to honor the pledges we solemnly

assumed—to settle international disputes by peaceful means—to refrain in international relations from the threat or use of force.

At this fateful hour, we do well to recall the prophetic dream of President Franklin D. Roosevelt, the architect of the United Nations, who upon his return from the Yalta Conference in his last address to the Congress in March 1945, said:

"The Crimea Conference \* \* \* ought to spell the end of the system of unilateral action, the exclusive alliances, the spheres of influence, the balances of power, and all the other expedients that have been tried for centuries—and have always failed. We propose to substitute for all these, a universal organization in which all peace-loving nations will finally have a chance to join."

Should we not, 20 years after President Roosevelt's hopeful dream—20 years after the advent of the nuclear age with the awesome potentiality of incineration of our planet and the annihilation of our civilization and the culture of millennia—should we not "spell the end of the system of unilateral action \* \* \* that has been tried for centuries—and has always failed"?

#### THE UNDECLARED WAR IN VIETNAM—CONFUSION CONFOUNDED

Mr. GRUENING. Mr. President, this morning's New York Times carries four items worthy of note and thoughtful contemplation by those who are concerned about the U.S. confused policies in the conduct of the undeclared war in Vietnam.

The first item is a penetrating editorial entitled "Questions After Honolulu" in which it is stated:

What remains essential is explicit commitment by Saigon to peace talks with the Vietcong. The people of South Vietnam have been at war for 25 years and war weariness is deep in their bones. Peace is what they want more than anything else. Until the Saigon Government faces the need to offer a prospect of peace as well as continued fighting, it will be avoiding the issue that is most likely to help it mobilize support within South Vietnam and abroad.

The second item is a critical analysis by James Reston under the title "Ships Passing in the Night," in which he discusses recent maneuverings on the peace and war fronts by the administration. He says, in part:

The critics of the administration cannot be sure they have all the facts, but they are entitled to feel that the administration is reaching its decisions in a careful, orderly, unemotional way, with some relationship between Vietnam and other world responsibilities, and this is precisely the feeling they do not have.

The third item is by C. L. Sulzberger and is entitled "Roots of Befuddlement." Mr. Sulzberger emphasizes the danger of nuclear confrontation in our continued escalation of our military involvement in southeast Asia.

The fourth item is a letter to the editor sent by George F. Thomas, professor of religious thought at Princeton University—a former Rhodes scholar—in which he rightly calls the U.S. resumption of the bombing of North Vietnam a "tragic mistake."

I ask unanimous consent that these four items from the New York Times of February 9, 1966, be printed at the conclusion of my remarks.

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

[From the New York Times, Feb. 9, 1966]

#### QUESTIONS AFTER HONOLULU

The Honolulu Conference has followed the classic pattern of summit meetings that are hastily called without thorough preparation in advance; it has left confusion in its wake, with more questions raised than answered.

The kindest construction to be placed on President Johnson's tough opening remarks, which bitterly belabored his domestic critics, is that they were primarily intended to gain a sympathetic reception from South Vietnam's leaders for his concurrent insistence that "the search for peace must continue." But Premier Ky and General Thieu clearly were more interested in Mr. Johnson's promise to fight to victory, despite their agreement to a communique emphasizing peace efforts.

Saigon's leaders indicated that they favored stepped-up bombing of North Vietnam, which President Johnson opposes at present, and a further American military buildup in the south, on which Washington has yet to reach firm decisions. Their idea of a negotiated settlement is one that rejects all compromise.

The most critical difference—because it bears on immediate efforts in the United Nations to convene a new Geneva conference—is on the Vietcong's status in the projected peace talks. The Saigon leaders clearly opposed any negotiations with the Vietcong. Yet, just before the Honolulu meeting, Ambassador Harriman announced that the administration now is prepared to have the Vietcong participate "as an independent group who have an interest in the discussion." This was a vital concession both to the administration's critics in the United States and to the nonaligned countries at the U.N., which are seeking an acceptable formula for negotiations.

The one important area of agreement at Honolulu, apart from continuation of the military efforts, was on an expanded program of rural construction. The prospective doubling of American economic aid, however, will be futile unless it is accompanied by a veritable social revolution, including vigorous land reform. Premier Ky cast some doubt on his intentions in this field by his emphasis on moving slowly. His Minister of Rural Pacification envisages action in only 1,900 of South Vietnam's 15,000 hamlets this year.

Vice President HUMPHREY evidently has his work cut out for him in his follow-up visit to Saigon. Unless some way can be found to give more momentum to this effort, the new economic aid program may go down the same drain as all previous programs of this kind.

What remains essential is explicit commitment by Saigon to peace talks with the Vietcong. The people of South Vietnam have been at war for 25 years and war weariness is deep in their bones. Peace is what they want more than anything else. Until the Saigon government faces the need to offer a prospect of peace as well as continued fighting, it will be avoiding the issue that is most likely to help it mobilize support within South Vietnam and abroad.

The questions raised by the Honolulu Conference must now be taken up in public discussion in the United States. The country will remain divided and uncertain unless the pertinent issues are illuminated by thorough debate.

[From the New York (N.Y.) Times, Feb. 9, 1966]

WASHINGTON: SHIPS PASSING IN THE NIGHT  
(By James Reston)

WASHINGTON, February 8.—There is a great deal of motion on Vietnam these days.

<sup>38</sup> Roger Fisher, professor of law at Harvard University, "Intervention: Three Problems of Policy and Law" found in *Essays on Intervention*, a publication of the Marshon Center for Education in National Security, Ohio State University Press, pp. 19-20.

but the central figures in the action seem vaguely unrelated to one another, like ships passing in the night.

The administration's diplomacy at the United Nations was designed to arrange a peace conference at Geneva, but the administration's diplomacy at Honolulu seems to have committed the United States more completely to the Saigon Government and therefore reduced the chances of a peace conference with Vietcong representatives.

The Senate Foreign Relations Committee is holding open hearings in the hope of clarifying the issue in Vietnam, but the administration seems less interested in listening to the voices in the Senate Chamber than in drowning them out.

#### BUILDUP CONTINUES

Meanwhile, the one clear fact is that the military buildup is proceeding steadily on both sides. Present plans here call for doubling the American manpower commitment in the present calendar year, from 200,000 to 400,000, and going up to 600,000 in 1967.

President Johnson, it is understood, has not committed himself to carry through this entire program, but he is going along with this scale of reinforcement on a month-to-month basis.

Everything in the Johnson strategy seems to be done in twos—something for the hawks and something for the doves; bomb North Vietnam and go to the U.N. Security Council; step up the military forces and increase the pacification program and send HUBERT HUMPHREY to Saigon at the same time; criticize the Saigon Government in private and commit American power and prestige to it in public; assert that America cannot police the world but proclaim simultaneously that tyranny in the jungles of continental Asia is just as much America's concern as tyranny and subjugation of the peoples of Europe.

Do these policies complement one another or cancel each other out? Does half a war offensive, and half a peace offensive, excluding the enemy doing most of the fighting, add up to a whole policy or no policy? Will an American commitment to win a military victory in Vietnam and oppose tyranny almost anywhere in the world really encourage the South Vietnamese and the other allies to fight harder or will it encourage them to leave more and more of the struggle to Uncle Sam?

These are some of the questions that are still troubling Washington, especially since the recent moves by the President give some impression of impulsive improvisations inspired in part by domestic political considerations.

The appeal to the Security Council was made before there was a detailed exploration of the problem in the capitals of the members of the Security Council, and only a short time after our own and the U.N. officials were saying a debate there would merely increase the divisions.

The Honolulu conference was called on such short notice that even the normal security arrangements for a President crossing the ocean could not be made. And the Koreans, the Australians, and the New Zealanders, who also have troops in the battle, were not even invited.

The new thing here on Vietnam is not the policy but the process of deciding policy. The administration cannot disclose all the information that leads to its decisions without helping the enemy. The critics of the administration cannot be sure they have all the facts, but they are entitled to feel that the administration is reaching its decisions in a careful, orderly unemotional way, with some relationship between Vietnam and other world responsibilities, and this is precisely the feeling they do not have.

#### JOHNSON'S MOOD

On the contrary, the President has recently been giving the impression that he is not

following a clear strategic policy, but that he is thrashing about, rejecting peace offensives and then trying them, stopping bombing and then starting bombing, rejecting the U.N. and then appealing to the U.N., sending Vice President HUMPHREY to brief Asian leaders on the Honolulu conference which he did not attend—all in an atmosphere of restless experimentation and self-righteous condemnation of anybody who differs with him.

Even his handling of the Senate, usually so effective, has recently been clumsy and scornful. At Honolulu his public statements left the impression that all his critics were "special pleaders" who counsel "retreat," and that "only the callous or timid" could ignore the cause of the Vietnamese, which is a bold statement since most of the allied world is ignoring them.

In short, he is leaving little room for the possibility that his policy may be wrong and this attitude, far from silencing his critics, is merely adding to their uneasiness.

[From the New York Times, Feb. 9, 1966]  
FOREIGN AFFAIRS: ROOTS OF BEFUDDLEMENT  
(By C. L. Sulzberger)

PARIS.—International opinion is quite as bewildered as American opinion concerning U.S. policy in Vietnam. This is as true for adversaries of the United States as for friends. Senator FULBRIGHT was referring only to Americans when he said he had never seen "such dissent, reservation, groping and concern." But he might just as well have been referring to the outer world, choosing Russia and China for a start.

The Chinese proclaim our Vietnamese policy is part of a Russo-American global conspiracy to encircle China, Moscow's friend Castro throws the ball back into China's court, likening Peiping's actions to those of "Yankee imperialism." No wonder the average American gets mixed; Uncle Sam can't win.

#### NUCLEAR ESCALATION

The southeast Asian conflict is the first since 1945 that contains an implicit danger of nuclear escalation—which was never a serious threat in Korea. This implicit danger adds a muddled element to political thinking on Vietnam.

Since Hiroshima many U.S. liberals and intellectuals have been increasingly reluctant to endorse Washington's diplomatic actions, especially if they are tough. Such groups have unconsciously developed a mood of appeasement especially in Asia, that contrasts with the attitude of liberals and intellectuals toward Europe before World War II.

This pattern is confused by the traditional U.S. policy conflict between "Asia first" and "Europe First" schools. Broadly speaking, American liberals have always tended to belong to the latter group. Following World War II, U.S. foreign policy focused primarily on European matters; Korea being an exception.

The "Europe First" school has never been happy about accepting risks in the East. It took dramatic aggressions like Pearl Harbor or the invasion of South Korea to produce a consensus on our foreign policy between liberal "Europe First" and conservative "Asia First" groupings. The gradual intensifying of the Vietnam crisis by disguised aggression never achieved the same result.

Foreign opinion is bewildered for different reasons by American involvement in Vietnam. When the United States was firmly wedded to a "Europe First" policy is spurned General de Gaulle's request for a three-power committee, the United States, Britain, and France, to coordinate global strategy. This request, made in 1958, was never seriously pondered in Washington although De Gaulle made it clear that if no such arrangement

were devised he would reduce French participation in NATO.

We have come full circle. The United States now urges its allies to help us in Vietnam but Europe, stripped of its Asian colonial possessions, is content to pursue its own version of a "Europe First" policy. Europeans want to avoid taking sides in communism's intramural dispute between Peiping and Moscow. They are more concerned with the problems or German unification than that of Vietnam; the present emotional atmosphere of the United States is not felt here.

#### DOUBLE SWITCH

Many Europeans, led by the French, were once extremely eager to attract Washington into Far Eastern commitments and an "Asia First" policy, a prospect then welcomed by American conservatives and opposed by liberals. But now that Washington has moved in the direction formerly desired by such Europeans, they in turn have shifted to our own previous position.

The "dissent, reservation, groping and concern" noted by FULBRIGHT can thus be detected abroad also—but for entirely different reasons. The old thing is that when American policy shifted from "Europe First" to "Asia First," those Europeans who originally wished to bring us into the East objected most.

Both the United States and Europeans who now criticize us have been on the same side of the policy fence—in fact on both sides—but at different times. Each has managed the strange feat of simultaneously reversing its positions.

#### AMERICAN LIBERALS

For a third of a century American liberals and intellectuals have been more inclined to endorse appeasement in Asia than in Europe. The nuclear danger in Asia has only reinforced this traditional position. But the U.S. Government has shifted the emphasis of its policy interests from West to East.

Some 20 years of hegemony in world power politics have apparently persuaded Washington that its views always represent the general interest—even when such views are switched. Trouble comes when some Americans can't get used to the switch and some foreigners can't get used to its timing.

[From the New York Times, Feb. 9, 1966]

#### CONTRADICTION IN U.S. POLICY

TO THE EDITOR:

The resumption of the bombing of North Vietnam urged upon President Johnson by military and other advisers is a tragic mistake. The confident belief at the time the bombing began that it would break the will of Hanoi to fight and would prevent further infiltration into South Vietnam has been proved wrong.

Visitors to North Vietnam have reported that it actually produced greater solidarity and a stronger determination to continue the war. Moreover, the pause in the bombing did not endure long enough to test adequately the willingness of Hanoi to negotiate a settlement. The resumption almost certainly destroys the possibility of such a settlement by stiffening resistance.

Above all, it will probably lead to a further escalation of the war, requiring an even greater commitment of our Armed Forces, vastly increasing the danger of war with China, and further alienating the Soviet Union and other countries whose support we would like to have. Do those who urged the renewal of the bombing fully realize these dangers?

#### HOLDING CITIES AND COAST

Does the President's act in referring the case to the United Nations indicate that he is now aware of the dangers and is seeking to extricate us from a situation which threatens a world war? If so, should he not

reexamine the suggestion made recently by both military and political experts that we should stop the bombing but continue to hold the cities and the coast until a settlement can be negotiated? Although this might not please the Pentagon, could anything be worse than to continue to destroy Vietnam in the process of trying to save it?

One can believe that the President is sincere in his repeated assertion that he is eager for negotiations. But there is a contradiction between our stated policy of leaving the Vietnamese free to choose their own form of government and our refusal to allow the participation of the National Liberation Front of South Vietnam in the negotiations.

If we think that by sheer military might we can force a settlement on our terms, we shall only deceive ourselves, earn the undying hatred of the unhappy people of Vietnam and defeat our own purpose of checking the spread of communism in southeast Asia.

GEORGE F. THOMAS,

*Professor of Religious Thought,  
Princeton University.*

PRINCETON, N.J., January 28, 1966.

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

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

#### ADMINISTRATION PLANS TO DESTROY SMALL BUSINESS ADMINISTRATION AS AN INDEPENDENT AGENCY

MR. PROUTY. Mr. President, I have learned that the Johnson administration is electioneering among private groups to gain support for its plan to destroy the Small Business Administration as an independent agency.

This explains why the President has failed to appoint a new Administrator of SBA.

This explains why the funds of the agency have been so dried up that hundreds, perhaps thousands, of small business loan applications are gathering dust in the regional offices of the SBA.

This explains why Eugene P. Foley, former Administrator of the Small Business Administration, has been transferred to the Department of Commerce.

Perhaps we are seeing a new trend in politics that first became manifest when the Democratic leadership in the Senate opposed the efforts of Republicans to give the Senate Small Business Committee legislative authority. This "small business be damned" attitude, which destroyed the attempt to give the Senate Committee the power it should have, has now been unleashed again and may bring about the undoing of the Small Business Administration as an independent agency.

Yes, we are witnessing a strange development in American politics—a development that will see the President embrace big business with his right arm while clasping big labor with his left. And woe unto any force that stands in the way of this great triumvirate.

Before reaching their present exalted status, both Lyndon B. Johnson and HUBERT H. HUMPHREY spoke with passion about the need for an independent agency to give small business an effective voice in government, but it seems that times have changed and each has remained silent about the proposal to put small business under the heel of the Department of Commerce.

Why is all this happening, Mr. President? No one really knows, but perhaps some speculation is in order. The special report of the Congressional Quarterly for the week ending January 21, 1966, may provide the clue we are seeking. That report points out that of Democratic individual contributions, in the last presidential campaign, 6 percent were in sums of \$500 or more, whereas the bulk of Republican contributions came from the truly small giver.

"Put up or shut up" used to be a gambling expression but it may soon become the password of the Democratic administration.

One wonders what will happen to the small entrepreneurs of America if they must come as supplicants to the Department of Commerce.

Will a department long accustomed to dealing with corporate giants care much or know much about the problems of the small firm? Can such a department understand how difficult it is for a small businessman to stand up to the competition of his powerful competitors?

Mr. President, I think we all know the answers to these questions.

Lyndon Johnson was right years ago when he supported the establishment of the Small Business Administration as an independent agency. He is wrong now if he plans to let this agency slip down the drain of the Department of Commerce.

Let all the facts come out, Mr. President. Those of us who want small business to survive are ready for a fight.

MR. ALLOTT subsequently said: Mr. President, I congratulate my distinguished friend the Senator from Vermont on his remarks with respect to the Small Business Administration.

Many of us have been interested for a long time in making the Small Business Committee of the Senate a committee which would have legislative authority. As the Senator from Vermont has so well pointed out, this has been supported in the past, when those gentlemen were Members of the Senate, both by the President and the Vice President of the United States.

What the Senator from Vermont has called attention to is something which should demand the attention of everyone in the Senate. He, in doing it today, has been extremely timely, with the steps which are being taken, I am afraid, to degrade the Small Business Administration.

I think it would not be inappropriate, at this point, to make a few remarks about an experience that the Senator from Colorado had with the Small Business Administration during the floods which afflicted the State of Colorado in 1965, during the month of June.

As everyone knows, the part played by the Small Business Administration is

quite great in disaster areas. At that time, Mr. Foley, who has since been transferred to the Department of Commerce, was the Administrator of the Small Business Administration. Over a period of a month, I called Mr. Foley's office I do not know how many times, and finally, through the assistance of other people in the Government, was able to get a call back from him when he was in California. He seems to be one of the most peripatetic men in the whole administration, and that is saying a great deal. At least, I could never find him in his office, and was able to talk with him, in a period of 30 or 45 days, on only one occasion; and I had to talk with him from California that time.

The only way I could get any action or any answer out of the Small Business Administration, administered by Mr. Foley, was to go through the Office of Emergency Planning, the office directly under the President, which is charged with the planning of aid and assistance following major disasters.

If the Small Business Administration should be moved, as perhaps some people plan, to the Department of Commerce, I am afraid it might go back to this unable Administrator who was formerly the Administrator of the Small Business Administration; and if that should happen, the small businessman in this country might as well give up the thought of being able to get a fair and equal shake in the economics of this country under the legislation we have passed to help him.

These days we hear much about prosperity and unemployment. But, Mr. President, as I go throughout my own State and throughout the country, I cannot but observe that while it may be that the big businesses of this country are prosperous, or their financial records seem to indicate, one cannot walk up and down the streets of the cities of this country, whether they are big cities or small towns, and find many small businesses which are prospering—one out of a hundred, or maybe perhaps fewer.

It is time for those of us who are charged with legislative authority to start thinking seriously about what we can do to preserve the small businessmen in this country, because they are suffering in a hundred ways, under the tax yokes and other burdens and restrictions under which Congress and, more so, the regulatory agencies, have put them.

#### FLOOD CONTROL ALONG THE SOUTH PLATTE AND ARKANSAS RIVER BASINS IN COLORADO

MR. ALLOTT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point House Joint Memorial 1002 of the House of Representatives of the State of Colorado, relating to the Chatfield Dam, the Narrows Dam, and others in the State of Colorado, and House Joint Memorial 1003 of the House of Representatives of the State of Colorado, relating to expediting the construction of flood control and other multiple-purpose projects along the Arkansas River Basin in Colorado.

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

HOUSE JOINT MEMORIAL 1002

Memorializing the Congress of the United States to take all action necessary to expedite the ultimate construction of flood control and other multipurpose projects along the South Platte River Basin in the State of Colorado, so as to prevent a recurrence of the disastrous floods experienced by the State of Colorado in 1965

Whereas in the week beginning June 14, 1965, eastern Colorado experienced the worst natural disaster in the history of the State, principally by the flooding of the South Platte and Arkansas River Basins with a total estimated damage of \$543 million to the State and its citizens; and

Whereas as a result of the June 1965 floods, considerable public attention has been given to two proposed projects in the South Platte River Basin; namely, the Chatfield Dam and Reservoir, and the Narrows Dam and Reservoir; and

Whereas the Chatfield project has been authorized for construction by the Corps of Engineers, with the feasibility study expected to be completed during the first part of 1966; and the Narrows Dam project was authorized as a unit of the Missouri River Basin project by the Federal Flood Control Acts of 1944 and 1946; and

Whereas, because of the lack of support in the 1950's by business interests and other affected persons in the project areas of the proposed Chatfield and Narrows Dams, action by the Congress and the Federal agencies involved was not continued on these projects, with the exception that a further feasibility study was authorized on the Chatfield Dam; and

Whereas the 1965 flood emphasized the fact that dams and reservoirs must be built on the South Platte River and its tributaries in order to capture floodwaters generated by exorbitant amounts of rain, and by the heavy runoff waters in the high drainage areas of Colorado which flow down tributaries to the main rivers; and

Whereas the Corps of Engineers has made a study and recommended the construction of the Mount Carbon Dam to be located just below Morrison, Colo., and said dam is considered necessary in order to prevent a flood disaster down the tributary Bear Creek flowing into the South Platte, which could equal the June 16, 1955, disaster; and

Whereas at the present time, business interests, civic groups, intercounty regional planners, affected individuals, and State agencies in Colorado are showing an awakened public conscience for the need of unified flood control and water conservation programs in Colorado, and the Colorado Water Conservation Board is coordinating all such efforts toward the immediate construction of the Chatfield Dam and the eventual construction of the Narrows Dam, as well as smaller flood control projects on some of the tributaries of the South Platte River; Now, therefore, be it

*Resolved by the House of Representatives of the 45th General Assembly of the State of Colorado (the Senate concurring herein), That the Congress of the United States is hereby requested to take all action necessary in order to expedite the construction of the Chatfield Dam and Reservoir on the South Platte River by authorizing the necessary preliminary funds therefor at the current session of the Congress, and also to take such action as may be necessary to expedite necessary studies to be undertaken by the Bureau of Reclamation in connection with the future construction of the Narrows Dam and Reservoir on said river; and that the Corps of Engineers be urged to take other necessary action in order to effectuate the construction of the Mount Carbon Dam; and be it further*

*Resolved, That the Congress, by this memorial, is assured of the complete and unified cooperation of the vast majority of the citizens of eastern Colorado, the members of this general assembly, and the various State agencies involved, wholeheartedly endorsing flood control and water conservation programs in the South Platte River Basin, particularly as outlined in this memorial; and be it further*

*Resolved, That copies of this memorial be transmitted to the Honorable PAT McNAMARA, chairman of the standing Senate Committee on Public Works, to the Honorable GEORGE H. FALLON, chairman of the standing House Committee on Public Works, and to the Members of Congress from the State of Colorado.*

ALLEN DINES,  
*Speaker, House of Representatives.*  
EVELYN T. DAVIDSON,  
*Chief Clerk, House of Representatives.*  
ROBERT L. KNOUS,  
*President of the Senate.*  
MILDRED H. CRESSWELL,  
*Secretary of the Senate.*

HOUSE JOINT MEMORIAL 1003

Memorializing the Congress of the United States to take all action necessary to expedite the construction of flood control and other multiple-purpose projects along the Arkansas River Basin in the State of Colorado, so as to prevent a recurrence of the disastrous floods experienced by the State of Colorado in 1965

Whereas in the week beginning June 14, 1965, eastern Colorado experienced the worst natural disaster in the history of the State, principally by the flooding of the Arkansas and South Platte River basins, with a total estimated damage of \$543 million to the State and its citizens; and

Whereas two major projects which are scheduled for construction in the Arkansas River Basin would provide added flood control protection for that area, and the Corps of Engineers is also reviewing the feasibility of a system of small flood-control dams along the numerous tributaries of the Arkansas river; and

Whereas one of the major projects is the Pueblo Dam and Reservoir to be constructed approximately 6 miles west of the city of Pueblo, Colo., as a part of the Frylingpan-Arkansas project, said construction to begin in September 1968; the other major project being the construction of the Trinidad Dam, which as early as 1956 was authorized for construction by the Corps of Engineers, to be located on the Purgatoire River in Las Animas County; and

Whereas flood damage between the proposed dam at Pueblo and the John Martin Reservoir is presently estimated at \$708,000 annually, although the 1965 flood damage greatly exceeded said figure; and

Whereas the flood menace to the city of Trinidad can be abrogated, and the economy of this area stabilized, if the multipurpose dam proposed by the Bureau of Reclamation is constructed above the city of Trinidad; and

Whereas the 1965 flood in Colorado emphasized the fact that dams and reservoirs must be built on the Arkansas River and its tributaries to prevent future flood damage, and at the present time there is a coordinated effort in Colorado, under the direction of the Colorado Water Conservation Board, backing the construction of the Pueblo and Trinidad Dams and Reservoirs, as well as smaller flood control projects on some of the tributaries of the Arkansas River; Now, therefore, be it

*Resolved by the House of Representatives of the 45th General Assembly of the State of Colorado (the Senate concurring herein), That the Congress of the United States is hereby requested to take all action necessary in order to expedite the construction of the Pueblo and Trinidad Dams and Reservoirs as*

well as smaller flood control projects on tributaries of the Arkansas River; and be it further

*Resolved, That the Congress, by this memorial, is assured of the complete and unified cooperation of the vast majority of the citizens of Colorado, the members of this general assembly, and the various State agencies involved, in wholeheartedly endorsing flood control and water conservation programs in the Arkansas River Basin; and be it further*

*Resolved, That copies of this memorial be transmitted to the Honorable PAT McNAMARA, chairman of the standing Senate Committee on Public Works, to the Honorable GEORGE H. FALLON, chairman of the standing House Committee on Public Works, and to the Members of Congress from the State of Colorado.*

ALLEN DINES,  
*Speaker, House of Representatives.*  
EVELYN T. DAVIDSON,  
*Chief Clerk, House of Representatives.*  
ROBERT L. KNOUS,  
*President of the Senate.*  
MILDRED H. CRESSWELL,  
*Secretary of the Senate.*

Mr. ALLOTT. With respect to the latter and perhaps to both of these memorials, Mr. President, I cannot help but say that I feel that the Corps of Engineers has far too long dragged its feet in its plans and studies for the control of the flood situation, particularly along the Platte River and its tributaries and the Arkansas River and its territory.

We have had flood plans studied and restudied for years and years. We provided additional money for the Corps of Engineers last year to escalate these studies; and after the harrowing experience the citizens of nearly all of eastern Colorado went through last year, they expect the Corps of Engineers to start escalating and accelerating their studies, and to come up with some concrete plans and proposals to avoid repetition of the disastrous floods. It is high time that this area of the country receive the attention to which it is entitled. It has been neglected, as the record will show, for many years, and we can tolerate its disregard no longer.

CRIME ON THE STREETS

Mr. ALLOTT. Mr. President, my attention has been called to an editorial by Robert L. Chase in the Rocky Mountain News dated Friday, January 28, 1966, and I have waited for this opportunity to say a few words about it. I ask unanimous consent that the editorial be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLOTT. The basic reason for this editorial is a situation which has arisen thousands of times, maybe hundreds of thousands of times, for all I know, on the streets of our cities. An 18-year-old girl was waylaid close to a high school, where she was going to attend an evening school class.

She was beaten unmercifully—apparently, because she was resisting a fiendish sexual attack. She did scream, and did resist and call for help, and as Bob Chase has pointed out, two women who were passing by went to the assistance of this girl. It is significant that they had to go down a dark alley to go

to her aid, a situation which most men would avoid, and I am sure no woman would look upon without a great deal of trepidation.

Mr. President, the time has come, as I have stated many times before, when the police forces of this country must be beefed up. Organized police forces are the only ones which can stand between us and anarchy.

No one who has lived in Washington, D.C., can help having called to his attention, not merely weekly or monthly, but day by day, the vicious attacks being perpetrated upon people of both sexes, but particularly upon our young ladies.

If our streets cannot be made safe by any other means than a greatly beefed-up police force, then we must do so.

A government is no government at all unless it can guarantee the security and safety of its citizens. This is its first and paramount duty. I am afraid that we in America have fallen down in this respect. We have become soft-minded and soft-willed toward the criminal. The Supreme Court, unfortunately, has thrown numerous roadblocks in the way of prosecution and the gathering of evidence against criminals. We cannot do anything about that in the Senate, but there is one thing we can do as Members of Congress, and that is to make the citizens at home in our respective States aware of the fact that the first and greatest duty of our Government is to see that the safety and security of its citizens are guaranteed.

Mr. President, we can afford any cost that may be necessary to assure that safety and security. I do not even know who these two women—a housewife and a dental assistant—were who came to the aid of this 18-year-old girl. I do not care to know, and I suppose they do not care to have their names made public, but they did race to the assistance of this girl and help to scare away her attacker.

I am proud to say, as Robert Chase points out in his article, that Chief Harold Dill, of the Denver police department, put every resource at his command behind this particular effort to find the attacker—not only in this instance, but in every other instance.

Particularly, let me pay tribute to these two women who, unlike so many of our citizens today, had the courage and the nerve to go into a dark alley and help a girl whom they heard crying out for help.

When we realize that our citizens are robbed, mugged, and beaten on the main streets of Washington—as well as in other cities—with 10, 20, 30, or even a hundred persons standing around watching, without raising one hand to help the victim, I believe that these two women who exercised the finest kind of citizenship, deserve the greatest credit and the highest praise, certainly greater than my poor words can attribute to them.

Bob Chase puts it succinctly when he states at the end of his article:

But crime is more than cold statistics. Crime is the fear which rides in shady streets, behind sheltering walls and along sidewalks where women and girls especially sometimes

walk alone to their work, their studies and their homes. This sort of crime requires the fullest cooperation of an aroused citizenry. I'm sure Chief Dill and the entire department can have all the public support it may need and want.

Mr. President, we will have all the public support we need only when our wives, our mothers, and our daughters can walk the streets of any city in this country and be assured that they travel those streets without fear of molestation. Moreover, if they are, by chance, molested, there must be either adequate police protection to come to their aid, in every block if necessary, or that citizens who witness such an attack will come to their assistance.

Mr. President, this is one of the greatest challenges, in my opinion, to the integrity and the safety of our country. We can hardly claim to be a civilized nation if we as Americans permit this condition to continue and do not take active steps to do something about it.

Mere platitudes, proclamations about Crime Prevention Week, and all of that, will not solve the problem. But, increased police forces, the support of the police by the public, and the awareness by all of us that it may be our wife, our daughter, our mother, our sister tomorrow, and not some statistics far off in New York, San Francisco, or Denver, who may be attacked—only that kind of awareness will cure this problem.

It is high time that we, as leaders in the Senate—as we are supposed to be—take the first steps toward making the American public aware of the great danger.

#### EXHIBIT 1 CRIME ON OUR STREETS (By Robert L. Chase)

Crime and violence are more than statistics, more than cold figures carefully tabulated on long ledger sheets.

Crime—the crime which an aroused public is determined to sear out of our society—is the soul-sickening violence which took place in the shadows behind an esplanade wall near East High School on Tuesday evening.

There has been much written and spoken—some of it, unfortunately, in Denver—about the unwillingness of bystanders to get mixed up in whatever is happening.

It is apparently the case that most passing motorists failed even to hear the agonizing cries of the 18-year-old girl waylaid on her way to an evening school class and beaten unmercifully—apparently because she resisted a fiendish sexual attack.

But there were two women, conscientious women who are horrified at crime of this sort, who went to the aid of this girl and helped frighten away the brutal assailant before he could finish the job of killing the resisting girl.

These women, performed a heroic service to the community, to society and to every law-abiding citizen of Denver.

Not only did they help this girl, but they have succeeded in arousing the public to a demand that this hoodlum be hunted and harried until he can be brought to book as an example to anyone who would defy decent society.

The women, a housewife and a dental assistant, admitted frankly that they were frightened.

Maybe they wouldn't either one have had the courage to run into the shadows alone.

But the two of them did race to the aid of the girl; they did frighten away the thug—

and now they are helping police to track down any slender clues to find the cowardly hood.

We in Denver are proud of the way our police department has bounced back from the days of scandal and attacked the problem of crime—especially crime in the streets.

We are proud of the way in which Chief Harold Dill has taken hold, has put policemen on the streets where the crime is and has led the way to a vastly improved picture.

But crime is more than cold statistics. Crime is the fear which rides in shady streets, behind sheltering walls and along sidewalks where women and girls especially sometimes walk alone to their work, their studies and their homes.

This sort of crime requires the fullest cooperation of an aroused citizenry. I'm sure Chief Dill and the entire department can have all the public support it may need and want.

There is also a need to continue building up our police force on the streets. We must keep that constantly and effectively in mind.

We may lack all the money we want or need in this city, but Denver is rich enough to protect the lives and limbs of its citizens on safe streets and sidewalks—and in their homes.

#### TEXAS' ONLY INDIAN TRIBE, THE ALABAMA-COUSHATTA, RECEIVES GRANT TO STUDY TOURISM AND RECREATION POSSIBILITIES

Mr. YARBOROUGH. Mr. President, the Alabama-Coushatta Indian Reservation, near the magnificent Big Thicket area of southeast Texas, has recently received a feasibility grant to determine the possibilities of developing tourism and recreation facilities for Texas' only Indian reservation.

These Indians were not indigenous to Texas. The only tribes which were found there dated back to the earliest Spanish explorations on their way westward and northward.

The Alabama-Coushatta Indians at that time lived east of the Mississippi River in the area which is now Mississippi and Alabama. During the invasion of De Soto, those Indians offered the greatest resistance of all the Indian tribes encountered by De Soto. When the Indians heard that De Soto was coming, they fortified their villages north of Mobile and built gates so that the Spaniards could not ride in on horseback. The small remnants of this tribe moved westward into Mississippi.

This Indian tribe has been in Texas longer than any other. The Alabama-Coushatta Indians had staunch friendship for Sam Houston and helped the Texan colonists in their revolution with Mexico.

If this feasibility grant develops, it is contemplated that there will be a much larger grant from the Federal Government to dam a lake near those beautiful pine trees and develop more tourist facilities and land guaranteed them more than a century ago. In the 1930's, the U.S. Government bought additional land for them.

For years, these Indians, the last tribe of Indians remaining in Texas, have wanted to raise their income and standard of living. I am hopeful that this grant will provide the basis for that desire to become a reality.

In October of 1965, it was my privilege to visit with the Alabama-Coushatta Indians on their reservation in Polk County, in southeast Texas, in connection with a trip I made to study the possibilities of preserving portions of the Big Thicket area as a park for all Americans to enjoy.

At that time, Mr. Clem Sylvestine, chairman of the tribal council, Mr. Fulton Battisse, second chief of the Alabama-Coushatta Indians, and Mr. Walter Broemer, superintendent of the Alabama-Coushatta Indian Reservation all expressed an interest in their industrious and independent people becoming more prosperous and self-sufficient.

As a guest on their reservation, I had the honor of seeing their tribal dancers and their excellent handicraft. I believe these attractions would greatly contribute to their tourism and recreational possibilities and thus help them earn their own money.

I believe that this was one of the most interesting spots that I have ever visited in my native State. Texas has more than 10.5 million people. The Alabama-Coushattas are brave people, as evidenced by their action at the time of the Spanish invasion, when other tribes fled before men on horseback.

The Alabama-Coushattas are honorable men. In all of their dealings, they have always been people of high morality and high honor.

There is an editorial about this grant printed in the *Diboll, Tex., Free Press* of Thursday, January 27, 1966, under the heading "Something for the Indians." I ask unanimous consent that the editorial be printed in the *RECORD* at this point, but I wish to clarify a matter. It garbles the statement about the interest of the State government, and leaves the implication that perhaps the State government put up this money. The feasibility program was conducted by the Federal Government, and paid for by funds voted by the Congress of the United States; and if the work is done, it will be done by the Federal Government.

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

SOMETHING FOR THE INDIANS  
(By Paul Durham)

To the rescue.

Finally, a study on the feasibility of the development of tourism and recreation facilities for Texas only Indian reservation has been approved by the Government.

The grant is to the Alabama-Coushatta Indian Reservation. The Indians have for years wanted to become self-sustaining. But once before the Government withheld grants, and at the same time our own State officials have found reservation funds easy prey to the red pencil at appropriation time.

There are less than 300 Indians on the reservation, and but for an interested Governor now and then and intermittent puffs by dedicated Indian Affairs Commissioners, the tiny Indian population has been neglected.

Some progress has been made. More needs to be done, and a cognizant legislature would see to it that the Alabama-Coushattas are given every opportunity to provide for themselves the luxuries of life the rest of us enjoy today.

They don't make much of a voting bloc, to be sure. But the remainder of Texans should see to it that America's first inhabitant nation not be completely shoved out the corridors of history.

Perhaps this feasibility study on tourism is an honest start.

Mr. YARBOROUGH. There is an application pending for a Head Start program in behalf of these Indians, which I hope will be favorably acted upon. These are a proud people; they are an intelligent people; they are an honorable people. There are differences among Indian tribes, as there are differences among Caucasian nations. We in Texas are proud of the fact that this remnant is there in our State, and I am hopeful that the grants requested will be made.

I visited the Alabama-Coushatta Reservation several years ago, and, upon returning, have been struck with the progress made, even with these feasibility grants. They have built, with one grant, a great hall in which they have partly their museum and partly a handicraft shop. Though they number less than 400 souls, it is amazing to see the handicrafts which they have preserved in basketry, the dressing of deer skins, beadwork, and other crafts.

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

Mr. YARBOROUGH. I am happy to yield to my colleague.

Mr. TOWER. I thank my senior colleague for his interesting and enlightening presentation on the Alabama-Coushatta. They are unique among the Indian tribes of this country. I join my senior colleague in expressing my deep and abiding interest in these oldest citizens of our State of Texas.

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

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF ECONOMIC OPPORTUNITY ACT OF 1964

Mr. MURPHY. Mr. President, I send to the desk, for myself and the Senator from Vermont [Mr. PROUTY], a bill to amend the Economic Opportunity Act of 1964. My bill would bring the employees of the community action program and VISTA volunteers, who receive the principal part of their salaries from Federal funds, under the Hatch Act's prohibitions on political activities.

As my colleagues on both sides of the aisle will recall, I offered a similar amendment last year during the Senate Labor and Public Welfare Committee's consideration of H.R. 8283. To the credit of the Senate committee, on which I have the privilege and pleasure to serve, this amendment was agreed upon by all members. The solid support that the amendment received from Republicans

and Democrats alike demonstrates that the amendment is not a partisan effort.

Thereafter, Mr. President, the amendment passed the Senate without a single voice raised in opposition. Unfortunately for the citizens of this country and for our needy citizens in particular, the amendment was rejected during the Senate-House conference on H.R. 8283. It would serve no purpose to attempt to probe the pressures that resulted in the amendment's rejection. My purpose is not to place blame, but rather to secure the enactment of my constructive bill, the purpose of which is to free the poverty program from politics.

When presenting my case for the amendment last year, I cited example after example from across this great Nation showing the need for such an amendment. It might be worthwhile to again cite a few of these cases at this time:

"In far too many communities giant fiestas of political patronage have been encouraged." (Congressman ADAM CLAYTON POWELL.)

"Is emerging as a huge political pork barrel." (Mayor Yorty, of Los Angeles, Calif.)

"The battle over political control reveals more interest in the political power of the poverty program than \* \* \* in providing legitimate long-term answers to the needs of segments of our society." (Congressman EDWARD DERWINSKI.)

"In my whole political career, I have never seen a program so loaded with the ability of political manipulation and deviousness. Arguments have not been about the poor but about who is going to control the loot." (Senator FRANK LAUSCHE.)

In my own State of California, the problem has been particularly acute. Our Governor at the western Governors' conference last year said it was scandalous that politicians, including elected officials, were fighting each other for "fat-salaried" war-on-poverty jobs for themselves and their friends, solely to enhance their patronage.

In December, Representative POWELL addressed himself to the poverty program in Los Angeles. The Congressman said there is "evidence of mismanagement and fiscal dishonesty" in the Los Angeles program. Mr. President, I ask unanimous consent that the article from the Los Angeles Times reporting this story be inserted at this point in the *RECORD*.

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

LOS ANGELES POVERTY PROGRAM DISHONEST,  
POWELL SAYS

WASHINGTON.—Representative ADAM CLAYTON POWELL, Democrat, of New York, assailed the administration of the antipoverty program Thursday and said there is "evidence of mismanagement and fiscal dishonesty" in the Los Angeles program.

But despite his criticisms, POWELL, chairman of the House Education and Labor Committee, called for tripling the \$1.5 billion a year now being spent in the Johnson administration's war on poverty.

POWELL called the war on poverty more important than the war in Vietnam and said funds for Vietnam should not take priority over antipoverty funds. "I do not want to win the war in Vietnam if it means losing the war on poverty in America," he said at a press conference.

POWELL, whose committee wrote the poverty legislation and oversees its administration, criticized antipoverty programs now underway in New York, Chicago, Los Angeles, and Washington.

But he refused to amplify on his statement of mismanagement and fiscal dishonesty in the Los Angeles program.

When asked to elaborate, the Harlem Democrat said he preferred to wait until "we get all the facts completely substantiated—then we'll be very specific."

Committee sources said later the committee had received written complaints about the Los Angeles program. The complaints, the sources said, came from people both presently and formerly associated with the Los Angeles Youth Opportunities Board (now the Economic and Youth Opportunities Agency). POWELL committee investigators were in Los Angeles in October.

POWELL also differed with the recommendations of the McCone Commission, which in its report this week on the Watts area riots proposed larger expenditures for preschool training of the underprivileged.

"Such a program," POWELL said, "does not meet the immediate and critical need of the unemployed, the desperate and despairing who rioted out of frustration and hunger. Adult jobs, not preschool training, is the most urgent need in America to abolish poverty."

#### EYO CHIEF SAYS ATTACK IS REPREHENSIBLE

Joe P. Maldonado, executive director of the Economic and Youth Opportunities Agency here, Thursday termed charges by Representative ADAM CLAYTON POWELL, Democrat, of New York, against his organization "reprehensible and totally without substance."

Maldonado said that because of POWELL's "scattergun bombast," he has no way of knowing specifically to what the Congressman is referring.

A preaudit investigation of the EYO operations has already been conducted by Federal auditors and a number of questions were answered to the satisfaction of the Office of Economic Opportunity in Washington, he added.

Mr. MURPHY. Mr. President, I can assure the Senate that I derive no pleasure from citing these examples, and I wish that I could report that the problem is no longer with us. Like the snowball going down the hill, the evidence gets bigger and bigger that the poverty program is being overrun by politics.

Mr. President, the evidence and our experience since the rejection of my amendment last year substantiate the need for calling the abrupt halt to the political activity in the poverty program. Each group studying the problem, whether a congressional committee, newspaper or magazine reporters or editors, reaches the same conclusion—the poverty program is endangered by the political struggles that plague it.

My amendment is a simple one. It builds on the experience of the past—in fact, experience gained under the poverty program. Under existing law, employees of State or local agencies, whose principal employment is in connection with a political activity that is financed in whole or in part by Federal funds, are barred from "pernicious political activity" by section 12 of the Hatch Act. On the other hand, employees of private organizations conducting community action programs under the poverty program are not subject to the restrictions of the Hatch Act. VISTA volunteers

assigned under section 603(a)(2) of the 1964 act are not subject to the Hatch Act.

My amendment, Mr. President, would bring the remaining employees of the community action program and the VISTA volunteers, who receive the principal part of their salaries from Federal funds, under the Hatch Act.

In 1964 when the Senate was first considering the poverty program, an amendment was adopted prohibiting political activity by enrollees and employees of the Job Corps. Whatever problems the Job Corps may have, it is to its credit that the political fighting, that has plagued the community action program in particular, seems absent from the Job Corps. Certainly, Mr. President, this is no accident, but reflects the wisdom of the action by the 88th Congress in accepting a provision that would prevent political activity. Mr. President, for the benefit of my colleagues, I ask unanimous consent that a notice that is conspicuously displayed at Job Corps centers throughout the country be printed in the RECORD.

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

#### NOTICE—OFFICERS, EMPLOYEES, AND ENROLLEES OF THE JOB CORPS

Registering and voting is a privilege that should be exercised by all citizens. The Economic Opportunity Act of 1964 guarantees to Federal officers, employees, and enrollees the right to do so free from any interference, persuasion, or official domination. You should be informed as to permissible political activities as well as those restricted by the act.

The law—political discrimination and political activity: "Sec. 107. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Corps, or any applicant for enrollment in the Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law. (b) No officer, employee, or enrollee of the Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee or Federal employee who solicits funds for political purposes from members of the Corps, shall be in violation of the Corrupt Practices Act. (c) Whenever the U.S. Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Director with specific instructions as to discipline or dismissal or other corrective actions." (Sec. 107, title I, Economic Opportunity Act of 1964, 78 Stat. 511.)

#### PERMITTED ACTIVITIES

Registration: It is not only permissible but an obligation on all citizens, including eligible officers, employees and enrollees of the Job Corps to register and vote.

Voting: The language of the law specifically provides that all eligible officers, employees and enrollees have the right to vote as they choose.

Expression of opinions: Officers, employees and enrollees have the right to express political opinions, but they may not take an active part in political management or in political campaigns.

Attendance at political rallies, conventions, etc.: Officers, employees and enrollees may attend political rallies and conventions to which the general public is admitted.

Nominating petitions: Officers, employees and enrollees are permitted to sign nominating petitions in support of individuals whom they wish to see become candidates for office.

Contributions: It is lawful for officers, employees and enrollees to make voluntary contributions to a regularly constituted political organization, provided such contribution is not made in a Federal building or to some other Federal employee.

Political pictures: It is lawful for officers, employees, and enrollees to display political pictures in their homes.

Badges, buttons, and stickers: It is lawful for officers, employees and enrollees to wear political badges or buttons or to display political stickers on their private automobiles.

Nonpartisan political activity: The terms "political campaigns" and "political management" pertain to partisan political campaigns and to partisan political management and are interpreted so as to permit nonpartisan political activity, that is, activity in connection with an election and the preceding campaign in which none of the candidates is to be nominated or elected as representing a national or State political party, such as the Republican or Democratic Party.

#### PROHIBITED ACTIVITIES

Serving on or for any political committee, party, or other similar organization, or serving as a delegate or alternate to a caucus or party convention.

Soliciting or handling political contributions.

Soliciting sale of or selling political party dinner tickets.

Serving as officer of a political club, as member or officer of any of its committees, addressing such a club on any partisan political matter, or being active in organizing it.

Serving in connection with preparation for, organizing or conducting a political meeting or rally, addressing such a meeting on any partisan political matter, or taking any other active part therein.

Engaging in activity at the polls (at primary or regular elections), such as soliciting votes, assisting voters to mark ballots, or transporting or helping to get out the voters on election days.

Acting as recorder, checker, watcher, or challenger of any party or faction.

Serving in any position of election officer in which partisanship or partisan political management may be shown.

Writing for publication or publishing any letter or article, signed or unsigned, soliciting votes in favor of or against any political party or candidate.

Becoming a candidate for nomination or election to office, Federal, State, county, or municipal, which is to be filled in an election in which party candidates are involved, or soliciting others to become candidates for nomination or election to such offices.

Distributing campaign literature or material.

Initiating or circulating partisan political nominating petitions.

Engaging in political caucuses, or canvassing a district or soliciting political support for a party, faction, or candidate.

The penalty for violation of the act is discipline or dismissal or other corrective action.

For additional information write to: U.S. Civil Service Commission, Washington, D.C. 20415.

Mr. MURPHY. Mr. President, I would particularly direct the attention of the Members to section 107 of the Economic Opportunity Act of 1964 cited in the notice.

The problems created by the entrenchment of politics will not go away, and Members of the Congress cannot ostrich-like ignore the problem in the hope that it will disappear. It was with us last year. It remains with us today. The amendment that I offer today should have been adopted last year. It must be adopted this year.

Mr. President, Members of this great body are familiar with the expression: "While Nero fiddled, Rome burned." We might paraphrase this expression to give it current applicability to read: "While politicians fiddled and quarreled, the poor wanted and waited." They waited, Mr. President, for the help they were promised—help that has been delayed and prevented by the political fighting that smacks of the discredited spoils system of yesteryear. The American people are both disturbed and disgusted with this continuous political fighting over the public fund.

Mr. President, Americans throughout the country, although desirous of helping less fortunate citizens in their midst, feel that such work is bigger and more important than narrow partisan politics. It has been in the past and it must continue to be in the future.

Mr. Samuel Lubell, the well-known poll taker, has confirmed this growing discontent among our citizens. In his article, he cites two main antipoverty reforms that are being urged by voters—voters, Mr. President, who are going to hold many Members accountable in the coming election if steps are not taken to eliminate this mess. One is to "take politics out" of the poverty program and the other is "tighter control of the funds." Mr. President, I ask unanimous consent that the article by Mr. Lubell appear in full at this point in the RECORD.

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

[From the Los Angeles Times, Jan. 3, 1966]  
BATTLE FOR YOUR MIND: DISCONTENT GROWING OVER POVERTY WAR

(By Samuel Lubell)

The upcoming session of Congress seems likely to kick up demands for an investigation and even overhauling of the poverty program.

During recent months my interviews have shown a rising public discontent over the workings of the antipoverty crusade.

The surge of hope and enthusiasm with which the Nation greeted the start of the drive to eliminate poverty is leaking away. In its place a sense of disillusionment is beginning to develop, with comments being expressed that sound surprisingly like the wearied remarks that have been repeated for years about foreign aid.

#### STILL SOME SUPPORT

On one hand most people still feel the poor have to be helped, or it is better to spend what is needed than to have racial trouble.

But increasing numbers of voters go on to grumble, "The help doesn't get down to the poor who really need it," or, "Too much of the money ends up in the pockets of the corrupt politicians" or, "The intentions are good but the way it is being administered is an unholy mess."

Some of the antipoverty leaders, such as Sargent Shriver, are proposing that the war on poverty be enlarged to provide direct cash grants to all poor families. My first soundings of the public indicates considerable opposition to this proposal. The prevailing feeling runs, "A man who is able to work should work for what he gets."

#### CONTROL, POLITICS

The two main antipoverty reforms that are being urged by most voters are tighter control of the funds and take politics out of the program.

Some of this criticism is partisan—stronger among Republicans than Democrats—but much of it must be attributed to the tremendous publicity buildup contrived by Shriver for his antipoverty agency.

Adoption of the war on poverty label was a shrewd propaganda stroke in some ways. The war headlines stirred keener popular awareness of the plight of the poor and gained public support that might not have been forthcoming for each separate part of the program.

#### VARIETY OF ACTIVITIES

But this tactic has also boomeranged. Packaged together under a single "anti-poverty" label is a confusing variety of activities. Whatever goes wrong with any one part of the program spills into the headlines as a setback for the whole antipoverty effort.

Moreover, no clear yardsticks of performance are available for people to judge how much—or how little—is being accomplished.

Negroes, who are supposed to be helped most, echo the complaint of one Harlem floor waxer who said, "Where I live, you wouldn't know a war on poverty was even going on."

Many persons still argue to "give it more time" or "it's something new." But others are shrugging off the "poverty war" with the same disillusionment that marks popular reaction to foreign aid.

#### MATTER OF ATTITUDE

How many billions Congress actually appropriates for foreign aid no longer means anything much to the public. Being unable to judge what these aid grants accomplish, the voters line up for or against foreign aid, depending on general attitudes—on how they feel about our allies, about government spending or how the economy is faring here at home.

A similar reaction mechanism shows up when voters are asked whether more poverty funds should be appropriated. The responses that are offered usually reflect how people feel about the civil rights demands of Negroes or about deficit spending or unemployment. The additional support that would come from an awareness of specific accomplishments is being lost.

The antipoverty crusade, in short, threatens to acquire much the same battered image that now clouds foreign aid. If this is to be avoided, more administrative energies need to be directed into clarifying the objectives and proving performance and less effort into publicity and politics.

Mr. MURPHY. Mr. President, I could not agree more with the American people, and that is why I offer this bill today.

I also, Mr. President, would support legislation that would place a ceiling on the ridiculously high salaries in the poverty program, and would support an effort to secure an independent audit of the taxpayers' money in the poverty program.

Our Nation, Mr. President, dating back to the time of President Chester A. Arthur, has had a policy of those who are paid from public moneys must devote themselves to the interests of the public and not to the interests of a partisan political group.

My bill, Mr. President, is consistent with this philosophy, consistent with the overwhelming desires of the American people, and imperative if the program is to succeed. And for these reasons, I hope that my colleagues will join me in this effort.

Mr. President, a letter has been sent to all Members containing the discussion which I have read.

I ask unanimous consent that the bill lie on the table for 10 days and I hope that many Members will see fit to add their names as cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the bill will lie on the table, as requested.

The bill (S. 2908) to amend the Economic Opportunity Act of 1964 to prevent certain employees of community action agencies and Volunteers in Service to America from engaging in pernicious political activities, introduced by Mr. MURPHY (for himself and Mr. PROUTY), was received, read twice by its title, and by unanimous consent, referred to the Committee on Labor and Public Welfare.

Mr. MURPHY subsequently said: Mr. President, I ask unanimous consent that the bill I introduced earlier today, to amend the Economic Opportunity Act of 1964, be referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### AMENDMENT OF AGRICULTURAL ACT OF 1949

Mr. NELSON. Mr. President, late yesterday, I introduced a bill to amend the Agricultural Act of 1949 to give the Department of Agriculture the additional authority it needs to increase dairy support levels on April 1.

There has been an alarming drop in milk production the past few months in several of our major dairy States. The decline is of serious national concern.

Milk production in December, for example, was down 7 percent under 1964 in Wisconsin, down 11 percent in Minnesota, down 13 percent in Iowa, down 7 percent in Kansas, and down 10 percent in Nebraska.

Even as early as mid-November the situation was considered so critical that the Department of Agriculture amended Federal orders in 12 midwest milk markets to prevent prices from taking their usual seasonal drop.

In the absence of a farm-by-farm survey it is difficult to assess all the reasons

why some farmers are culling their dairy herds back and others are getting out of dairying altogether. It seems obvious, however, that low dairy net income is the most important factor.

There are other apparent reasons, also mainly economic. Strong prices for hogs and beef cattle are luring many farmers away from dairying. The time has come when the long hours and heavy investment involved in dairying are no longer worth the hard work and financial risk.

In addition many dairy operators were hit by drought and early frost last fall and have cut their herds rather than buy expensive hay and grain to supplement their short supplies of poor quality feed.

I have noted published reports that the Secretary of Agriculture may keep support prices at their present level in the new marketing year starting April 1. I also have seen reports suggesting he may lower supports.

Either decision would be disastrous for the important milk-producing areas of the Midwest. What dairy farmers in these States need is a vote of confidence in the form of higher support prices for milk.

Unfortunately the Secretary of Agriculture has too little discretion in setting the support price. In a sense his hands are tied. The price he must set, under the law, is simply the price that will assure an adequate supply of milk during the next marketing year.

With only a few brief exceptions during the past 10 years, both Secretaries Benson and Freeman have interpreted this law as requiring price supports to be limited to the minimum of 75 percent of parity under conditions then existing.

It simply does not make sense to have a law that requires setting a support price that takes into consideration only one of the important factors involved. The importance of milk to the national interest and the importance of a fair return to farmers for their labor and investment also should be taken into account.

My bill would do this. It would broaden price-setting discretion considerably by directing the Secretary of Agriculture to consider the present supply factor plus three additional related factors in setting a level somewhere between 75 and 90 percent of parity.

The four factors to be considered would be, first, the supply of milk in relation to the demand, second, the importance of milk to agriculture and the national economy, third, the ability to dispose of stocks of dairy products acquired through price support operations, and, fourth, the need of dairy farmers for a fair return on their labor and investment.

This will provide what is clearly needed in this situation—more administrative discretion in dealing with the present slump in dairy production, particularly when an adequate future supply is threatened because of cutbacks in the number of dairymen and size of dairy herds.

It should be noted that the prospect of greater use of highly-nutritious food in meeting a developing world food crisis

is another good reason for a substantial boost in support prices. It is not sound national policy to permit production to fall below our expanding domestic and foreign requirements plus an allowance for ample reserve.

The Government now supports dairy products at 75 percent of parity or \$3.24 per hundred for milk going into manufacturing uses. This price has led to fewer cows being milked and fewer farmers remaining in dairying.

The incentive simply is not there at this price, especially for younger farmers who have the option of switching to feeding cattle or raising hogs or some other type of farming. It has led to the alarming situation in Wisconsin in which it is estimated that an average of 12 farmers a day stopped dairying in 1965.

The Secretary has reported that he is considering the many requests for raising support prices for the marketing year beginning April 1. I would hope the additional factors provided in this bill could be adopted promptly so he would have the discretion of setting prices high enough to induce a sufficient number of dairy farmers to stay in business.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The bill is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446 (c)), is amended to read as follows:*

"(c) The prices of milk and milkfat in cream shall be supported, through purchases of milk and the products of milk and milkfat, at such level not less than 75 per centum and not in excess of 90 per centum of the parity prices of milk and milkfat, taking into consideration (1) the supply of milk in relation to the demand therefor, (2) the importance of milk to agriculture and the national economy, (3) the ability to dispose of stocks of dairy products acquired through price support operations, and (4) the need of dairy farmers for a fair return on their labor and investment."

#### PROPOSED REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8 (a) (3) of the National Labor Relations Act, as amended.

Mr. HOLLAND. Mr. President, suggestions have been made on the floor from time to time during the debate that those who oppose passage of the repeal of section 14(b) of the Taft-Hartley Act, or who have even opposed its being brought up as pending business, might be moved by such considerations as summary irritation against the labor movement, or a spirit of vendetta, or the fail-

ure to practice ordinary civility on the floor of the Senate.

The Senator from Florida believes there has not been any seriousness behind such statements.

Sometimes in the course of debate Senators make statements which they later realize went a little further than they intended. But in order that it may be clearly apparent that there are resting upon the representatives of 19 States, which have adopted right-to-work laws, very strong mandates from their people to use every procedural right under the rules of the Senate, and under the customary courtesies of the Senate, to make sure that this particular measure shall not pass, I wish to present for the RECORD today some of the expressions from the press, radio, and television of my State, which I believe will appeal to Senators as being moderate, fair, and temperate, and based solely upon the desire to do two things: First, to protect the position of the State of Florida taken by a vote of its people in 1944, by which we put the right-to-work provision in our own constitution, and the similar right of 18 other States which either put this right in their constitutions or adopted it by statutory action; and second, to protect what our people feel is a basic citizenship right, civil right, and human right, belonging to every American and to every person to choose his own associates, his own employer, his fellow employees, to select for himself the environment in which he wishes to live and in which he wishes to work.

I merely wanted to supplement the many editorials which I have heretofore placed in the RECORD by some other expressions, because, for one thing, it occurred to me that perhaps I had not brought out the opinions of some of the more liberal factors in our State, which in this instance seem to have agreed entirely with those of us, including newspapers and other agencies in the State, who are regarded as more conservative. So I shall read into the RECORD a few public expressions from reputable, highly regarded agencies in our State, which, as media of communications, command the respect of our people and the respect of everybody else who knows about them.

In the Miami area, I shall first read an editorial broadcast of May 25, 1965, by station WTVJ, a television station, which is the oldest in that area, which is highly respected, and is the property of one of our most distinguished citizens, Mr. Mitchell Wolfson, who also is one of our most liberal citizens. I read the editorial:

#### THE RIGHT TO WORK—OR NOT TO WORK

In the great push for equal rights for all citizens to enjoy the fruits of American democracy, perhaps we've forgotten that just as important as the right to do something is the right not to do something.

The issue is being brought into focus by the Congress, which is at the moment about to consider legislation that would end in 19 States right-to-work laws. These laws allow workers to be employed in union shops without having to join a union.

The House bill—H.R. 77—would repeal section 14(b) of the Taft-Hartley Act, which allows States to enact and enforce right-to-work laws.

It goes without saying that the working-man must always be protected and assured that he will be able to form into unions. The labor movement in this Nation has won its existence only over strong opposition. But what is more important than either the labor movement, or the domain of management, is the inherent right to each American to do or not to do as he pleases.

The right-to-work law does just that. It enables a man to do as he chooses. The law can serve no better purpose. It should be maintained.

We urge you to write or wire your Congressman in Washington and let him know how you feel.

We urge defeat of H.R. 77.

That is a moderate expression from a liberal television station, listened to by hundreds of thousands of people in the Gold Coast area of our State—station WTVJ, Miami.

Next is an expression from the Miami News dated January 31, 1966, which is known as a liberal daily newspaper in that area. Miami has two great daily newspapers, the Miami Herald and the Miami News. The Miami News is known far and wide as a liberal newspaper of the Miami area. If this editorial is read with equal concern, it will be seen that it speaks the voice of moderation; it speaks the voice, yet, of conviction to insist upon the preservation of the right-to-work law as something that is as important to the human rights of every citizen. I read the editorial:

[From the Miami (Fla.) News, Jan. 31, 1966]  
FIGHT IN SENATE: 14(b) REPEAL WILL MEAN  
A LOSS OF RIGHTS

The freedom to work without paying tribute to a union seems to us to be as basic and as American as the right to vote and the right to trial by jury.

For the second time in 6 months now, the U.S. Senate finds itself entangled in lengthy speechmaking while labor makes another effort to destroy section 14(b) of the Taft-Hartley Act. This article gives individual States authority to enact their own right-to-work laws. Such freedom prevails in Florida and 18 other States.

Senator EVERETT DIRKSEN'S "attenuated discussion" led to a stunning defeat, and properly so, we feel, for the administration in the first session of the 89th Congress last October. Now the question is whether he can do it again, in the current filibuster.

The National Right-To-Work Committee has made a vigorous fight in behalf of the quarter of a million working men and women who are shielded from compulsory unionism. Organized labor is waging an equally desperate campaign for these potential members whose dues would swell union coffers by an estimated \$15 million annually.

President Johnson finds himself in a rather untenable political position today, trying to protect the rights of all Americans and still trying to fulfill his campaign debt to the American Federation of Labor. The Right-To-Work Committee recalls an old Lyndon Johnson statement to mind that Johnson voted in 1947 for Taft-Hartley because he believed "no group of men—big labor or big business—should possess the power to wreck our economy. The Senator from Texas will never vote to repeal this law."

Florida finds itself ably represented in the Senate fight by SPESARD HOLLAND and GEORGE SMATHERS, both of whom have voted previously against repeal of 14(b).

There's no doubt the final result will be a "cliff hanger" but we believe that forcing a man to join a union is un-American, and a severe impingement on the freedom of the individual.

There could not be a more moderate, a more kind, or a more considerate statement than that coming, as it does, from the most liberal voice in the news press in the Miami area.

The third editorial from the Miami area comes from the largest radio station, WGBS. It, too, is in line with the general thinking of that area, which, of course, is a liberal area. By the way, this editorial was given on February 7, 1966, the day before the Senate voted. It reads:

A BASIC HUMAN RIGHT IS AT STAKE IN THE  
BATTLE OVER SECTION 14(b)

Once again the battle for repeal of section 14(b) of the Taft-Hartley Act, more commonly known as the right-to-work law, is underway in the U.S. Senate.

And once again, the Miami-Dade Chamber of Commerce is urging county business and civic leaders to express their opposition to the measure by writing to or wiring Florida's Senators.

WGBS joins in opposing repeal of section 14(b), which passed the House of Representatives at the last session by the narrow vote of 221 to 203.

We hope that the Senate will judge this controversial issue in terms of the human rights involved and oppose repeal of the section. Certainly, there must be enough Senators who will view the matter on the principles involved and rise above narrow political considerations.

WGBS wishes to emphasize that our opposition to the repeal of the section has nothing to do with the basic concept or principles of unionism. But we firmly contend that repeal of 14(b) would deal a serious blow to one of our basic freedoms, the freedom of choice.

In brief, section 14(b) says that States can enact laws forbidding agreements between labor unions and employers which require membership in a labor organization as a condition of employment. Its repeal would not only be a grave invasion of State rights, but deprive the individual worker of the right to make his own choice. You could be compelled to join a union to hold a job.

WGBS rarely urges you to speak out on issues, believing every person should not need any reminder to act on his own convictions. But in this instance, we believe you should make your voice heard in Washington.

Again, that is a moderate, considerate, and, I think, wholly decent and civil expression of the conviction of, I believe, the great majority of the people not only in the Miami area, so ably represented by the three communications media which I have just cited, but also in the State as a whole.

I believe that expression speaks for the people of my State, who placed the right-to-work amendment in our constitution and have kept it there and have seen it through all the courts to decisions which have upheld the amendment at the highest level of the State and Federal judiciary.

I have an editorial here from the oldest radio station in Florida, station WDAE, of Tampa, Fla., dated May 28, 1965. Again, this is a moderate, conservative voice, and a voice that is much listened to and heard throughout all the southwest area of Florida.

I believe that this expression again will show that the voice of our people has been a moderate one, one based on deep conviction, and one which has stood behind the Senators and Representatives

from Florida who have fought here with the use of every fair rule and procedure which they had a right to use in an effort to prevent the calamity which would occur if the bill to repeal section 14(b) should pass.

Radio station WDAE is the oldest station in Florida. It describes itself as the oldest radiotelephone in Florida, and it is just that.

The editorial reads:

The owner and management of WDAE radio station make the following editorial statement in support of section 14(b) of the Taft-Hartley Act and Florida's right-to-work law. Here now is Mr. Arthur Selley, vice president and general manager of WDAE.

Nineteen of our United States, Florida being one of them, today have in effect the so-called right-to-work law.

These statutes, adopted under section 14(b) of the Taft-Hartley Act, specify that an individual owns the basic freedom to determine for himself whether he will join a union or whether he will not join a union. In either case, it is not to constitute a condition for employment. The concept seems so fundamentally American, so morally sound, some may wonder why it needs mentioning at all. But the fact is that right-to-work laws today are in jeopardy.

President Johnson recently recommended to Congress that section 14(b) of the Taft-Hartley Act be repealed. The management of this radio station is diametrically opposed to Mr. Johnson's recommendation as we would be opposed to any other form of compulsive legislation that would eliminate the individual's freedom of choice.

The case in favor of right-to-work laws is a strong one. They guarantee individual workers complete freedom of choice on whether to join a union or not. They fully protect the collective bargaining rights of unions and employers; they prohibit contracts requiring all personnel to join a union as a condition of continued employment.

These laws, incidentally, take their name from the original phrase, "right to work without paying tribute to a labor union."

Why do unions oppose the theory of voluntary membership? The answer is quite simple. Forcing workers to join a union means forced payment of dues and assessments, which in turn enhances the treasuries of the labor bosses and makes possible their wider political power.

Union leaders say that right-to-work laws have been put on the books to make it more difficult for working people to organize—what this statement fails to consider, however, is that even unions must stand or fall on their own merits. If they can produce results, they will obtain members; if they cannot, they will find recruitment difficult. The same theory applies to any business, which must perform effectively in order to attract customers.

Compulsory unionism is based on the idea that improved wages, benefits, and working conditions are made possible only because of union efforts, therefore all employees should pay for this "service." The argument, however, declines to shed proper light on the fact that bargaining is a two-way street, that management is just as interested as unions in keeping employees satisfied.

It's a fact that three States with right-to-work laws, Arizona, Nevada, and Florida lead the Nation in creation of new jobs in business and industry. Florida's right-to-work law recognizes the right of employees to organize and belong to a labor union, just as it recognizes their right not to. In no way does it interfere with the bargaining procedure and in no way does it restrict the freedom of a union to petition for negotiating authority.

It seems inconceivable that the closed shop principle stands ready to reappear, yet it could well happen. Residents of the bay area can join the fight to protect section 14(b) by letting Congressmen SAM GIBBONS and BILL CRAMER, Senators HOLLAND and SMATHERS know exactly how they feel. Call this radio station for their correct mailing address.

Compulsory unionism is directly opposed to the American way of life, and WDAE is opposed to compulsory unionism. The rights of each worker hinge on it being defeated.

Mr. President, I do not see how a stronger, more moderate, or fairer statement could be made. I have earlier had printed in the RECORD in connection with earlier arguments many editorials from Florida newspapers. I shall not unduly encumber the RECORD at this time by placing a great many more editorials in the RECORD. However, I wish to make the statement that, with the exception of the labor newspapers which are published by the labor organizations in Florida, I have found no single paper which has taken a position in favor of the repeal of section 14(b).

I do not claim to have seen all of the editorials contained in every newspaper in the State. However, I have seen a vast number of them, and I could have at least 100 editorials from Florida newspapers printed at this point in the RECORD. These editorials all favor and uphold the Florida constitutional provision and insist that our delegation continue to hold by that principle.

There are, however, certain editorials that I shall ask to have printed in the RECORD without reading them. Some of these editorials are from newspapers which I have not mentioned heretofore. One editorial dated September 14, 1965, is from a newspaper in Naples, Fla., the Collier County News. The editorial is entitled: "The Moment of Truth Is Nearer."

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 MOMENT OF TRUTH IS NEARER

The battle to save section 14(b) of the Taft-Hartley Act—the section under which residents of Florida and 18 other States voted to adopt right-to-work laws forbidding compulsory union membership as a condition of employment—has not yet been lost, even though repeal has passed the House.

Every legitimate effort is being made to save this essential protection of the worker in the Senate, where it is expected that the leadership will first try to clear the decks of some other legislation, including appropriations, before going into what looks like a long, long debate on right to work.

Senators HOLLAND and SMATHERS of Florida have demonstrated that they will fight hard against repeal of 14(b), but Collier Countians can help by writing, wiring, or telephoning right now to assure them that in this area of the State we are most anxious to retain 14(b).

Nobody objects to a man joining a union of his own free will. But if a man does not want to join a union, then he should not be forced to do so in order to keep his job.

The U.S. Chamber of Commerce recently distributed a little booklet in which several union-instigated myths about right to work were effectively exposed.

Here are a few of the myths:

1. "Employees who refuse to join a union are free riders."

Of all the attacks on right to work, the free-rider myth is perhaps the most common—and misleading, says USCC.

In the first place, it was the unions that insisted that they be given the right to represent all employees—union members or not.

The late Donald Richberg, once a prominent union attorney, unmasked the "free rider" cry for what it really is—not free rider, he said, but captive passenger.

2. "A majority vote is the democratic way to determine a union shop."

Nearly 200 years ago, the founders of our Government specifically insisted upon a "bill of rights" in their Constitution, to protect minorities and individuals.

Every workman should have the right to work without joining a union. This is an American freedom, too, like freedom of worship, freedom of speech, and freedom to take a new job or move to a new community. These rights must not be voted away. No majority, whether it be a slim 50.1 percent or whopping 99.9 percent, should be able to compel the minority by a popular vote to join or support the majority—whether in a church, a club, or any private organization. The same principle applies to a union.

3. "Right-to-work laws destroy unions."

Facts overwhelmingly refute contentions that right-to-work laws "wreck" unions. Union records offer the best proof.

Union membership has skyrocketed, especially in States that enacted right-to-work laws. Georgia's right-to-work law was adopted in 1947 and union membership climbed from 35,000 in 1939 to 135,000 in 1953, or 280 percent. Other increases are equally impressive; Texas, 239 percent; Arizona, 257 percent; Nebraska, 153 percent; South Dakota, 185 percent; and Arkansas, 171 percent.

4. "Right-to-work laws hurt business."

Surveys by the U.S. Department of Commerce show that gains in personal income from 1957 to 1962 were greatest in States with right-to-work laws. Thirty-one States exceeded the national average gain of 15 percent, and half of these had right-to-work laws.

Right to work is part of America's free enterprise heritage, and freedom never hurt anyone—unions or business.

5. "The union shop promotes industrial peace."

The west coast aerospace labor disputes show how a State right-to-work law helps, instead, to bring industrial peace. A Lockheed contract accepted by the Machinists Union in Georgia was rejected for 6 months by the same union in California.

Where unions are compulsory, union leaders can enforce support of their activities without much concern for the interest of the members. The union shop benefits the union boss much more than it does the union member.

There are other union instigated "myths," but they are too numerous to mention here.

Collier Countians who favor retention of 14(b) should act within the next few days or forever hold their peace. For, unless repeal can be stopped in the Senate, it will be too late to lock the barn door. The freedom afforded by 14(b) will then be gone.

Now is the time to write, wire, or telephone your sentiments to Senators HOLLAND and SMATHERS. Or, if you come from another part of the country, the Senators from your home State.

Mr. HOLLAND. Mr. President, the next editorial is entitled: "Not Anti-Union." This editorial was published in the Panama City Herald on Wednesday, January 5, 1966. I ask unanimous consent to have this editorial printed at this point in the RECORD.

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

#### NOT ANTI-UNION

During the second session of Congress, an all-out drive will be made to repeal section 14(b) of the Taft-Hartley Act, the section which authorizes the States to pass right-to-work laws.

These laws say, in effect, that it is up to each individual worker to decide for himself whether he wishes to join a union or not, and that he cannot be compelled to do so on pain of losing his job.

The House voted to repeal 14(b) during the first session. But a determined group of Senators, representing both the parties, prevented action in the Senate.

We will soon know whether union political power is sufficient to abrogate a right which would seem absolutely basic in a free society. Strict laws forbid discrimination against workers on such grounds as race, creed, color, and sex. But without right-to-work, the law supports, and to all intents and purposes enforces discrimination of the most absolute kind against workers who for their own good reasons do not wish to become union members.

A Congress which turns its back on the right-to-work principle has small regard for human freedom. It is not antiunion to support freedom of choice.

Mr. HOLLAND. Mr. President, I read for emphasis two paragraphs from this very fine editorial:

We will soon know whether union political power is sufficient to abrogate a right which would seem absolutely basic in a free society. Strict laws forbid discrimination against workers on such grounds as race, creed, color, and sex. But without right-to-work, the law supports, and to all intents and purposes enforces discrimination of the most absolute kind against workers who for their own good reasons do not wish to become union members.

A Congress which turns its back on the right-to-work principle has small regard for human freedom. It is not antiunion to support freedom of choice.

Mr. President, the next editorial is from the Panama City Herald of Monday, January 24, 1966, and is entitled "Expediency of Repealing 14(b)."

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:

#### EXPEDIENCY OF REPEALING 14(b)

When the Founding Fathers of this Nation wrote into the Constitution that the President "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient," they probably had no thought that this duty would be subverted to give legal sanction to a political pith.

Still less could they have conceived that the word "expedient" might provide liberal justification for a President to recommend harmful legislation.

Webster's dictionary gives as one definition of expedient: "Characterized by mere utility rather than principle; conducive to special advantage rather than what is universally right."

By no other definition could have President Johnson included in his "state of the Union" message a plea for the repeal of section 14(b) of the Taft-Hartley Act the provision which protects the right of States to prohibit compulsory union membership as a condition of work.

The right to work—freedom of choice—is a basic American freedom. It is almost inconceivable that any person in a position of public trust would seek to abridge it. We are even fighting a war 10,000 miles away to preserve the freedom of choice for the people of South Vietnam.

Yet President Johnson finds it "expedient" to suggest to Congress—again—that 14(b) be repealed "to make the labor laws in all our States equal to the laws of the 31 States which do not have the right-to-work measures."

It is a widely held and unrefuted belief that the President insists on this breach of principle in order to give special advantage to a group he owes a political debt.

Who comprises this group, and what advantage does it seek?

The militant right-to-work foes are the leaders of big labor, the professional unionists whose lucrative jobs depend on maintaining and expanding their sphere of influence, on fomenting unrest in labor-management relations, on keeping up constant pressure for escalating wage scales.

They seek the advantage of industrial bargaining power, which repeal of section 14(b) certainly would enhance.

They seek the advantage of financial security, which repeal would provide to the tune of some \$15 million a year in dues forcibly taken from 250,000 working men and women now protected from compulsory unionism.

Most of all, perhaps, they seek the advantage of political power, which elimination of this freedom would confer on them.

With more workers in unions and unable to resign without losing their jobs, unions not only would be stronger at the bargaining table but their leaders would be encouraged to make stiffer demands on employers with more assurance that they could enforce them.

Ability to force repeal of 14(b), coupled with additional financial and numerical strength stemming from the increased membership, would intimidate Congress with the extent of labor's political strength and thus improve the chances of obtaining passage of other union-backed legislation.

Such legislation would include minimum wage increase and expansion, double time for overtime, shorter workweek, Federal standards for jobless pay, legalizing common-site picketing (a weakening of secondary boycott restrictions), packaging controls, and consumer credit controls.

On a long-range basis, the dreams of professional unionists cover the whole field of welfare statism, with free enterprise replaced by a labor-socialist dictatorship.

That Taft-Hartley Act did not confer upon the people of these United States the right to work. That right has always existed. The law merely confirmed it.

Will we allow it to be taken away for the sake of political expediency?

Mr. HOLLAND. Mr. President, the next editorial is from the Orlando Sentinel of Wednesday, January 26, 1966, and is entitled "Right To Work Guarantees Freedom."

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:

#### RIGHT TO WORK GUARANTEES FREEDOM

Those dedicated Senators in the thick of the critical battle to preserve State right-to-work laws deserve our support and encouragement.

Led by Senator EVERETT DIRKSEN, of Illinois and DeBary, they include the best men of both parties. Among them are Florida Senators SPESARD HOLLAND and GEORGE SMATHERS.

They hope, by parliamentary procedure and filibuster, to prevent the bill repealing the right-to-work laws of 19 States, including Florida, from coming to a vote in the Senate. The bill has already passed the House.

Authority for States to enact their own right-to-work laws is contained in section 14(b) of the Taft-Hartley Act.

Right-to-work States are open shop States in which workers cannot be compelled to join a union in order to hold a job—although they have the right to join unions if they desire.

As the Senate approached adjournment last year, Senator DIRKSEN and supporters of 14(b) were successful in preventing the matter from coming to a vote, and a temporary victory was won for a basic American freedom, the right to hold a job without union membership.

But with the new session of Congress, the same fight must be waged again in the Senate and those gallant Senators who are working so hard to protect the rights of each of us should have our support and encouragement in the form of letters and telegrams.

Repeal of 14(b), the National Right to Work Committee says, would automatically impose union membership on 250,000 working men and women now shielded from compulsory unionism in 19 States. The capture of 250,000 involuntary members would produce an estimated minimum of \$15 million annually for labor union coffers, the NRWC says. This explains why organized labor is trying so desperately to have 14(b) killed, despite the fact that the majority of Americans want right to work preserved, as has been shown time and again by various independent polls.

The freedom to work without joining a union is just as sacred as the right to vote and the right to jury trial.

Repeal of 14(b) would be one more step to destroy one of our greatest bulwarks against dictatorship, namely the rights, powers and prestige of the sovereign States.

But freedom is not the whole story. An impressive part of the picture is the fact that right-to-work States are more prosperous, offer a higher rate of increase in job opportunities and have had higher rates of increase in per capita incomes.

In 1964, latest year for which statistics are available, the rate of unemployment was lower in the 19 right-to-work States than in the 31 other States. The rate of increase in nonagricultural employees was 12.8 percent in right-to-work States, 9 percent in others; rate of increase in new manufacturing jobs in right-to-work States, 12.8 percent as against minus 7.6 percent; rate of increase in hourly earnings by manufacturing workers, 46.7 percent as against 41.5 percent; rate of increase in per capita personal income, 43.7 as against 35.4; rate of increase in bank deposits, 69.4 percent against 63.5 percent.

No sound reason has been, or can be, advanced for repealing right to work in view of these statistics and the threat to our basic freedoms.

Mr. HOLLAND. An editorial from the Orlando Sentinel of February 1, entitled "People's 14(b) Support Strong" quotes polls in the Orlando area, in Florida, and throughout the Nation, and also notes the vast number of letters to that newspaper's contributors' column which have come from people who are opposed to the repeal of 14(b). I ask unanimous consent that that editorial be printed in the RECORD, at this point.

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

#### PEOPLE'S 14(b) SUPPORT STRONG

By better than a 4½ to 1 margin—64 percent versus 14 percent—the American people believe that Congress should keep section 14(b) of the Taft-Hartley Act, the right-to-work section.

Section 14(b) allows Florida and 18 other States to outlaw compulsory unionism. Workers in these 19 States have every right to join unions, but cannot be compelled to. The administration has tried for 2 years to have 14(b) repealed. The House of Representatives has voted for repeal, and extended debate has been waged in the Senate to keep repeal from coming to a vote.

The surprisingly strong public support for 14(b) was announced in Washington Monday by the National Right To Work Committee.

The poll indicating the 4½ to 1 margin for retention of 14(b) was made by Opinion Research Corp. of Princeton, N.J.

Questioning in the poll also showed:

1. By a 2½ to 1 ratio, including support from 35 percent of union members, the American people said they prefer that Congress pass a law making all union membership voluntary rather than compulsory.

2. By better than a 2-to-1 ratio, the American people reject the unions' "free rider" argument, believing that even though a worker may benefit from the union he should be allowed to decide for himself whether to join.

3. By better than a 3-to-1 ratio, the American people believe that companies should not be permitted to fire workers who refuse to join the union.

4. By a 3-to-1 ratio, the American people believe that the States should be allowed to decide the right-to-work issue themselves.

5. By almost 2 to 1 the American people favor an open shop.

6. By almost 2 to 1 the American people oppose union-management contracts which require all those workers involved to join the union.

7. By nearly a 3-to-1 ratio, the American people who have heard of State right-to-work laws are in favor of them.

8. By a 2½-to-1 ratio, the American people, when given a definition of a right-to-work law, say they would now vote for one in their State if given the opportunity.

This new information should convince the U.S. Senate of the wisdom of keeping 14(b) intact regardless of administration pressure.

Mr. HOLLAND. The remaining items which I have for the RECORD are not editorials, Mr. President, but I think they are enlightening, and that they show the moderate, temperate, and yet convinced and unyielding attitude which the people of our State take on this subject, and which I believe the majority of the people in this Nation take.

The first is from the Tampa Tribune of Sunday, February 6, by a well-known reporter, Mr. John Frasca. Its title is "Bankers Group Joins Fight To Preserve Right To Work."

I ask unanimous consent that the article be printed in the RECORD at this point.

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

#### BANKERS GROUP JOINS FIGHT TO PRESERVE RIGHT TO WORK

(By John Frasca)

The Independent Bankers Association of America yesterday announced it will join the

campaign to defeat administration efforts to repeal the right-to-work provision of the Taft-Hartley law.

The IBAA's involvement in the issue—now the subject of a Senate filibuster by Minority Leader EVERETT DIRKSEN—was made public by Ralph L. Zaun, of Grafton, Wis., president of the national bankers' group.

He told a luncheon meeting of members of the Independent Bankers of Florida in the Sheraton-Tampa Motor Inn that the IBAA also will oppose actively the current effort to raise national wages above the present minimum of \$1.25 an hour.

Zaun said the IBAA, which represents 6,300 banks across the country, will contact all U.S. Senators in the drive to retain section 14(b) in the Taft-Hartley law.

"We feel," he said, "that every man has the right to join or refuse to join a union. This is an important freedom. The Government has no more right to compel a person to join a union than we have to insist that every banker in the country has to join our association."

Florida is one of 19 States which has a right-to-work law, which provides that a person does not have to join a union in order to work in a union shop.

A spokesman for the Florida bankers said the State association will "explore" the right-to-work controversy and determine whether it will take a position on the matter.

Other speakers at the 11th annual convention of the Independent Bankers of Florida were State Comptroller Fred O. (Bud) Dickinson; State President John A. Jenkins; Michel G. Emmanuel, president of the Greater Tampa Chamber of Commerce, and Deputy Banking Commissioner J. V. Chapman.

Dickinson warned of the "gnawing threat" to the dual system of chartering banks by both the State and Federal Governments. He said there was a possibility that the Federal Government eventually would have regulatory control over all banking. He said:

"It is my firm belief that the core, the very nerve center, of our economic system is dependent upon the continuation of the dual banking system."

He said that unless the State-chartered banks remained competitive and used "bold imagination," there was the chance that all regulation would be in the hands of the Federal Government.

"Preserving the competitive nature of our banking system is one of the essential goals of the State," he said. "It is no secret that the control of government and of the regulated phases of life itself lies where the control of money rests."

In his remarks, Zaun cited the need for "an organization of medium-sized and smaller banks."

"Even in those States where branch banking or holding company banking strongly prevails," he said, "it is essential to the vitality and continuity of the smaller banks that they band together for a common defense against the encroachments of the giants in their States."

"In unity they find the only strength they have sufficient to command attention and respect, with strength to oppose unlawful expansionist excursions by the powerful chains."

Zaun pointed out that independent banking "survives strong" in Florida and many other States because "good public policy has prevailed and insisted that vigorous competition among many competing banks was both proper and desirable."

Mr. HOLLAND. Then, from the Miami Herald of Thursday, February 3, 1966, a letter to the editor signed by Mr. Bernard B. Weksler, and entitled "Repeal of 15(b) Must Be Avoided." I ask unanimous consent that the letter be printed in the RECORD at this point.

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

LETTERS TO THE EDITOR—REPEAL OF 14(b) MUST BE AVOIDED

The letter of union official Morris G. Drapkin referring to the right-to-work constitutional safeguard as a "right-to-sponge" law cannot go unanswered.

What right does Mr. Drapkin or any other union official have to complain about free-loading or "sponging?" The unions have sought and obtained immunity from the payment of income taxes and here in Florida, as in many other States, the unions do not pay any real property or personal property taxes. And yet the union-unaligned free American who pays his income taxes and real property taxes is unjustly accused of being a free loader or a sponger.

Having represented four small nonunion employees against the well-financed and well-organized legal talents of the AFL-CIO in the U.S. Supreme Court in order to protect the rights of the free citizen in Florida to work without having to purchase such right from the union chieftains, I say the real issue in the unions' fight for repeal of section 14(b) is the reason stated in the brief of the unions filed in the U.S. Supreme Court. The brief said: " \* \* \* the power of the purse strings is the power to control."

If section 14(b) is repealed and every worker is compelled to join a union and pay dues to a union, the union bosses will have the financial purse string power to control the majority of the elected Representatives and Senators on the national as well as the State level. This evil must be avoided.

Is something wrong with unionism when force and compulsion must take the place of persuasion? A good responsible union will attract members by persuasion, whereas corrupt and irresponsible unions require force and compulsion. The repeal of 14(b) plays into the hands of the corrupt and irresponsible unions.

BERNARD B. WEKSLER.

Mr. HOLLAND. Mr. President, I point out that this letter was written by a very able lawyer who represented some non-union employees against what he calls "The well-financed and well-organized legal talents of the AFL-CIO in the U.S. Supreme Court, in order to protect the rights of the free citizen in Florida to work without having to purchase such right from the union chieftains."

Mr. Weksler did carry to a successful conclusion in the U.S. Supreme Court his defense of the rights of four small workers who did not want to join unions, to decide for themselves that they did not want to join, and pay into the coffers of unions with which they were not in sympathy.

I think that the statements in Mr. Weksler's letter are particularly compelling because he has had personal contact with this matter growing out of this long drawn-out legal case, which the books will show and which I will not attempt to quote in any way. He summarizes his convictions in his last two paragraphs, as follows:

If section 14(b) is repealed and every worker is compelled to join a union and pay dues to a union, the union bosses will have the financial purse string power to control the majority of the elected Representatives and Senators on the national as well as on the State level. This evil must be avoided.

Is something wrong with unionism when force and compulsion must take the place of persuasion? A good responsible union will

attract members by persuasion whereas corrupt and irresponsible unions require force and compulsion. The repeal of 14(b) plays into the hands of the corrupt and irresponsible unions.

Last, Mr. President, are three letters appearing in the Orlando Sentinel of Tuesday, February 1, 1966. The first of the letters is entitled "Readers Argue Right To Work," and is signed by Mr. Philip S. Day of Winter Park. I ask unanimous consent that his letter be printed in the RECORD at this point.

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

PUBLIC THOUGHT—READERS ARGUE RIGHT TO WORK

EDITOR: The recent paralysis of New York City and the defiance of the courts by the striking union's leader were events which the people of this country, will ignore at their peril. It is time to stop and ask ourselves where we are going and where have we arrived.

Despite the grave significance of the episode and the gigantic monetary loss involved, not a word from our President who saves his animadversions for such things as a minor price increase by a steel company. If there was any lesson there, it was lost on Mr. Johnson who a few days after the New York transportation debacle urged Congress to extend the power of the labor leaders nationwide by repealing section 14(b) of the Taft-Hartley Act.

One would think, however, that there would be enough Members of the Senate to realize what these events have revealed and to rally behind Senator DIRKSEN in his fight against repeal. It should no longer be postponed, the time is here now to stop the buildup of this labor power. It is reaching proportions inimical to the national safety and is more than any group is entitled to. I am sure this fact is obvious to a large number of the rank and file of union labor.

PHILIP S. DAY.

WINTER PARK.

Mr. HOLLAND. The second is a letter signed by Mr. C. G. Schaal, of Mount Dora, a very lovely little town in central Florida, far removed from the customary pressures of life and of unionism versus nonunionism. I ask unanimous consent that Mr. Schaal's letter be printed in the RECORD at this point.

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

EDITOR: In one section of your paper you report on the "mud mall" being sent to our GIs in Vietnam. You say the origin of some of it cannot be identified. This is supposed to be bad for our GIs.

Then you turn right around and pound out a big "mud editorial" on the right-to-work law "guaranteeing freedom." This is just as bad for your uninformed readers as the other stuff is for the GIs. The right-to-work law has not created one single job, or any other thing that was constructive and helpful to any of the 19 States that have it, in spite of all the fictitious figures you quote. These States were all on rock bottom on account of this law and had no place to go but up when things started to hum under L.B.J.

C. G. SCHAAL.

MOUNT DORA.

Mr. HOLLAND. The third letter was written by Mr. Clarence McConnell, of Winter Park, Fla. I ask unanimous consent that Mr. McConnell's letter be printed in the RECORD at this point.

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

**EDITOR:** As a laboring man and a rugged individualist I am, and always have been, opposed to labor unions. I spent 50 years in the steel district of western Pennsylvania and am proud to say I have been a strike-breaker.

I have seen men who desired to work, yet didn't because of fear of personal injury and so couldn't provide for their families. I have made it a rule to work for whom I please for as much as I please and where I please. I never got large wages yet I have, due to thrift, earned a comfortable living and have a nice savings account, some stock, and own my own home.

In this free Nation, which both my maternal and also my paternal ancestors helped give birth, if I desire to work for \$1 per hour, that is my privilege.

From my point of view it seems to me that greed and selfishness is the motivating force back of the labor unions. I decidedly don't envy wealthy people. Being of Scotch descent, I realize that as a rule thrift begets wealth.

One reason I love Florida is because the unions don't dominate the labor situation as they do in the Northeast. When everybody replaces greed and love for worldly things with brotherly love and desire for spiritual things, then and then only will we have peace and prosperity for all.

CLARENCE MCCONNELL.

Winter Park.

Mr. HOLLAND. Mr. President, I have placed these matters in the RECORD for one reason: I want those who have been fighting for the repeal of section 14(b) to realize that there are many in this country—including, certainly, Senators from the 19 States which have right-to-work laws enacted through the wisdom of their own people—who feel very deeply that the people of our States have a right to make that expression, and who stand by that expression, and feel that we would be derelict to our trust as Senators and Representatives of the States which we represent, and whose laws and customs and traditions we try to uphold, if we did not undertake, in a moderate, fair, and civil way, and without becoming irritated or seeking to irritate anyone else, the position which I have taken to the best of my ability, and which I think many other Senators and Representatives are upholding to the best of theirs.

I close my part in this debate by saying that I would feel that I was abandoning the mandate of my own people, of my own State's constitution, and of my own State's legislature on the system of laws and traditions under which we live—and live happily—as one of the most progressive and fastest growing States in the Union, if I took any other position than that of objecting in every way that I can under the rules of the Senate and the fair rules of ordinary procedure, to the bringing up and passage of a law repealing section 14(b) of the Taft-Hartley Act.

I thank the distinguished Presiding Officer. I am ready to yield the floor; and if the Senator from Iowa still wants a quorum call, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

14 (b) : KEY STRAND IN WEB OF ANTI-LABOR LEGISLATION

Mr. JAVITS. Mr. President, I wish to say a word as to my position on repeal of section 14(b).

I voted yesterday in favor of cloture and I am a signatory to the cloture motion seeking to bring an end to the debate tomorrow on the motion to take up repeal of section 14(b) of the Taft-Hartley Act and get on to the merits. I recognize, however, that the will of the majority of the Senate may well be frustrated and we may never get to a vote on the merits of this bill, and so I would like to take this opportunity to state the reasons why I favor repealing 14(b).

What has been obscured in the midst of this filibuster is what 14(b) really does. It permits 19 States, primarily in the South, to use these so-called right-to-work laws as key strands in a web of anti-labor legislation designed to keep unions weak, wages depressed, and other generally accepted social benefits at a minimum. If any of my colleagues have any doubt about that, let them turn to page 348 of the hearings on this bill, and examine the data:

**Unemployment insurance:** Only 1 right-to-work State out of 19 provides maximum benefits over \$48 per week; almost half the non-right-to-work States do.

**Minimum wage:** Not one of the right-to-work States matches the present Federal standard of \$1.25 per hour, and only two have a minimum wage of \$1 per hour—and then only for women. And 11 of the 19 right-to-work States have no minimum wage law at all.

And the result is about the same for workmen's compensation, overtime pay laws, equal pay for women, and child labor legislation.

And perhaps most important, I invite the attention of Senators to the table on page 213 of the hearings, correlating these right-to-work laws with enforceable State fair employment practice laws. If anyone has been led to believe that State legislatures which have enacted these so-called right-to-work laws are really concerned with the right of individuals to secure employment without discrimination, let him reflect on the fact that, though my State and other industrial States have long had FEPC laws on our books, Alabama, Arkansas, Georgia, Mississippi, North Carolina, North Dakota, South Carolina, South Dakota, Texas, and Virginia have none.

Twenty-eight of the 31 non-right-to-work States, on the other hand, have such laws.

I am satisfied—indeed, fully persuaded—that these so-called right-to-work laws have nothing to do with the right to work, nor with the right to be free of arbitrary discrimination. I have fought against unjust and arbitrary discrimination all my life, and I think my State has been a leader in antidiscrimination legislation. The day when the

State legislatures of many of the 19 right-to-work States can catch up with New York when it comes to concern for the rights and welfare of the individual will be a great day indeed—for them as well as the Nation as a whole—but that day is not here yet, and these so-called right-to-work laws are not bringing it any closer, I assure you.

I would also like to state as unequivocally as I can what repeal of 14(b) would not do:

It would not make a union shop compulsory, for only a voluntary agreement duly signed by both the employer and a union duly selected by the majority of his employees can create a union shop.

It would not, even after a union shop agreement is in effect, ever compel actual membership in a union, for under section 8(a) (3) of the National Labor Relations Act, if an employee offers to pay his dues but refuses to sign a union membership application, he cannot be discharged for lack of union membership.

It does not affect employees in my State of New York, nor in any other major industrial State. My State has never had a right-to-work law, and, except for Texas, those few industrial States which once had such laws have now repealed them.

And it is not a curb on the occasional abuse of union power, such as the recent New York City transit strike, nor would repeal increase by one iota the likelihood of a repetition of such a strike—for, as I have said, New York has never had, and undoubtedly never will have, a so-called right-to-work law.

I recognize full well the problems that can and do arise from abuse of power—any power, including union power. I am the author of recently introduced legislation to protect the public interest in labor disputes imperiling the public health and safety, as well as a number of other vitally needed labor law reforms, including a grant of jurisdiction to the Federal courts to enforce no-strike no-lockout clauses in labor agreements, and limitation on qualifying trade unions by so-called card checks, and so forth. I am thoroughly committed to reform of the Taft-Hartley law. I am the author of a bill which has been most discussed dealing with national emergency strikes, to give the Government real power to protect the public interest in that regard, but I do not believe that the fact that there may be abuses of power is relevant to the advisability of repealing or not repealing section 14(b).

For it would indeed be unfortunate if the Congress, in an attempt to limit union power and thereby prevent recurrences of crippling labor disputes such as the recent New York transit strike, succeeded only in perpetuating the substandard labor conditions so prevalent in so many of the right-to-work States. It is for these reasons that I support repeal of 14(b), as well as other important law reforms.

Finally, the Constitution can be—and is now being—nullified by rule XXII as it now stands. Here is a case where the majority very clearly wants to repeal 14(b) and is not being permitted to do so by a minority of the Senate. The

vote in the House was 221 to 203; the vote in the Senate just yesterday was 51 to 48 for cloture—certainly an indication of majority support for repeal of 14(b).

I have no quarrel with those engaged in it: they are sincerely following their views and they have every right to do so under the rules of the Senate. But I believe that there is something wrong with us if we can allow the Constitution to be nullified by rule XXII as it now stands. That is exactly what we are doing.

I repeat, I do not challenge for a moment the sincerity of those who avail themselves of the rules of the Senate. I make my plea to show to the public the inequities of rule XXII as it stands. The majority wishes to effect this reform, as is shown by the vote on the cloture motion and the vote in the House, and yet we cannot go forward.

No one can claim for a minute that there has not been enough debate on this issue, nor that this is anything but a classic filibuster.

The discussion as I have heard it is certainly germane, but the same arguments are now being made over and over again and, by now, it certainly should have broken through to the country. We cannot debate interminably if we are going to follow the mandate of the Constitution.

What we see in action here is a very serious challenge to constitutional government. It is not the first time, but it certainly underlines again the urgent need for the Senate, at the beginning of the next Congress, to endeavor to change rule XXII, as any legislative body may change its rules, by a majority vote. The administration should think long and hard about this situation which will surely be before us again in January 1967.

The Vice President did nothing at the beginning of this Congress to end the Senate's paralysis on changing its own rules. In my judgment—and I affirmed it then in clear terms—he should rule affirmatively, as Vice President Nixon did in his advisory opinion, that a majority of the Senate may deal with its own rules in each Congress as the Constitution ordained.

Mr. President, we have heard a great deal to the effect that the civil rights bill was enacted notwithstanding rule XXII, but it took overwhelming sentiment and blocking the business of the Senate for weeks on end in order to effect that result. Perhaps that kind of public boiling point will not be reached in respect of section 14(b) or, for that matter, any other issue that the majority might feel, after full and free debate, should be resolved.

The Constitution provides that we shall act by majority except in specified instances. The Constitution has been amended by rule XXII, and we seem to be so tangled up in our own feet that we cannot deal with our own rules, notwithstanding the fact that the Constitution gives us power to make our own rules.

This is directly attributable to the failure on the part of the Vice President, a constitutionally elected officer of the United States, to cut the Gordian knot, just exactly as Vice President Nixon

showed could be done, and as President Johnson did not do when he was Vice President.

This is such a vivid example of what can happen in respect of rule XXII that I felt it desirable to lay it before the Senate.

#### AUTHORIZATION FOR COMMITTEE ON FOREIGN RELATIONS TO MEET DURING SENATE SESSION TOMORROW

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be permitted to meet during the session of the Senate tomorrow.

Mr. TOWER. Mr. President, reserving the right to object, has this matter been cleared with the minority leader?

Mr. MUSKIE. It has been cleared.

Mr. TOWER. Then I have no objection.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

#### PROPOSED REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8 (a) (3) of the National Labor Relations Act, as amended.

Mr. HICKENLOOPER. Mr. President, I am not quite certain as to the finalizing of the program for this afternoon. I understand that there has been considerable urging on the part of a number of Senators, who have other matters that they wish to attend to, that the Senate recess in accordance with the previous order at an earlier time than we might otherwise recess.

In view of the fact that tomorrow is the day on which the cloture motion comes up for a vote 1 hour after the Senate convenes, the remarks which I should like to make at some considerable length might even be curtailed somewhat. I have a rather lengthy discussion on the question of repeal of section 14(b) of the Taft-Hartley Act, which discussion sets out some of my reasons for opposing the repeal.

I join with those who oppose the repeal of section 14(b) and agree with the arguments which I think have been so amply proved, that to repeal section

14(b) would be to establish a universal compulsion on the laboring man of the United States in many categories to join unions and to pay union dues whether they desire to do so or not. That situation applies particularly to people with special skills and ability.

To me that has always come under the category of compulsory labor. It is offensive to all the principles of freedom of opportunity, right of choice, and the right of the individual—which I think is one of the most sacred rights—to obtain and work at a job of his choice if he can get it.

I believe the record clearly shows, based upon the record of the Department of Labor itself, that in the States that have right-to-work laws the percentage of increase of the workingmen's income has gone up more than it has in the States that do not have right-to-work laws. The percentage of prosperity in those States has increased more than it has increased in States which do not have right-to-work laws.

I feel that the opportunity and the basic right of States to pass their own laws along these lines is a right that is quite sacred and basic in the American system.

Mr. President, I have tried to set out at some considerable length, and with some definition, some of the reasons why I oppose the repeal of section 14(b), and the reasons that I thoroughly oppose cloture on this subject at this time.

#### INTRODUCTION

Mr. President, today we debate what is described in the news media as repeal of 14(b) of the Taft-Hartley Act.

This section of the act recognizes the right of a State to enact legislation which attempts to correct abuses resulting from compulsory unionism.

In so providing, the act had put into words what was unquestionably implicit in the Wagner Act of 1935, and had been a part of Federal policy for many years prior to 1935.

An honest and accurate description of H.R. 77 requires us to note that it does not simply repeal 14(b). For repeal alone would still leave it an open question as to whether State regulations barring compulsory unionism or attempting to mitigate its more baneful effects were automatically invalidated. It might even leave it an open question as to whether compulsory unionism was now the official policy of the Federal Government.

No, H.R. 77 represents the administration's acknowledgment of a political debt to the Meany-Reuther-Hoffa power bloc. It is the administration's way of saying "Come let us pass a bill for you, just you write it and we'll pass it." Therefore, it cuts across all Federal statutes and all State constitutional or statutory provisions which might "preclude" compulsory unionism.

Surprisingly enough, the Federal Constitution is not mentioned in H.R. 77. We had always supposed that the right to organize unions or any other group found its ultimate guarantee under the free speech and peaceable assembly clauses of the first amendment of the Constitution; freedom of association, I

believe it was called. Now, under H.R. 77, a new gloss will be added to the first amendment—applying to no other associations than labor unions, of course—to the effect that if you wish to work, you may be compelled to associate. So much for freedom of association under the Constitution as interpreted by Mr. Meany, Mr. Reuther, and Mr. Hoffa. It forms an ironic contrast with the Universal Declaration of Human Rights of the United Nations, drafted in 1948, whereunder section 1, article XX is stated:

1. Everyone has the right of freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

The issue in this debate is whether or not—in a multifaceted complex, democratic society—one group of men is to be allowed to work its will on all other men who seek employment.

The issue is whether or not freemen will be forced to join a union against their wishes. The issue is whether unions—who represent barely 1 worker out of every 5—shall wield a power so disproportionate to the size of their membership; a power disproportionate even to their legitimate social and economic functions. For a reasoned exposition of this point, I refer you to the classic monograph of Prof. Edward H. Chamberlin, "The Economic Analysis of Labor Union Power," written in 1957. Professor Chamberlin's credentials as a critic of monopoly—business or labor—are of the highest order.

#### HISTORICAL ROOTS OF "UNION SECURITY" DEVICES

Many assume union monopoly to be an inevitable byproduct of 20th century industrialism—something peculiar to our age.

First let it be noted that the urge to gain power and profit through monopoly is a very ancient one.

Long ago, before the dawn of industrialization spread over Western civilization, certain forms of modern employment security were already in existence, but under different names. The closed shop, for instance, is not a development of modern industry. Medieval British guilds prevented the working of nonmembers. When possible, so did the 18th century trade clubs. Some guild regulations of the 16th and 17th centuries decreed that no guild journeyman was to work with a nonmember. Such principles were an integral part of medieval society.

Several combinations and modifications of these basic forms of union membership contracts exist today. They are almost entirely a development of feudal times, continued by British trade unionism, then conveyed to America in the 17th and 18th centuries.

In New York, in 1804, the Cordwainers' society adopted bylaws forbidding members to work for employers hiring men who did not belong to their organization, or who worked for wages lower than the union scale. In 1809, the New York Typographical Society adopted similar bylaws. By about 1840, the closed-shop rule had been adopted as a goal by most

U.S. trade unions. Let us keep in mind the newness, the relative weakness, and the limited goals of unions during this period.

Thus the closed shop, which had its origins in the days of medieval feudalism, moved into the 20th century in this country. Nor were all traces of feudalism to be left behind. For instance, a brief submitted as part of a challenge to a State law against compulsory unionism by the American Federation of Labor to the Supreme Court of the United States in 1948 illustrates the feudal character of 20th century unionism.

Said the AFL to the Supreme Court of the United States:

The common rule of collective bargaining carries with it the legal doctrine that the union is the common authority or government of a society of workers. It has in a sense the powers and responsibilities of a government.

We can summarize the nature of union membership as a common condition of employment in an industrial society by again comparing it to citizenship in a political society. Both are compulsory upon individuals.

The liberty of the individual is not the right to license, but participation in a social organization founded upon equality, justice, and law. The union is that organization for employees. It is the product of the exercise of their right of assembly, and it is essential to the exercise of their right to secure equality of bargaining power with employers, that membership in the union be a common condition for all who are in fact members of the group governed by the union.<sup>1</sup>

Dr. Goetz A. Briefs, professor emeritus of labor economics of Georgetown University, commented upon this striking similarity between the modern philosophy of big American unions and what was the very essence of the medieval political system.

Said Dr. Briefs:

The author of this brief must have been utterly unaware of the fact that he was reviving an old feudal principle, the principle of "nulle terre sans seigneur" (no land without its overlord). That such a claim could be raised by an organization originally founded by workers in defense of their individual rights is fresh proof of the deep confusion caused by lack of principles. The very fact that such an advocacy of feudal principles could officially be presented by the A.F. of L. to the highest Court of the country, highlights once more the whole problem of responsibility."<sup>2</sup>

#### GROWTH OF UNION MONOPOLY IN WORLD WAR II

Union security was probably the most troublesome problem faced by the United States Government in dealing with labor disputes during World War II. As America moved into the 1940's, the National Defense Mediation Board collapsed when members of the CIO withdrew because of the Board's refusal to recommend a union shop in certain coal mines.

Its successor, the National War Labor Board, developed the maintenance-of-membership formula as a "compromise"

<sup>1</sup> Brief for Appellants, *American Federation of Labor, et al. v. American Sash & Door Company, et al.*, October term, 1948, No. 27, 335 U.S. 538.

<sup>2</sup> Dr. Goetz A. Briefs, "Unionism Reappraised From Classical Unionism to Union Establishment," p. 31.

expedient under the exigencies of war. It enforced this formula in thousands of disputes in an effort to prevent strikes that would cripple production of war materiel. The result was that by 1945, almost 30 percent of the workers under union agreement were covered by maintenance-of-membership clauses. Approximately 45 percent were employed in closed or union shops, and 3 percent under preferential hiring arrangements. The remaining 22 percent worked in establishments where the union was recognized as an exclusive bargaining agent but did not enjoy formal union security protection.

By 1952, an Emergency Board created by the President of the United States found that:

The union shop has been substantially adopted by American industry.<sup>3</sup>

This statement was made 17 years after Senator Robert Wagner urged adoption of his bill by stating:

I hold no brief for or against the closed shop. \* \* \* The terms of the bill do not compel or even encourage a man to join any union. Nothing could be more false than the charge that a gigantic closed shop would be forced upon industry.<sup>4</sup>

At this point it is necessary to give a brief history of Federal legislation with respect to compulsory unionism.

#### CONGRESS AND COMPULSORY UNIONISM

An examination of Federal labor legislation including both the Wagner Act of 1935 and the Taft-Hartley Act of 1947, shows a consistent refusal by Congress to establish a Federal policy of compulsory unionism.

Legislation in what can be called the labor field was at first on a piecemeal basis, largely at the State level, and mainly concerned with working conditions as related to the health and safety of the worker.

The first significant enactment by Congress in the field of labor relations was in 1898 under the Erdman Act which expanded the Federal Government's regulation of railroads. Section 10 of that act made it a misdemeanor for railroads to discriminate in hiring and firing against employees who joined or organized unions for collective bargaining. However, in the Adair case in 1908, the Supreme Court held this section invalid stating that labor relations and union membership were not involved in the carrying on of interstate commerce.

The opinion in this decision should probably be considered more as a statement on what the Court considered to be an invasion of private rights rather than a defense of State's rights, for in 1915 the Court held a Kansas statute outlawing so-called "yellow dog" contracts to be invalid. Thus both a Federal and State law similar in purpose were declared to be unconstitutional impairments of the freedom of contract. Several other State laws bearing on

<sup>3</sup> Report to the President by the Emergency Board, Emergency Board No. 98, Washington, D.C. Feb. 14, 1952, p. 69.

<sup>4</sup> Hearings before the Committee on Labor, U.S. House of Representatives, 74th Congress, 1st sess., H.R. 6288, pp. 15-16.

labor relations were declared invalid in the next 10 years for much the same reason.

In 1926 Congress enacted comprehensive legislation covering labor relations with respect to railroads. The Railway Labor Act included a provision which forbade employers from interfering with the right of employees to select freely their own bargaining representatives. It also established procedures for mediation and arbitration of disputes through labor boards. Unions representing a majority of workers were made the exclusive representatives for collective bargaining of all employees in the unit, whether union or nonunion. However, the act did not permit any form of compulsory or preferential union membership.

In 1930, the act was upheld by the Court which stated that labor relations and union membership—with respect to railroads at least—had a real and substantial connection with interstate commerce. In effect, the Adair case was overruled.

In 1932 Congress enacted the Norris-LaGuardia Act which curtailed the issuing of injunctions in labor disputes by Federal courts and withdrew from the Federal courts jurisdiction to enforce "yellow dog" contracts by employers forbidding membership in labor organizations. It should be noted that the preamble of that act states its policy to be that of allowing workers to be free to engage in or to refrain from union activity. In other words, Congress at that time seemed to recognize that the closed shop had as little social justification as did the "yellow dog" contract.

One year later in 1933, Congress included in the National Industrial Recovery Act—NRA—section 7(a) which guaranteed the freedom of employees "to organize and bargain collectively through representatives of their own choosing." That section is considered to be the precursor of the Wagner Act, but was also deemed to carry through the spirit of the Norris-LaGuardia Act. Labor union leaders argued that the majority union representatives should have the exclusive right to represent and bargain for all employees, whether or not they were union members.

General Hugh Johnson and Donald Richberg, appointed by President Roosevelt as NRA Administrator and Chief Counsel respectively, asserted that section 7(a) recognized the right to bargain collectively, but that such activities could be carried on by majority or minority groups, and that the law "in affirming this right of collective action lays no limitation upon individual action."

In February 1934, President Roosevelt issued an Executive order with respect to 7(a) reaffirming the Johnson-Richberg position that the right of collective bargaining by those representing the majority of workers in a unit did not restrict the right of minority groups or individual employees to deal with their employer.

In 1934, amendments were proposed to the Railway Labor Act of 1924, covering the question of compulsion or coercion. Rejecting the position that only com-

pulsion on the part of "company unions" should be banned, Congress outlawed compulsion whether by the so-called "Standard Unions" or "Company Unions." Thus if the right of collective bargaining was reaffirmed, so was freedom of choice for the individual worker.

Up to 1935, it is quite clear that Congress consistently enunciated and the executive consistently enforced a policy opposed to compulsory unionism in all labor legislation.

In 1935 the NRA was declared invalid by the Supreme Court—on grounds that have no bearing on the present discussion. That same year the Wagner Act was passed.

#### THE WAGNER ACT

Let us stand back, as it were, and consider what is perhaps the most important labor legislation in the 20th century, the National Labor Relations Act of 1935, known as the Wagner Act.

Although described as a means of promoting industrial peace, we should recognize that it was also intended to give an inflationary push to our depressed economy, under the theory that encouragement and creation of strong unions would in turn enable them to demand higher wages and shorter workweek, which, in turn, would provide more purchasing power and jobs.

The most important provision of the act, section 7, established the "right to self-organization \* \* \* to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or another mutual aid or protection." To facilitate such union organization, four major types of activities on the part of employers were declared to be unfair labor practices and therefore prohibited:

First. Interference with attempts of employees to organize into independent unions;

Second. The maintenance or support of "company unions";

Third. Any retaliation or discrimination against employees engaged in any type of union activity;

Fourth. Refusal to bargain in good faith with the union representing the employees.

As we know, the National Labor Relations Board was established to hear complaints with respect to specified unfair labor practices on the part of employers, and also to provide facilities which would enable employees to organize into unions. Once a union was certified by the NLRB it became the exclusive bargaining representative of all employees in a particular bargaining unit whether or not they belonged to the union.

#### WAGNER ACT AND COMPULSORY UNIONISM

The one significant change from section 7(a) of NRA was the granting to majority representatives of exclusive rights to represent and bargain for all the workers in the unit, whether members of the union or not. However, individual employees or groups were guaranteed the right at any time to present grievances to employers. Equally as important—perhaps more so—in determining Federal policy in the matter of compulsory unionism was section 8(3) of the

act which forbade: "Discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization."

We should keep in mind that in 1935 many States already had comprehensive labor relations laws. The Wagner Act was the first such Federal legislation which moved beyond transportation to cover labor relations in mining and manufacturing industries in interstate commerce. The problem of preemption now had to be grappled with by Congress. Because of existing laws in some States, a provision was added which allowed States to maintain laws incompatible with the policy of employer neutrality set forth in section 8(3) cited above, by permitting agreements making membership in a union a condition of employment.

That this proviso was an accommodation to State laws which ran contrary to the general policy of the Wagner Act—against any Federal imposition of compulsory unionism—is made clear in both Senate and House reports accompanying the act.

Said the Senate report:

The proviso attached to the third unfair labor practice deals with the question of the closed shop. Propaganda has been widespread that this proviso attaches special legal sanctions to the closed shop or seeks to impose it upon all industry. This propaganda is absolutely false \* \* \* the bill does nothing to facilitate closed shop agreements or to make them legal in any State where they may be illegal; it does not interfere with the status quo on this debatable subject but leaves the way open to such agreements as might now be legally consummated.

Said the House report:

The bill does nothing to legalize the closed shop agreement in the States where it may be illegal; but the committee is confident that it would not be the desire of Congress to enact a general ban upon closed shop agreements in the States where they are legal.

Once again, let us recall Senator Wagner's statement during Senate debate on the act:

I hold no brief for or against the closed shop. \* \* \* the terms of the bill do not compel or even encourage a man to join any union. Nothing could be more false than the charge that a gigantic closed shop would be forced upon industry.

A reaffirmation of opposition to compulsory unionism was made by President Franklin D. Roosevelt in 1941:

I tell you frankly that the Government of the United States will not order, nor will Congress pass legislation ordering, a so-called closed shop.

It is true that by agreement between employees and employers in many plants of various industries the closed shop is now in operation. This is a result of the legal collective bargaining, and not of Government compulsion on employers or employees. It is also true that 95 percent or more of the employees in these particular mines belong to the United Mine Workers Union.

The Government will never compel this 5 percent to join the union by a Government decree. That would be too much like the Hitler methods toward labor.

The point I am making, gentlemen, is that Federal policy as set forth in labor

legislation so far reviewed was against compulsory unionism.

Thus, when the various States from 1944 onward began to enact laws forbidding compulsory unionism, they were acting in accord with Federal law and policy as set forth in the Railway Labor Act, the Norris-LaGuardia Act, the NRA, the Wagner Act, and as enunciated by President Franklin D. Roosevelt.

#### STATE RESISTANCE TO COMPULSORY UNIONISM

The challenge of the States to compulsory unionism began several years prior to the Taft-Hartley Act. As we have seen there was sound precedent for such a challenge.

In any free society, wherever located, a movement which runs to an extreme almost invariably generates a counter-vailing force. Thus, the right-to-work movement began when abuses of power under compulsory unionism became more and more prevalent because the War Labor Board caved in to union leader pressures during World War II.

There is great opportunity at the State and local level of this Republic to experiment, or to correct abuses, by means of legislation. The first State challenge to compulsory unionism arose in November 1944, when Florida and Arkansas so amended their constitutions to provide that membership or nonmembership in a labor union could not be made a condition of employment. Two years later, in 1946, Nebraska, Arizona, and South Dakota—by popular referendum—adopted right-to-work amendments to their constitutions. Five more States—Georgia, Iowa, North Carolina, Tennessee, and Virginia enacted right-to-work laws in the early part of 1947, prior to enactment of the Taft-Hartley. Later that same year Texas also passed a right-to-work law.

Thus, in less than 4 years, 11 States legally stated their opposition to compulsory unionism, indicating the broad scope of grassroots support for right-to-work legislation. Today a total of 19 States have such laws.

#### TAFT-HARTLEY AND COMPULSORY UNIONISM

What about Taft-Hartley? Is it true, as advocates of compulsory unionism often claim, that the "Federal standards" established thereunder, included the union shop, and that for the sake of uniformity 14(b) should be repealed? Of course not.

This is a claim resting on a completely inverted process of reasoning which ignores the actual history and language of the Taft-Hartley Act.

The most succinct statement as to why a union shop proviso is contained in Taft-Hartley, and why it is the exception to, rather than a part of, the Federal standards under Taft-Hartley, is set forth by labor-law expert Gerard Reilly:

When Congress revised the Wagner Act in 1947 by adopting the Taft-Hartley amendments, the fact that the basic policy of the original Wagner Act had been impaired by the complacency of many States toward closed shop agreements was already notorious. Hence, Congress in the proviso to section 8(a)(3) (then section 8(3)) narrowed the authority previously delegated to the States by denying validity to any agreement, irrespective of State law, if it required mem-

bership in the union any earlier than 30 days after an employee was hired, or if the union attempted to bring about his rejection or discharge from employment on some other ground than failure to pay dues and initiation fees. This is the proviso which tolerates what is popularly (but probably erroneously) referred to as the union shop clause if State law sanctions such arrangements.

It should be emphasized, however, that the so-called "union shop" is not the Federal standard but simply a grant of power to the States to allow contracts inconsistent with the general Federal policy, which is to make it unlawful for an employer to encourage or discourage membership in any labor union.

The incongruity of the Taft-Hartley Act, therefore, does not consist of section 14(b), which was implicitly, as the Supreme Court later held, in the Wagner Act, but in the appendage of a proviso to section 8(a)(3) which allows the States to give effect to statutes or judicial doctrines inconsistent with the Federal act's general objective of prohibiting employer interference with the freedom of his employees.

#### TAFT-HARTLEY LAW

Mr. President, before considering more fully the Labor Management Relations Act of 1947, popularly known as the Taft-Hartley Act, I would like to speak a moment about our late and beloved colleague from Ohio, Senator Robert Taft, son of William Howard Taft, 27th President of the United States.

To gain an objective recollection of the man who attempted to achieve equitable balance in all things, I would like to turn to a few paragraphs describing the Senator which appeared under the name in the Encyclopaedia Britannica.

These few paragraphs bring to mind the vision of a man so dedicated to human liberty in all its manifest forms that he willingly set out in what was then the Nation's most explosive field of political endeavor. He did so to protect the rights of Americans by whatever name, be it union member or nonunion member, be it butcher or baker or laborer, or management. It is the spirit and the wisdom of this man we debate here today.

I quote these paragraphs:

Shortly after his election to the U.S. Senate in 1938, Taft became a national political figure. He was reelected to the Senate in 1944 and reelected again in 1950 by a majority of 431,000 votes, one of the largest ever given a candidate for U.S. Senator from Ohio. With each U.S. Senator being responsible only to one of 48 constituencies, leadership in the Senate is often more titular than real. Taft, however, excelled in the essential political art of compromise. His exceptional intellect and almost legendary capacity for work gave him a mastery of legislative facts far beyond the narrow range of committee specialization. His honesty, integrity, and patriotism were never responsibly questioned. His Republican colleagues in the Senate selected him in 1947 as chairman of the Senate Republican Policy Committee, a position he held until his election as Senate majority leader in January, 1953. It is difficult for anyone outside the Congress to evaluate precisely the worth of one of its Members. Much of the actual work is done in closed committee meetings and in informal conferences. The Congress itself is the only point at which all the myriad facts and pressures coalesce. Perhaps the most meaningful tribute to Senator Taft's stature is that he was regarded by his colleagues, Democrats as well as Re-

publicans, with unprecedented respect and esteem.

Taft lacked many of the traits commonly associated with good politician in the United States. He was thought by many to be cold and austere. His genial personality and gentle humor were reserved for friends and for direct personal contacts. He had no trace of demagoguery. His appeal was to logic, rarely to emotion. He championed unpopular causes. He disdained the use of wit, eloquent speech and brilliant metaphor. He spoke bluntly, armed only with facts and simple statements of his principles. His willingness to make an unequivocal statement on any controversial issue frequently embarrassed his political managers. Typical was his forthright condemnation of the Nuremberg trials as vengeance by the victors decked out in the trappings of justice. Whether or not enemy leaders were tried under *ex post facto* laws was not an issue that would ever come before the Senate. His bold expression of his convictions contrary to prevailing public opinion flouted all conventional norms of good politics.

Taft was generally regarded as a conservative in American politics. In recognition of his leadership of the more conservative political party, he was nicknamed "Mr. Republican" by the American press. But even in the field of social-welfare legislation, he was not inflexibly wedded either to the status quo or to his former position. He was an original sponsor of legislation providing for public housing for low-income groups. He sponsored legislation authorizing Federal aid to State governments for the improvement of medical care and education and of the living standards of the aged.

On the other hand, Taft was an uncompromising opponent of legislative measures which, in his judgment, undermined personal incentives for economic betterment or demanded excessive government intervention in the lives of its citizens.

He consistently opposed compulsory health insurance on the ground that government control of the medical profession made the promised benefits illusory. He opposed peacetime price and wage controls. His political philosophy was perhaps the best stated in 1948 when he described the "one great issue in the world today" in these words:

"It is that of government operated by a free people on the basis of freedom and justice for every individual, on the one hand, against the totalitarian state on the other—the kind of state which concentrates in a central government power to direct the lives of all its people, its agriculture, its commerce and its industry." Taft often defined the basic domestic issue in American life as one of "liberty versus socialism."

It was in the field of labor law that Taft won his greatest legislative fame. In the nationwide transportation strike of 1946, President Harry S. Truman made a personal appeal to the Congress for legislation authorizing him to draft striking workers into the Army "on such terms as he might impose." The House of Representatives passed the bill immediately, and the Senate seemed likely to follow suit. Notwithstanding the intense pressure for drastic action, Taft blocked it in the Senate by utilizing its rule of unlimited debate.

When the Republican Party won control of Congress in the elections of 1946, Taft had the choice of becoming chairman or either the Senate Finance Committee or the Senate Labor Committee. Typically, he chose the more politically explosive assignment. As chairman of the Labor Committee he guided to passage over a Presidential veto the Labor-Management Relations Act of 1947, popularly known as the Taft-Hartley law. He defended it as imposing on labor unions obligations comparable to those imposed on management. Labor union leaders, almost without exception, denounced it as a slave labor

law. They mobilized their forces to defeat him in 1950. No senatorial campaign in U.S. history attracted so much nationwide interest. Taft's overwhelming victory was interpreted by his followers as proof that no economic group in America is cohesive enough to decide the outcome of any election through bloc voting on isolated issues.

Senator Taft, above all things, sought an equitable balance, not simply between labor unions and employers, but for rights of employees and the public interest as well. The Taft-Hartley Act, like the Wagner Act, represented a combination of many ideas from many groups. It attempted to redress a balance. Section 14(b) of the Taft-Hartley Act is one of a number of provisions in the bill which seeks this balance. At the time of enactment it reflected the views of the House of Representatives, a House of Representatives particularly concerned with the abuses arising from the compulsory unionism.

Section 14(b), after all, does not outlaw compulsory unionism. The language of section 14(b) says merely that States can act on the matter of compulsory unionism as they see fit. The several States, in other words, should not be prohibited from enacting legislation which attempts to correct the abuses arising from compulsory unionism.

Senator Taft did not accept section 14(b) as a method of future redress of grievances. He accepted it as a protection for the 11 States which had already attempted to redress this balance.

It should be noted that section 14(b) does not allow States to authorize stronger forms of union security arrangements—such as the closed shop—than are permitted under section 8(a)(3) of the Federal law. Rather it simply recognizes the right of States to prohibit forms of union security arrangements permitted under section 8(a)(3). Also, in addition to the right-to-work law States, some States have statutes permitting the union shop, but under more rigid conditions than the provisions of section 8(a)(3) set out, such as a requirement of approval of union shop agreements by a specified percentage of employees, in excess of a majority.

The provision first appeared as section 13 of the House-passed bill, H.R. 3020, 80th Congress, which provided:

Nothing in this Act shall be construed to invalidate any State law or constitutional provision which restricts the right of an employer to make agreements with labor organizations requiring as a condition of employment membership in such labor organization, and all such agreements, insofar as they purport to impose such requirements contrary to the provisions of the law or constitution of any State, are hereby divested of their character as a subject of regulation by Congress under its power to regulate commerce among the several States and with foreign nations, to the extent that such agreements shall, in addition to being subject to any applicable preventive provisions of this Act, be subject to the operation and effect of such State laws and constitutional provisions as well.

The House committee report indicated the purpose of this provision to be the prevention of a holding that the Federal law preempted State law on union security.

The Senate bill contained no such provision but the report of the majority indicated their understanding that State law would not be preempted by the Federal union-security provision. A conference committee to resolve the differences between the House-passed and the Senate-passed bills adopted the language of the present section 14(b), explaining in its report:

Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act, as is disclosed by the legislative history of that act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called closed shop proviso in section 8(3) of the existing act nor the union-shop and maintenance-of-membership proviso in section 8(a)(3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy. To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14(b), contains a provision having the same effect.

#### What was the Taft-Hartley Act?

Although many union leaders denounced it as a slave labor act, it was rather an attempt to curb the effects of greatly increased union power in an industrial economy. The power of unions to establish closed and union shops had swung the pendulum to an extreme from the evil conditions which existed 50 years earlier.

The Taft-Hartley Act is the Wagner Act rewritten and is an improvement on that act in the light of 12 years of experience. When the Wagner Act was adopted in 1935, it was deliberately one-sided. Its immediate goal was to encourage free collective bargaining through independent labor organizations. The rights and remedies of labor organizations alone were the warp and woof of the Wagner Act. It provided nowhere for protection of the general public, management, or the employee, against abuses by unions and abuses of the collective bargaining process.

Any shortcomings of the act or abuses under the administration of it by either the labor unions themselves or by the Board were difficult to foresee in 1935. However, during the 12-year period of its operation, until the Taft-Hartley Act became law in 1947, many of these shortcomings and abuses were brought clearly into focus.

The emergence of the so-called wild-cat strike, for example, revealed the utter inadequacy of the Wagner Act. In many cases, such labor contract violations got completely out of hand, beyond even a union's control, pointing up in those instances its complete irresponsibility in dealing with an employer. Until the Taft-Hartley Act became law, neither the long-suffering public nor the employee nor the employer had effective protection against such abuses.

The Taft-Hartley Act was designed to safeguard the paramount interests of the general public and to meet legitimate criticisms by management, by individual workers, and by the unions themselves, in light of a 12-year experience covering

a one-sided administration of a one-sided law. The act became law over President Truman's veto by strong bipartisan action in Congress.

We must remember that section 14(b) did not come into existence out of mere spite for the unions. Flagrant abuses under compulsory unionism were common in the years preceding the enactment of the Taft-Hartley Act. We all remember the long years of World War II, when workers moving to war production plants were "shaken down" by union racketeers operating closed shop concessions.

Our memories are not so short that we do not remember men who were master plumbers, experts in their field for over 30 years, who had to pay so-called initiation fees of \$500 to \$1,000 to work in war plants which desperately needed their services. Case after case of outlandish shakedowns were reported during World War II, where union bosses empowered with a closed shop contract made themselves rich at the expense of skilled workers whose services were needed for the war effort.

Senator Taft accepted section 14(b) as one method of allowing the States to enact legislation attempting to correct these abuses. Perhaps today certain sections of the Taft-Hartley law may indeed be improved upon in light of our experience with the act over the past 18 years. I have several amendments which I would like to offer to the Taft-Hartley Act; amendments which could well improve the functioning of this legislation. But since there appears to be little willingness on the part of the Congress as a whole to enter into a full-scale revision of the Taft-Hartley Act, I see no reason for removing a weight from only one side of the scale.

We must seek to maintain a balance and we cannot do it by reflecting only the views of one segment of our enormous civilization. Balance, after all, was what Senator Taft sought, not only in this legislation but throughout his entire life.

Moreover, the Republican platform for 1952 recognized that there were some legitimate criticisms of the act by both labor and management. The platform favored adoption of "such amendments to the Taft-Hartley Act as time and experience show to be desirable, and which further protect the rights of labor, management, and the public." In fulfillment of that pledge President Eisenhower proposed, and Congress carefully considered, over a score of improvements in the Taft-Hartley Act, which experience had shown were fair and necessary.

Democrats in the Senate killed the legislation, however, by voting solidly to send the bill back to committee, even before it had been adequately debated or its merits discussed. By that action, Senate Democrats clearly labeled their action as political, in order to discredit the law, to embarrass Republicans on their 1952 pledge to improve the law, and to save the issue for another Democratic Party bid for the favor of labor leaders in future campaigns.

It is significant that the leadership of the labor unions, virtually all of whom

hitherto were opposed to the Taft-Hartley Act, and consistently characterized it as a "slave-labor act," were equally vigorous in denouncing the National Labor Relations Board under the Republican administration for limiting its jurisdiction, thereby reducing the number of employees who are subject to the act's provisions.

In other words, they deplored limiting the application of a law, the whole of which they for so long wanted entirely stricken from the statute books.

When George Meany, in referring to the Labor-Management Relations Act (Taft-Hartley), told the newly assembled convention of AFL-CIO in December 1955, as its first president, that "we have got to amend that act," he was departing from a consistently and firmly pursued public demand by AFL and CIO union heads that they would be satisfied with nothing less than outright repeal of the Taft-Hartley Act.

#### RIGHTS AS ENUMERATED IN TAFT-HARTLEY

Several rights were defined by the Taft-Hartley Act in behalf of the public, the individual employee, the union, and the employer.

#### THE RIGHTS OF THE PUBLIC

There were six major public rights under the Taft-Hartley Act:

First. The public was given safeguards against violence from mass picketing and other coercive strike activities;

Second. The public was protected by the requirement of good faith collective bargaining by both management and unions;

Third. The public was protected by curbs on Communist activities within a union;

Fourth. The public was protected in the event of a strike threat which could cause national emergencies by the requirement of an 80-day cooling-off period prior to a strike or lockout;

Fifth. The public was protected by curbs on secondary boycotts and jurisdictional strikes;

Sixth. The public was protected by a ban on strikes by Government employees.

#### THE RIGHTS OF THE EMPLOYEE

There were 21 major rights guaranteed the worker by the Taft-Hartley Act:

First. The worker had the right to free collective bargaining.

Second. The worker had the right to strike.

Third. The worker had the right to work without union interference.

Fourth. The worker had protection against violence and coercion.

Fifth. The worker had the opportunity to present his own grievances.

Sixth. The worker had protection against discrimination in conditions or terms of employment because of union membership or nonmembership.

Seventh. The worker had protection against discrimination because of filing charges against employer.

Eighth. The worker had the choice of bargaining in a craft unit.

Ninth. The worker was given relief from excessive initiation fees.

Tenth. The worker had freedom of speech.

Eleventh. The worker had the right to oust an unsatisfactory union.

Twelfth. Workers in independent unions were given equality of treatment.

Thirteenth. The worker had the right to look at the union's books.

Fourteenth. The worker had protection from Communist control of unions.

Fifteenth. The worker had the right to a secret ballot.

Sixteenth. The worker was protected against personal liability.

Seventeenth. The worker was freed from compulsory checkoffs.

Eighteenth. The worker's interests were protected by a ban on bribery of union representatives by an employer.

Nineteenth. The worker's interests were protected against extortion of an employer by racketeering union representatives.

Twentieth. The worker had security against abuse of health and welfare funds.

Twenty-first. The worker was freed from forced political contributions.

Let us once more recall that the Taft-Hartley Act from 1947 down to the present has been vilified, condemned, and abusively described as the "slave labor" law. Nothing can be further from the truth, in view of the foregoing listing of rights of the worker.

Moreover, such a charge is thoroughly refuted by the provision in section 502 of the act, as follows:

Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act.

#### THE RIGHTS OF UNIONS AND UNION OFFICIALS

Furthermore, there were nine major rights of union leaders provided for under the Taft-Hartley Act:

First. The union had the right to exclusive representation in behalf of employees for collective bargaining purposes.

Second. The union had freedom from employer dominance or interference.

Third. The union had the right to maintenance of the union shop.

Fourth. The union was guaranteed good faith collective bargaining by the employer.

Fifth. Craft and professional unions could act as separate bargaining units.

Sixth. The union had freedom of speech.

Seventh. The union had protection against rival unions during the life of a union contract.

Eighth. Independent unions were assured equality of treatment.

Ninth. The union was enabled to escape from Communist influence.

#### THE RIGHTS OF EMPLOYERS

Last, there were eight major rights of employers under the Taft-Hartley Act:

First. The employer was protected against coercion in selection of employer bargaining representatives.

Second. The employer was guaranteed good faith collective bargaining by labor unions.

Third. The employer was protected from misuse of union machinery by racketeers.

Fourth. The employer had freedom of speech concerning labor-management problems with both employees and labor unions.

Fifth. The employer had the right to seek an election under NLRB auspices to determine whether a union (or one of several unions) should represent employees in collective bargaining.

Sixth. The employer was protected by curbs on Communist domination of unions.

Seventh. The employer was given protection against violation of a collective bargaining contract or other unlawful union activities by way of money damages.

Eighth. The neutral employer was protected by curbs on secondary boycotts and jurisdictional strikes.

#### CONCURRENT FEDERAL AND STATE LEGISLATION— THE PROBLEM OF PREEMPTION CONSTITUTIONAL PROVISIONS

When Congress enacts labor legislation under the commerce clause in an area in which the States have legislated, or in which a State enacts legislation at a later date, the issue may be raised as to whether the State law is incompatible with the act of Congress.

It is then that the so-called supremacy clause in article VI of the Constitution of the United States becomes applicable:

This Constitution, and the laws of the United States which shall be made in pursuance thereof \* \* \* shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to contrary notwithstanding.

Two famous statements in two early landmark decisions by Chief Justice John Marshall linked together the powers of Congress under the commerce clause and the supremacy clause in the Constitution.

In 1819 Marshall said that the supremacy clause made clear that—

The States have no powers, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the General Government. (*McCulloch v. Maryland*, 1819.)

In 1824 Marshall, in describing the commerce power, said:

This power, like all others vested in Congress is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution. \* \* \* If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. (*Gibbons v. Ogden*, 1824.)

#### PREEMPTION IN GENERAL

According to the most authoritative commentary on the Constitution:

The Court's decisions resolving such alleged conflicts fall into three groups: First, those which follow Webster's theory, advanced in *Gibbons v. Ogden*, that when Congress acts upon a particular phase of interstate commerce, it designs to appropriate the entire field with the result that no room

is left for supplementary State action; second, those in which, in the absence of conflict between specific provisions of the State and congressional measures involved, the opposite result is reached; third, those in which the State legislation involved is found to conflict with certain acts of Congress, and in which the principle of national supremacy is invoked by the Court. (The Constitution of the United States of America, Revised and Annotated, 1963, pp. 282-283, U.S. Government Printing Office, 1964.)

#### FEDERAL VERSUS STATE LABOR LAWS: PREEMPTION

On this question this same text says:

One group of cases, which has caused the Court some difficulty, and its attitude in which has perhaps shifted in some measure, deals with the question of the effect of the Wagner, and latterly, of the Taft-Hartley Act on State power to govern labor union activities. In 1942 it was held that an order of the Wisconsin Employment Relations Board, which commanded a union, its agents, and members, to desist from mass picketing of a factory, threatening personal injury or property damage to employees desiring to work, obstructing the streets about the factory, and picketing the homes of employees, was not in conflict with the National Labor Relations Act, to which the employer admittedly was subject but which had not been invoked.

In a case decided in 1945, it was held that a Florida statute which required business agents of a union operating in the State to file annual reports and pay an annual fee of \$1 conflicted with the Wagner Act, standing as the Court put it, "as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." In two cases decided in 1949, however, State legislation regulative of labor relations was sustained.

In one a cease-and-desist order of the Wisconsin Employment Relations Board implementing the State Employment Peace Act, which made it an unfair labor practice for an employee to interfere with production except by leaving the premises in an orderly manner for the purpose of going on strike, was found not to conflict with either the Wagner or the Taft-Hartley Act, both of which, the Court asserted, designedly left open an area for State control. In the other, the Wisconsin Board, acting under the same statute, was held to be within its powers in labeling as an unfair labor practice the discharge by an employer of an employee under a maintenance of membership clause which had been inserted in the contract of employment in 1943 under pressure from the National War Labor Board, but which was contrary to provisions of the Wisconsin act. On the other hand, in 1950, the Court invalidated a Michigan mediation statute, and in 1951, a Wisconsin Public Utility Anti-Strike Act, on the ground that these matters were governed by the policies embodied in the Wagner and Taft-Hartley Acts (pp. 290-291).

In its commentary under the due process clause section of the Constitution dealing specifically with State regulation of labor unions, the text says:

The policy of many State legislatures in recent years, however, has been to adopt legislation designed to control the abuse of the enormous economic power which previously enacted protective measures enabled labor unions to amass; and it is the constitutionality of such restrictive measures that has lately concerned the Court. Thus, in *Railway Mail Association versus Corsi*, section 43 of New York's civil rights law which forbids a labor organization to deny any person membership by reason of race, color, or creed, or to deny any member, on similar grounds, equal treatment in designa-

tion for employment, promotion, or dismissal by an employer was sustained, when applied to an organization of railway mail clerks, as not interfering unlawfully with the latter's right to choose its members nor abridging its property rights, or liberty of contract. Inasmuch as it held itself out to represent the general business needs of employees and functioned under the protection of the State, the union was deemed to have forfeited the right to claim exemption from legislation protecting workers against discriminatory exclusion. Similarly approved as constitutional in *Lincoln Union versus Northwestern Co.*, and *A.F. of L. versus American Sash Co.*, were State laws outlawing the closed shop; and when labor unions invoked in their own defense the freedom of contract doctrine that hitherto had been employed to nullify legislation intended for their protection, Justice Black, speaking for the Court, rejected this union argument (pp. 1104-1105).

The State laws challenged in the first case were those of Nebraska and North Carolina, and Arizona in the second case, respectively. I am quoting more of Justice Black's opinion than is contained in the text cited, since it still deserves widespread consideration:

This Court \* \* \* has consciously returned closer and closer to the earlier constitutional principle that States have power to legislate against what are found to be injurious practices in their internal commercial and business affairs, so long as their laws do not run afoul of some specific Federal constitutional prohibition, or of some valid Federal law. \* \* \* Under this constitutional doctrine the due process clause is no longer to be so broadly construed that the Congress and State legislatures are put in a straitjacket when they attempt to suppress business and industrial conditions which they regard as offensive to the public welfare.

Appellants now ask us to return, at least in part, to the due process philosophy that has been deliberately discarded. Claiming that the Federal Constitution itself affords protection for union members against discrimination, they nevertheless assert that the same Constitution forbids a State from providing the same protection for nonunion members. Just as we have held that the due process clause erects no obstacle to block legislative protection of union members, we now hold that legislative protection can be afforded nonunion workers. (Supra, 536-7.)

The text also includes a summary of Justice Frankfurter's comments in these cases:

In a lengthy opinion, in which he registered his concurrence with both decisions, Justice Frankfurter set forth extensive statistical data calculated to prove that labor unions not only were possessed of considerable economic power but by virtue of such power were no longer dependent on the closed shop for survival. He would therefore leave to the legislatures the determination "whether it is preferable in the public interest that trade unions should be subjected to State intervention or left to the free play of social forces, whether experience has disclosed "union unfair labor practices," and, if so, whether legislative correction is more appropriate than self-discipline and pressure of public opinion. (P. 1105.)

I might add that in the Arizona case the Court said:

The existence of evils against which the law should afford protection and the relative need of different groups for that protection is a matter for the legislative judgment. (*American Federation of Labor v. American Sash and Door Co.*, 335 U.S. 538, 542 (1949)).

The annotated text of the Constitution contains further commentary of interest on this subject:

Also in harmony with the last mentioned pair of cases is *Auto. Workers v. Wis. Board* in which was upheld enforcement of the Wisconsin Employment Peace Act which proscribed as an unfair labor practice efforts of a union, after collective bargaining negotiations had become deadlocked, to coerce an employer through a "slowdown" in production achieved by the irregular, but frequent, calling of union meetings during working hours without advance notice to the employer or notice as to whether or when the employees would return, and without informing him of the specific terms sought by such tactics. "No one," declared the Court, can question "the State's power to police coercion by \* \* \* methods" which involve "considerable injury to property and intimidation of other employees by threats." Pp. 1105-1106.

One other Court decision in 1963 deserves citing, for its definitively settled that the State courts, rather than the National Labor Relations Board, are the tribunals with jurisdiction to enforce State right-to-work laws. Speaking for the Court, Mr. Justice Douglas wrote:

In light of the wording of section 14(b) and this legislative history, we conclude that Congress in 1947 did not deprive the States of any and all power to enforce their laws restricting the execution and enforcement of union-security agreements. Since it is plain that Congress left the States free to legislate in that field, we can only assume that it intended to leave unaffected the power to enforce those laws. (*Retail Clerks International Association v. Schermerhorn*, 375 U.S. 96, 102 (1963).)

These decisions make it obvious that the Supreme Court had no difficulty in determining congressional policy with respect to compulsory unionism. The so-called conflict in Federal standards under Taft-Hartley is the manufacture of proponents of compulsory unionism. The latter have been given enormous aid and comfort by National Labor Relations Board administrators who have manipulated Federal law to favor union monopoly, contrary to the expressed intention of Congress. As an illustration of what I mean, I quote a September 13, 1965, editorial from the *Wall Street Journal*:

Plainly there is something wrong when a citizen who happens to be a member of a labor union can be penalized for asking an election at the plant where he works to find out whether a majority of his fellow employees want the union to continue to represent them. It's even worse when his penalty is upheld by a Federal agency which is supposed to protect him against abuses of union power.

If an employee is forbidden to use the legal avenue making possible the ouster of a union a majority of workers no longer wants, then he may be doomed to belong to the union as long as it exists. That would seem to be the case where the union shop, requiring union membership as a condition of employment, prevails. Of course, he can try to find other work. Either way, it is not much of a choice, as a member of an AFL-CIO Steelworkers local employed at a steel plant in California has discovered.

This employee filed a petition, as he legally was entitled to do, with the National Labor Relations Board asking an election to determine whether a majority of workers at the

plant wished to continue their union membership. Affronted by this challenge to its position, the union suspended the petitioner's membership and, for good measure, fined him \$500 the fine later being withdrawn.

In turn the employee appealed to the NLRB charging that his union was interfering with his right to file a decertification petition. The NLRB dismissed his complaint, on the ground that since such petitions are of serious "union concern," the unions must be able to protect themselves by penalizing employees who file them.

To be sure, any move to decertify a union as the workers' bargaining agency is of "union concern"—especially when to date about two-thirds of all decertification elections have been lost by the challenged unions. But in its eagerness to protect unions against collapse the NLRB shows an almost incredible lack of concern for the welfare of the individual member and for his right to determine whether or not the union in fact represents a majority voice.

By coincidence, Congress now seems close to repealing section 14(b) of the Taft-Hartley Act, a move that would invalidate State right-to-work laws that protect employees against compulsory unionism. The NLRB's sanction of union coercion should, at the very least, persuade the lawmakers to take another look at what they are asked to endorse.

#### ECONOMIC EFFECTS OF 14(B)

From time to time certain charges have been made by union leaders that right-to-work laws impede the economic progress of the States where they are in effect. Nothing could be further from the truth.

The truth of the matter is that economic activity in right-to-work States is increasing at a higher, faster rate than economic activity in non-right-to-work States.

Taken from one standpoint it could probably be shown that States without right-to-work laws are bigger, have a greater population, support more people, and in the aggregate represent more economic wealth and productivity. This is usually the point in arguments made by advocates for repeal of right-to-work laws. This is the proof they use: simply that States without right-to-work laws manufacture more goods and represent more industry in absolute terms than do right-to-work States.

But is this really the point? To my way of thinking the economic merits of right-to-work laws should be judged on the basis of growth, not on the basis of having arrived at some plateau, no matter how high and no matter how large in the aggregate.

By this I mean that the only true way to measure the economic impact of a right-to-work law is to judge the rate of growth, in several economic categories, in States where these laws exist and compare it to the rate of growth of these same categories in States where compulsory unionism is allowed.

Here we will have a comparison between the young, healthy, growing States where right-to-work laws protect the workers from compulsory unionism, and the growth rates of older, industrially established States where the worker may be forced to join a union. This, I am convinced, is the only fair comparison in judging the economic merits—and the economic demerits—of

laws which protect the workers from compulsory unionism.

One is surprised when one reads the results of these comparisons; surprised not by the fact that right-to-work States are growing faster than non-right-to-work States but rather that right-to-work States are growing so much faster than States which have no protection against compulsory unionism.

One could say that this is merely because right-to-work States are in fact younger, more vital, and are energetically working to attract new industry and new jobs, looking beyond the horizon to a tomorrow when our greatly increased population will demand greatly increased levels of employment. If one admits this to be the case, then quite a bit has already been proven concerning the economic merits and benefits accruing from a protection against compulsory unionism.

Personal income of people in right-to-work States is increasing more rapidly than in States without right-to-work laws. Personal income for the period 1959 to 1964 increased 32.5 percent in right-to-work States, and only 25.5 percent in non-right-to-work States. Here, the rate of increase in personal income was actually lower in States without right-to-work laws than the national average of 27.2 percent.

The 19 States where right-to-work laws guarantee freedom of choice for wage earners also have less unemployment than do States without right-to-work laws. The unemployment rate for 1964 in right-to-work States was 4 percent. The unemployment rate for this period in States without right-to-work laws was 5 percent. Again, the unemployment rate in States without right-to-work laws was higher than the national average which, for 1964, was 4.7 percent.

Average weekly earnings of production workers increased 46.8 percent in right-to-work States during the period 1955-56. But the average weekly earnings of production workers in States without right-to-work laws increased only 42.8 percent, less than the average increase for the Nation as a whole, which was 44.3 percent.

Hourly earnings by manufacturing workers in right-to-work States increased more than hourly earnings of manufacturing workers in States without right-to-work laws during the period 1953-64. Hourly earnings by manufacturing workers increased 46.7 percent during this period in right-to-work States and only 41.5 percent in non-right-to-work States. Again, the increase in States without right-to-work laws was actually lower than the national average which, during this period, was 43.1 percent.

Certainly it is obvious by this time that growth rates of States with right-to-work laws far surpass the growth rates of States without right-to-work laws. As surely as the sun comes up in the morning freedom of choice for a worker to join—or not to join—a labor union has meant increased economic activity, increased growth, faster job creation, greater wage improvement, higher personal income increases, and less unem-

ployment. Conversely, in States where the worker is offered no choice—where the worker may indeed be subjected to compulsory union membership—unemployment is higher than the national average, wage rates are increasing at a rate below the national average, personal income is rising slower than the national average, and economic activity is increasing at a rate below that of the rest of the Nation.

I could continue with more simple, unvarnished, statistics which demonstrate the indisputable fact that economic activity is increasing faster in States with right-to-work laws than in States without right-to-work laws.

As a matter of fact, I think I will.

In the period from 1953 to 1962, right-to-work States show a greater gain in producing new wealth than the other States. Capital expenditures increased 37.1 percent in right-to-work States during this period. Capital expenditures increased only 27.2 percent in States without right-to-work laws. Again, capital expenditures increased 29.8 percent in the Nation as a whole, a greater increase than that registered in States without right-to-work laws.

Per capita personal income, in the period 1953-63, increased at a far greater rate in right-to-work States than it did in States without right-to-work laws. Per capita personal income increased 43.7 percent in right-to-work States and only 35.4 percent in States without right-to-work laws. Again, per capita personal income increased less in States without right-to-work laws than did the national average, which was 37 percent for this same period.

Furthermore, value added by manufacturing showed a phenomenal rate of increase in right-to-work States during the period 1953-62. Value—that is, wealth—added by manufacturing during this period in right-to-work States was increased 73.3 percent. The rate of increase in States without right-to-work laws was barely 41.5 percent for this period, far less than the national average of 47.5 percent.

People seem to like right-to-work States.

During the period 1950 to 1964 population showed a rate of increase of 27.4 percent in States with right-to-work laws. In States without right-to-work laws population increased only 26.2 percent, a rate of increase which is actually less than the national average for this period which is 26.6 percent.

The value of life insurance in force in right-to-work States increased 167 percent in the period 1953-63. The value of life insurance in force increased only 132 percent in States without right-to-work laws during this period. Again, the rate of increase in States without right-to-work laws was less than the rate of increase for the Nation as a whole, which was 140.3 percent during this period.

Furthermore, the number of insurance policies in force increased 39.2 percent in right-to-work States from 1953 to 1963, and only 26.8 percent in non-right-to-work States. Again, the rate of increase in States without right-to-work laws was

less than the national average for this period, which stood at 30.5 percent.

Perhaps, at this point, I might emphasize that in my opinion economic progress is not—I repeat, is not—the primary yardstick for measuring the issue of voluntary versus compulsory union membership.

The most important yardstick is whether a worker may have freedom of choice as opposed to being subjected to compulsory unionism. But since the argument of economic activity has been raised by those who favor compulsory unionism, I feel the facts must be presented, overwhelmingly, to end once and for all the notion that economic activity is growing as fast in States without right-to-work laws as it is in States which express opposition to compulsory unionism.

To continue, motor vehicle registration increased 53 percent in right-to-work States during the period 1953 to 1963. Motor vehicle registration increased only 44.3 percent in States without right-to-work laws during this period, less than the national rate of increase which stood at 47 percent.

The money which people have left over to take to the bank and deposit also seems to be increasing faster in States with right-to-work laws than in States without right-to-work laws. The rate of increase in bank deposits from 1953 to 1964 was 69.4 percent in right-to-work States and only 63.5 percent in non-right-to-work States. Again, the rate of increase in non-right-to-work States was less than the national average for this period, which stood at 64.6 percent.

The Department of Commerce and the Department of Labor publish reams of statistics which show clearly that the 19 States where right-to-work laws guarantee individual freedom for wage earners lead the Nation in rate of economic growth. There is no argument. It is indisputable. By removing the monopoly power which compulsory unionism puts into the hands of union leaders, right-to-work laws protect both management and the public from irresponsible abuses of union power and the economy of a State is free to grow unbridled and unchecked. Thus, a worker is free to join a union or not to join. He prospers. His family prospers. His city and his county and his State prosper.

But I must reemphasize that in my opinion economic progress is not the primary yardstick for measuring the issue of voluntary versus compulsory union membership. The real issue is whether American workers will continue to enjoy freedom of choice or whether American workers, from coast to coast, will be subject to compulsory unionism.

#### COMMENTS BY STATE GOVERNORS

One final note on the economic aspects of compulsory unionism. I would like to quote from an article which appeared in *Nation's Business* of June 1965. The article, entitled "Governors Fight Right-To-Work Repeal," reads:

In State after State where humming factories are pouring out goods at record rates, there's a quiet but deep resentment against a political drive nearing a showdown in Washington.

A *Nation's Business* poll of Governors just made shows this. State chief executives don't want Washington to nullify their laws which protect the rights of people in their States to work without having to join a union. The Johnson administration wants to wipe out section 14(b) of the Taft-Hartley labor act which protects these workers' rights. Nineteen States have such laws, and they've worked well.

But organized labor has made repeal of 14(b) its No. 1 legislative goal. Unions stand to increase their power and financial resources, of course, if the right-to-work laws are killed.

On the following pages are views of Governors of States with right-to-work laws. They oppose congressional tampering with their laws.

**Gov. Sam Goddard, Democrat, Arizona:**

On right to work, Arizona has had such a law for 14 years and no proposed modification is anticipated.

As Governor I strive to carry out all the laws of the State.

Since most of the labor contracts of Arizona are prepared in other States that do not have right-to-work laws, its application is limited.

**Gov. Carl Sanders, Democrat, Georgia:**

A right-to-work law was enacted by the General Assembly of Georgia some years ago.

I do not expect, nor would I support, any effort to repeal it during the next legislative session.

**Gov. Harold E. Hughes, Democrat, Iowa:**

I have recommended that the law in Iowa be modified to conform with the Taft-Hartley Act, permitting employers and employees to negotiate union shop contracts.

At the same time, I have recommended that the State law banning secondary boycotts be strengthened and that other steps be taken to provide both labor and management a greater protection against abuses than they now have.

I believe the authority to adopt such legislation should remain with the States.

**Gov. William H. Avery, Republican, Kansas:**

I do not favor repeal of section 14(b) of Taft-Hartley.

The Taft-Hartley Act recognizes State prerogative and jurisdiction and there has been no evidence that the exercise of State judgment has been abused.

The effect of repeal in our State would depend on whether it were retroactive or prospective. If retroactive, court action would probably result as a right-to-work provision has been added to the Kansas constitution.

**Gov. Paul B. Johnson, Democrat, Mississippi:**

I oppose repeal of section 14(b) of the Taft-Hartley Act.

Our right-to-work provision is a part of the Mississippi constitution and has been beneficial to both employer and employee.

Repeal would nullify this provision of Mississippi's constitution and would be detrimental to the economy of the State.

**Gov. Frank B. Morrisson, Democrat, Nebraska:**

I oppose repeal of section 14(b) of the Taft-Hartley law.

Our right-to-work provision is a part of the Nebraska constitution.

**Gov. Dan Moore, Democrat, North Carolina:**

I do not favor repeal of section 14(b) of the Taft-Hartley Act.

I do not believe that any Federal legislation forcing us to change our State law on this matter or rendering our statute ineffectual would be in the best interest of North Carolina.

**Gov. Nils A. Boe, Republican, South Dakota:**

Retention of section 14(b) in the Taft-Hartley law is to no extent detrimental or prejudicial to the economy of our State or to labor in this State.

Our right-to-work law has proved very satisfactory, and labor and management have been able to work very successfully together under our constitutional amendment guaranteeing the right to work as well as the statutory provision guaranteeing this same right.

**Gov. John B. Connally, Democrat, Texas:**

The 1962 Texas Democratic Party platform called for retention of the States right-to-work law.

I campaigned for Governor that year on a program to retain the law.

Nothing has happened since to change my position.

**Gov. Albertis S. Harrison, Jr., Democrat, Virginia:**

I oppose repeal of section 14(b) of the Taft-Hartley law.

Virginia's experience under the right-to-work law has been most satisfactory.

The purpose and operation of the law are in the best interest of both labor and management.

**Gov. Clifford P. Hansen, Republican, Wyoming:**

We oppose repeal of Taft-Hartley section 14(b).

Some jurisdictional areas, including choice of enacting right-to-work laws, should be left to the States.

Repeal would invalidate Wyoming's right-to-work law, which appears to have had little effect one way or the other. However, employment and hourly and weekly earnings are up here since passage.

One last point should be made regarding the economic effects of prohibitions against compulsory unionism. Although I will discuss Iowa's right-to-work law at a later point in my remarks, I do feel that I should mention the unprecedented prosperity now enjoyed by Iowa's citizens. An article from the *Des Moines Register* of July 27, 1965, tells of this prosperity. The article is entitled "Iowa Income Gain Leads All States."

It reads:

The measure of personal income in Iowa during May showed a larger gain over a year ago than in any other State, it was reported by *Business Week* magazine.

It amounted to \$605 million, an increase of 11.6 percent over May of last year. The increase in the Nation as a whole was 7.6 percent.

The magazine commented:

Hefty livestock profits and more prosperous farmers around the country are the main reasons why Iowa led all the States with its 11.6 percent annual gain in personal income. Iowa farmers enjoyed a 36-percent increase over last year in farm receipts, with most of the gain centered in livestock.

"Moreover, the State's farm machinery manufacturers found demand for their products so strong they took on 1,500 additional hands and boosted average weekly earnings by \$14. Statewide unemployment was down to only 1.5 percent, which is virtually full employment."

In the States surrounding Iowa, the May increases were Illinois, 7.6 percent; Wisconsin, 8; Minnesota, 8; South Dakota, 9; Nebraska, 8.3; and Missouri, 6.2 percent.

For the first 5 months of 1965, the Iowa increase over a year ago was 8.2 percent and in the Nation was 7.6 percent. In other States the increases were Illinois, 7.6 percent; Wisconsin, 8.2; Minnesota, 7.6; South Dakota, 2.7; Nebraska, 7.1; and Missouri, 5.9 percent.

The data is based on salaries paid, and farm property and social security income.

Mr. President, I insert in the RECORD a comparison of average weekly earnings of production workers employed by manufacturing firms in Iowa which demonstrates the increases enjoyed by Iowans when compared to the national average.

**RIGHT TO WORK AND IOWA'S ECONOMIC GROWTH**

Economic gains achieved by Iowa since the passage of its 1947 right-to-work law are illustrated by documented reports from both the Iowa Employment Security Commission and the U.S. Department of Labor.

The charge that this legislation has had an adverse effect on the State's economy is completely without foundation. It is disproved by the following official statistics:

**Average weekly earnings of production workers employed by manufacturing firms**

	1949	1963	Actual gain	Percentage gain
Iowa.....	\$55.72	\$105.47	\$49.75	89.3
Entire United States.....	53.88	99.63	45.75	84.9

Source: Iowa Employment Security Commission; 1963 figures are most recent available; no statistics available for years preceding 1949.

**Average hourly earnings of production workers employed by manufacturing firms**

	1949	1963	Actual gain	Percentage gain
Iowa.....	\$1.36	\$2.62	\$1.26	92.7
Entire United States.....	1.38	2.46	1.08	78.3

Source: Iowa Employment Security Commission; 1963 figures are most recent available; no statistics available for years preceding 1949.

**Number of employees on manufacturing payrolls**

	1947	1963	Gain
Iowa.....	151,600	178,800	27,200

Source: Bulletin No. 1370-1, "Employment and Earnings Statistics for States and Areas, 1939-63," issued 1964 by Bureau of Labor Statistics, U.S. Department of Labor.

**Number of employees on nonagricultural payrolls**

	1947	1963	Gain
Iowa.....	576,700	696,900	120,200

Source: Bulletin No. 1370-1, "Employment and Earnings Statistics for States and Areas, 1939-63," issued 1964 by Bureau of Labor Statistics, U.S. Department of Labor.

**UNION ACTIVITY IN RIGHT-TO-WORK STATES**

Since its peak in 1956, the American labor union movement has lost over three-fourths of a million members, reversing a fairly consistent upward trend that had existed from the early 1930's. A major portion of this decline in union membership occurred in manufacturing

where particular industries have experienced considerable loss of employment.

Yet when we attempt to relate this data to locate a trend in union membership in right-to-work States, the results are far from conclusive. In the 4-year period from 1958 to 1962 there was a relatively small change in union membership nationally. Only Illinois among the five largest union membership States reported a net gain over the period and that was a small one. New York held its own; California, Ohio, and Pennsylvania had net losses.

The Library of Congress Economics Division conducted an inquiry into the effects of State right-to-work laws and published their findings on March 19, 1965. I quote from that study:

It is very difficult to get accurate data on union membership and doubly difficult to get trend data by States. The only series available for the different States is that of the Bureau of Labor Statistics for the period 1958 to 1962, at 2-year intervals.<sup>1</sup>

This series is based on estimates made by the various State labor bodies. The estimates are crude and not wholly internally consistent. Only AFL-CIO unions are included in the estimates.

The effect of a right-to-work law on union membership could be felt in two ways. First, it might allow members of unions who were forced against their will to remain in the union to drop their membership. This may be considered an impact effect. However, most right-to-work laws do not abrogate existing agreements, but only prohibit their future negotiation or extension. As much as a 2- or 3-year delay might be anticipated after enactment before the impact of the law could be felt. This would allow also for getting necessary knowledge of the law to the persons involved and, in a few instances, setting up administrative machinery. In most States, it will be recalled, these laws are administered only through the courts.

It is difficult to relate these data to right-to-work laws, for impact or trend effects. For one thing, by 1958 most of the laws had been in effect for from 6 to 10 years. Any unwilling union member who had desired to drop his membership might be presumed to have done so several years earlier in most States.

The Indiana law was passed in 1957 and the Kansas law in 1958; these might afford some test of immediate impact. However, between 1958 and 1962 union membership rose slightly in Indiana and fell, rather substantially, in Kansas. The difficulties of reaching a conclusion remain.

The Kansas data are strongly suggestive of a similar immediate impact to that noted earlier as having taken place after enactment of a right-to-work law in Iowa. Even the failure of the Indiana law to have had a similar result does not wholly offset the impression that the very substantial fall in union membership in Kansas between 1958 and 1960 might be due to the passage of the right-to-work law in 1958.

However, the data on union membership by States are simply not good enough to support the conclusion. These are estimates made by the State headquarters of the State AFL-CIO federations. The Bureau of Labor Statistics has noted several very substantial unexplained shifts in such reporting, suggesting that counts in different years have resulted from variations in reporting

methods or in what was reported, not in actual changes in membership.

For example, take only the same 1958 to 1960 time period. Massachusetts reported 499,999 members in 1958 and 600,000 in 1960. Washington reported 100,000 in 1958, 350,000 in 1960. Wisconsin reported 301,000 in 1958, 400,000 in 1960. On the other hand, Colorado reported 114,200 members in 1958 and only 90,000 in 1960. Oklahoma had 82,000 reported in 1958, 50,000 in 1960 \* \* \* Union membership in North Dakota, a right-to-work State, is reported as increasing by 150 percent between 1958 and 1960.

One cannot accept the Kansas data as an indication of impact of a right-to-work law. It may be, but we have no evidence that this change had any such relationship.

If the purpose of right-to-work laws is to afford an escape from involuntary union membership, one should expect to find a trend away from membership in right-to-work States. However, for the period 1958 to 1962 at least, the trend in membership in major union States without right-to-work laws is more unfavorable than in right-to-work States.

The count by States is as follows:

Membership			
	Up	Down	Un-changed
Right-to-work States.....	8	8	3
Non-right-to-work States....	9	20	1
Total.....	17	28	4

Union membership went up in 40 percent of the right-to-work States; it went up in non-right-to-work States in only 30 percent. Thus, if we accept this correlation as meaningful, it may be formulated: in right-to-work States union membership is less likely to be adversely affected than in States without such laws.

This is contrary to popular belief about the effect of right-to-work laws. Both proponents and opponents consider that such laws slow union growth.

Proponents, at least, believe such laws foster economic growth, and some opponents believe they make the attraction of runaway shops easier. A somewhat more sophisticated analysis of the relatively adverse trends in union membership in States without such laws would be to consider that union shops left States without such laws in favor of open-shop operations in States with such laws. Thus the growth of union membership in the right-to-work States is the growth of voluntary unionism and the decline in the States without such laws is the decline of involuntary unionism. By "voluntary unionism" we refer, of course, to union activities not based on the closed or the union shop and by "involuntary unionism" to such activities based on the closed or union shop.

However, the data on trends in union membership that we have do not sustain this analysis either. Membership both rose and fell in both right-to-work and non-right-to-work States. Considering the crudeness of the statistical data little significance can be attributed to the trends shown. The overall changes in right-to-work States as a whole were as follows:

	1958	1960	1962
Total AFL-CIO membership.....	13,881.0	13,877.8	13,375.5
Membership in right-to-work States.....	2,147.3	2,118.0	2,048.0
Percent of total in right-to-work States..	15.5	15.3	15.3

These differences are not statistically significant. As will be seen below, the changes of union membership follow more closely the changes in industrial employment than any

<sup>1</sup> U.S. Bureau of Labor Statistics, Directory of National Unions in the United States, 1959; 1961; 1963, passim.

other factor. As unions recruit their membership from the employees of industry this is to be expected.

Again we have been able to prove nothing. We have not been able to isolate a trend in union membership in right-to-work States as opposed to States without such laws. The supposed direct effects of right-to-work laws in causing members of unions to drop their membership does not appear. Neither do the effects of the supposed antiunion atmosphere of right-to-work States. The trends are mixed in both directions. One sees some indications of a possible adverse effect. In addition to the Kansas case, noted above, there is the case of Florida, a right-to-work State experiencing a boom in these years, where union membership fell. But it fell in California also, a boom State but not a right-to-work State, and it rose in Georgia, prospering and with a right-to-work law.

In this connection, Mr. President, the experience of my own State may prove valuable to the discussion. Iowa's right-to-work law was enacted on April 28, 1947, when it received the Governor's signature after having been passed by both houses of the 52d general assembly. Iowa was not the first State to adopt a right-to-work law. More than 2 years earlier Arkansas and Florida wrote this principle into their constitutions by popular vote during the 1944 elections.

Arizona, Nebraska, and South Dakota followed with similar constitutional amendments in 1946. Iowa was one of seven States whose legislatures approved right-to-work statutes in 1947. The others were Georgia, North Carolina, North Dakota, Tennessee, Texas, and Virginia. The North Dakota law did not take effect until the following year.

The right-to-work law forms chapter 736A, code of Iowa. Its provisions are simple, clear, and brief. Here is a summary of the law:

First. It is the policy of the State of Iowa that no person in this State shall be deprived of the right to work at his chosen occupation for any employer because of membership in, withdrawal from, or refusal to join any labor union. Any contract which contravenes this policy is illegal and void.

Second. It is unlawful for any employer to deny employment to any person because of membership in or withdrawal from a labor union, or because of refusal to join a union.

Third. It is unlawful for an employer or union to enter into any kind of agreement that would exclude from employment either union members or persons who do not belong to the union, or refuse to join, or have withdrawn from membership.

Fourth. It is unlawful for an employer or union to require any person to pay dues or other fees to a union as a prerequisite or condition of employment.

Fifth. It is unlawful for an employer or union to deduct union fees or fees from an employee's earnings, unless the employer has been presented with an individual written order signed by the employee and by his or her spouse, if married. Any such order may be terminated at any time by the employee, upon presentation of 30 days written notice to the employer.

Sixth. Any violation of the law is a misdemeanor, and responsibility extends

to any person, firm, union, and to any director, officer, representative, agent, or member of a firm or union, who aids and abets in a violation.

Seventh. In addition to the penal provisions, restraint by injunction may be imposed upon employers and unions, and upon their officers, representatives, and members, who are guilty of violations.

Eighth. The right-to-work law in Iowa does not cover employers and employees embraced by the Federal Railroad Labor Act.

Certainly Iowa's right-to-work law is immensely popular in my State. The Iowa poll recently revealed that our present right-to-work law is favored by 73 percent of our people. Only 16 percent of our people are in favor of repeal and 11 percent expressed no opinion.

Obviously, Iowans have not forgotten their State's motto, "Our liberties we prize and our rights we will maintain."

At this point in my remarks, Mr. President, I would like to insert into the RECORD an article from the Des Moines Sunday Register of February 7, 1965, describing the overwhelming endorsement citizens of my State have given to the principle of a man's freedom to get and hold a job without being forced to join the union.

73 PERCENT FAVOR RIGHT-TO-WORK LAW

A strong majority of Iowans—73 percent—favor Iowa's right-to-work law, 16 percent oppose it and 11 percent express no opinion—

The Iowa poll reports.

Iowa is one of 20 States with a right-to-work law which essentially says a worker does not have to join a union as a condition of employment.

This State-wide survey shows that approval of the current law is widespread, with city, town, farm, Democrats and Republicans giving majority support.

Even labor union member families and the members themselves favor the right-to-work law. Among union families 57 percent support the law. Among members themselves, 55 percent favor the law.

The right-to-work law is a current issue in the legislature, with union leaders strongly urging the repeal of the law, while business interests generally want to keep the law.

A bill to repeal the law has now been placed on the floor of the house of representatives, and February 1 has been set as the date to debate the right-to-work issue.

Iowans in all parts of the State and in all types of jobs were asked the following:

"Iowa has a State law commonly known as the right-to-work law, which means a worker does not have to join a labor union, in order to hold his job. How do you feel about this law? Do you favor or oppose such a law for Iowa?"

[In percent]

	Favor	Oppose	No opinion
Total.....	73	16	11
Men.....	71	20	9
Women.....	74	13	13
Residence:			
Cities (over 50,000).....	67	19	14
Cities (5,000 to 50,000).....	73	17	10
City-town (under 5,000).....	75	16	9
Farm.....	77	14	9
Labor union member in family.....	57	33	10
Labor union member.....	55	37	8
Republican.....	78	10	12
Democrat.....	68	23	9

This popularity of Iowa's right-to-work law is reflected in the newspapers of my State, which are overwhelmingly in favor of Iowa's protection from compulsory unionism. Among the editorials published by Iowa newspapers are the following:

From the Ames Daily Tribune:

So far as we are aware, greatest pressure for changing the right-to-work law comes not from union members, but from union leaders, whose work would become much simpler and more remunerative with the law changed.

From the Bloomfield Democrat:

We are completely opposed to the repeal of the right-to-work law.

From the Bloomfield Republican:

There is little doubt that the present right-to-work law assists communities such as Bloomfield in their effort to interest industrial concerns in locating factories in their towns. That is a potent reason for opposing outright repeal, or even watering down the present law.

From the Cedar Rapids Gazette:

What each legislator needs to decide for himself is whether he would consider himself a freeman if he could be forced to pay money regularly to a labor organization in order to hold his job. Not whether he would be better or worse off economically if he did so, but whether he would have as much freedom as he thinks an American citizen is entitled to exercise. Stripped of all the embroidery, the question is as simple as that.

From the Centerville Iowegian:

The union leaders are using an argument as phony as a wooden nickel when they say that the right-to-work law deters industrial growth. Quite the opposite is true. Some industries that have come to Iowa have been very blunt about this issue. They like the right-to-work law, and one of the foremost reasons they selected this State was for the simple reason the law is on the books.

From the Council Bluffs Nonpareil:

Iowa has had a history of very little labor trouble. If the (labor package) bill passes, we can forecast an end to the labor-management peace in this State and a beginning of an era of strife such as is seen in many States not having the right-to-work law.

From the Davenport Times:

Controversy is in prospect in connection with the Governor's proposal to eliminate the statutory prohibition in the right-to-work law against "union shop" contracts. One of the dangers is that Iowa will lose an industrial development advantage.

From the Denison Bulletin:

If the right-to-work law is repealed, union members will lose much of the control they now have. Union members know this and many of them favor the right-to-work law, while union bosses favor repeal.

From the Des Moines Register:

In our opinion, the concept of the right-to-work law—of upholding the individual's right to belong or not to belong to a union—is sound and it would be a mistake to legalize union shop contracts. \* \* \* One purpose of labor laws is to strike a balance between conflicting interests in society. The proposed changes in Iowa law go much too far in advancing the interests of one segment of society and fall to strike such a balance.

From the DeWitt Observer:

Repeal of the right-to-work law will give union leaders more power than ever before, not so much over the employers, but over

their own membership. It is a fact of history, proven again and again over the course of time, that power corrupts and absolute power corrupts absolutely.

#### From the Fort Dodge Messenger:

In brief, the right-to-work law protects an individual's right to select what organization he will join or not join. This, we believe, is a freedom which should not be taken away or weakened.

#### From the Garner Leader:

Although organized labor professes to be dedicated to the winning of new privileges for its members, it has adamantly refused to grant them one of the most fundamental of all rights—the freedom from being forced to join a union in order to hold a job.

#### From the Indianola Record-Herald:

The Governor has pledged to exert all possible effort toward attracting new industry to Iowa. His attitude toward the right-to-work law, it seems to us, is in conflict with this pledge.

#### From the Jefferson Herald:

Why should a labor union operate with a captive membership? Why should they not have to "sell" themselves just as other associations do?

#### From the Laurens Sun:

The existing law protects the worker's right to join, as well as his right not to join. This is one of the freedoms every worker should have.

#### From the Manchester Press:

Certainly there are thousands and thousands of Iowa Democrats that do not wish to change a law that has brought new industries into our State.

#### From the Minden News:

If the right to join or not join any organization is not a fundamental right, what is?

#### From the Muscatine Journal:

Forcing an individual to join an organization as a condition to obtaining a job is an infringement upon his personal freedom—discrimination is the term which is applied when racial origin and color are standards for employment.

#### From the New Hampton Tribune:

To force a man to belong to a union in order to hold his job is in itself un-American.

#### From the Oelwein Register:

There are, everyone knows, many honest unions, many that are responsive to their members' wishes and needs. It must be admitted that there are unions which are violent, corrupt, dictatorial. There are some unions that some workers don't want to join. Yet where no right-to-work law exists, a man's employment might depend on his standing with a union.

#### From the Prairie City News:

We would suggest your letters opposing any attempt to abolish the right-to-work law or even the sugar-coated modification proposal backed by Governor Hughes, which comes out with about the identical stripes.

#### From the Red Oak Express:

When people say they want to see the right-to-work law modified, they should understand that modification means revocation. Modification, it should be pointed out, would be like having a balloon and sticking a needle in it.

#### From the Traer Star Clipper:

As far as we can see, to amend the law to require union shops is practically the

same as repeal of the right-to-work law. It would make labor union membership compulsory, which is the very situation the present law was designed to prevent.

#### From the Washington Evening Journal:

We don't believe in making membership in anything compulsory, whether it be a labor union or a chamber of commerce.

#### From the Waterloo Daily Courier:

A bill to repeal the basic principle of Iowa's right-to-work law has been introduced in the Senate by Senator J. B. Mincks, Democrat, Ottumwa, executive vice president of the Iowa Federation of Labor. Although this is called in some quarters a bill "to modify" the right-to-work law, the public should not be deceived.

#### A SPECIOUS ARGUMENT

One of the arguments in justification of closed or union shops' compulsory unionism—is that it is nothing more than another version of the requirement that all lawyers be members of their State bar association in order to practice.

Since I am a lawyer, I feel obligated to reply to what might be called an argument by analogy. I would remind you that lawyers first must be licensed by the State to practice—and that this license is granted only after qualification by means of stiff educational requirements and a bar examination. Lawyers are not licensed as a health measure, or for sanitary reasons—although some humorists might argue to the contrary—but because of the peculiarly important position lawyers occupy in our society and the enormous responsibilities they bear. Lawyers admitted to practice are granted special privileges thereby—they become officers of the courts in a certain sense, they are privy to confidences and confidential matter from their clients. Thus it is of the greatest importance that their conduct be subject to regular examination by an association of their peers, having regard for the protection of clients and the probity of the courts. The State bar association performs that function.

The analogy of the closed shop and the integrated bar falls on other grounds. Bar association leadership is rotated in a most democratic fashion. Nor is a challenge to the proposals of a nominating committee ever rejected, much less met by violence. Some unions are among the most undemocratic associations in the United States, have shown little sign of improvement, and in fact require constant intervention by public authority for anything remotely resembling honest elections to be possible.

Bar associations agree on minimum fees to be charged, and on codes of ethics.

They do not attempt to limit productivity or penalize members for extra effort.

They do not attempt to speak for their members on controversial political issues. They do not contribute from the regular dues of members, or by enforced extra assessment, to political parties, or to political candidates' campaign funds.

They do not recruit party campaign workers from among their members.

Unions and union leaders openly carry on such activities and are not content

with ignoring individual wishes of their members, but often retaliate in outrageous fashion against a member with the temerity to oppose the political programs of the leadership.

Many union leaders have resisted to the utmost any attempts to curb such political uses of dues or assessments collected from members.

It is here that they show such a streak of irresponsibility and contempt for individual rights as to make the comparison between the requirement of bar membership in order to practice law, and of union membership in order to work, not ludicrous, but actually dangerous to the security of present-day union leadership. Too much is revealed. It makes very clear that unions in law and in practice consider themselves to be sovereign political bodies, an "imperium in imperio," ruling over their members. There is no other private or quasi-public association in America which makes such a claim or has such power.

#### UNIONISM TODAY

The gigantic repeal of 14(b) propaganda drive whipped up by national labor leaders demonstrates how much they live in the past, and how far they have fallen behind in their view of American society. This is not the first time.

They failed to heed public resentment which developed over the highhanded and corrupt tactics condoned by many union leaders during World War II. Even the warning of the then president of the Teamsters Union, Dan Tobin, in 1946, concerning union abuses, went by the board. The reforms of the Taft-Hartley Act were opposed to the bitter end. Thereafter it was referred to as a slave-labor law. Later Republican attempts, as we have noted, to correct defects in the law were opposed in order to keep alive the notion that there was nothing but evil in the law, that it must be repealed in order to return to the good old days.

What a poor reading of history. The history of the American labor union movement proves that the statutory protection needed for union growth is the right to organize and bargain collectively. Once that is obtained, compulsory membership contracts are simply unnecessary. Unions have not prospered by compulsion. As industries have grown and flourished, so have unions. As segments of industry have become obsolescent and unprofitable, so have the unions declined. The great decline in railroading occurred immediately after World War II, and the fact that Congress agreed to a closed shop amendment to the Railway Labor Act in 1951, did not make the railroad unions more prosperous or increase their membership. In their opposition to improved and more efficient rail transportation, they have alienated a great segment of American public opinion. Experience has shown this to be a dangerous course, as large business organizations have learned from time to time.

If my remarks seem unfounded, consider then the brilliant essay on Amer-

ican unionism today in Time magazine for September 17, 1965:

UNION LABOR: LESS MILITANT, MORE AFFLUENT

"In Los Angeles' splendid new Music Center, 1,500 members of the Retail Clerks Union sat in red-plush comfort beneath crystal chandeliers. Before getting down to the business of a union meeting, they heard a concert climaxed by a specialized composition called "The Shopping Center Blues." They chucked appreciatively when Local Leader Joe De Silva explained that his hoarseness was caused by executive flu. De Silva noted that a minority of the Music Center's board had protested that a union meeting was not the sort of cultural activity for which the \$32.2 million center (including \$25,000 contributed by the Retail Clerks) had been created. Said De Silva: "I looked up cultural in the dictionary, and it covers a lot more than just music. If a union isn't part of American culture today, I don't know what is."

De Silva's point was unarguable. Unionism is woven throughout the fabric of present American life, both social and economic. "The labor movement," says Chicago's Sidney Lens, longtime labor leader and writer, "is really a carbon copy of capitalism." It is more than that: It is capitalism. Its relations with management remain adverse to a degree; but the action is that of cogwheels moving in opposite directions to operate the whole free-enterprise machine.

The threat of breakdowns in the machine can never be discounted; there is no guarantee that the old wage-price spiral, with excessive labor demands resulting in inflationary prices, will not reappear. But the steel settlement just concluded is a typical example of labor's present condition and its relations with industry. A strike, while the threat was real enough, did not materialize; increasingly, labor gets its results not through strikes but through other pressures, including the psychological. Steel negotiations were relatively relaxed; the big issue was not pay but fringe benefits. Labor has won the wage battles and is increasingly concerned with vacations, pensions, job security.

Finally, a reasonably satisfactory settlement came about through the intervention of the President. This dilutes free collective bargaining, but nobody is very indignant because no one doubts that management's and labor's business are in fact the Nation's business. Says AFL-CIO President George Meany, without apologies to industry's late "Engine Charlie" Wilson: "What is good for America is good for the AFL-CIO."

Turning that coin, what's bad about organized labor is bad for the United States. And organized labor today is afflicted by a multitude of problems, some glaring, some subtle, and virtually all springing from failure to keep pace with change. For one thing, the labor movement is middle aged and increasingly middle class, powerful and sometimes arrogant, but without the lean, hungry, and imaginative leaders of the past. For another, unions are faced with a new industrial revolution in automation, which promises to alter the very role and function of human labor.

LEADERSHIP LAG

Since 1957, U.S. employment has risen from 65 to 75 million—while union membership has actually dropped a bit from the 1957 mark of 18,430,000. Such statistics are slightly deceptive. They do not include members of the growing professional and semiprofessional organizations like the National Education Association; these look like unions, act like unions and often sound more militant than unions, but call themselves associations to avoid the union label that their membership considers a bit demeaning.

Many unions have been content to consolidate their gains and have neglected organization drives, failing to go after workers in those areas that are growing fastest, such as the service industries. Others have demonstrated that aggressive (and often expensive) organizing can still win members. Since being kicked out of the AFL-CIO in 1957 for Jimmy Hoffa's happy hooliganism, the Teamsters have actually grown from 1,600,000 to 1,760,000.

Hoffa's creed is simple: If it breathes, organize it. The Teamsters include hairdressers in Newark, employees at an animal cemetery in Illinois, stewardesses for the Flying Tiger Airline and attendants at the San Diego Zoo.

"Have you looked at the AFL-CIO executive committee?" says Hoffa. "If you cut all the decay out of that committee, there'd be no one left standing up. They're a bunch of tired old men. They couldn't plan nothing." Jimmy may not be the most respectable witness, but he has a point. At 71, George Meany grows more curmudgeonly by the day. The average age of Meany's eight-member executive committee is 66, against 62 for the U.S. Supreme Court.

SPIRITUAL SAG

Union bosses wield personal power far beyond most politicians and businessmen. Huge national headquarters staffs are answerable only to the national leader, and until fairly recently, it was as rare for a major union chief to be voted out of office as it is for a baseball player to thumb an umpire from the ballpark. The effects of the Landrum-Griffin Act of 1959, are changing some of that. Among other things, the law required that unions overhaul their constitutions so as to give rank-and-file members more protection against fraud and coercion in voting on their leadership. Thanks in part to more democratic procedures, six major national union heads have been voted out within the last year. Most notable were the International Union of Electrical Workers' James B. Carey, 54, whose nasty disposition finally caught up with him, and the Steelworkers' David J. McDonald, 62, whose image in the locals was that of the soft-living labor statesman negotiating at the 19th hole in management's country clubs. Their successors, Paul Jennings, 47; and I. W. Abel, 57, are men of ability, but not likely to furnish imaginative new leadership.

Organized labor lacks a new generation of prospective leaders; in the vast majority of major unions, the heir apparent to the incumbent is of the same generation. Examples: International Machinists' President Al Hayes, 65, was succeeded by Vice President Roy Siemiller, 60; the Brotherhood of Electrical Workers' Gordon Freeman, 68, is likely to be followed by Joe Keenan, also 68; waiting in line behind the United Mine Workers' Tony Boyle, 60, is old John L.'s youngest brother, Ray Lewis, 64.

It is a measure of labor's past success that the cause no longer seems to cry out for crusaders. Says Harry Van Arsdale, president of the New York City Central Labor Council: "How far can a young college graduate go in a union? Compare his opportunities there with those at General Motors. We all know that a young man's future in organized labor is limited." For those motivated by idealism, the real excitement is elsewhere, as in civil rights, on which organized labor's attitude is ambiguous. While the national leadership has constantly backed Negro rights, many locals are tightly and nastily exclusive.

Says New York printers' boss Bert Powers: "Somebody has convinced the membership that a union is like a tollgate and that all it does is collect dues. There isn't the feeling there used to be for the whole labor movement. Our own printers aren't interested in how the cabdrivers are being organized. A picket line is an annoyance."

There is agreement from Carroll R. Daugherty, professor of labor economics at North-

western University and a nationally known labor-management arbitrator: "We've ceased having a labor movement as the term 'movement' used to be known. The people in a movement act with an almost religious fervor. A movement has martyrs, priests, hymns, slogans, symbols. That's not what we have today." The International Ladies' Garment Workers' elderly President Dave Dubinsky reluctantly admits that the old pizzazz is missing, but points out that in places where the going gets tough, the spirit of 1900 comes back to us. In the South and in Puerto Rico, we have good militant strikes, just like old times.

Up to a point, the unions try to observe the old fraternal forms. Members still call one another "brother" and "sister"—but mostly in formal correspondence, not in face-to-face conversation. The interior walls of many a meeting hall in many a fancy local headquarters are of unadorned cinder blocks to recall unionism's hard-knocks days; chances are that more money has been put into the locals' recreation rooms, with air conditioning, paneled walls, billiard and ping-pong tables and bars (the staple still is beer).

"Lord," says an AFL-CIO official in Washington, "I haven't heard Joe Hill sung at a meeting in 15 years—or anything else, for that matter." The typical local meeting is deadly dull and poorly attended. Members generally wear slacks and sport shirts, including bowling and softball league shirts for many who can hardly wait to get out of the hall and on to an avocation that is as often as not company sponsored. (Another style note: for reasons that might require the services of a mass psychologist, the old white cotton sock has given way in Pittsburgh to one of cardinal red.) No local leader will schedule a meeting in conflict with a really popular TV program unless he deliberately wants to keep attendance down. Observes Sidney Lens: "The members still have a loyalty to the union. It's the loyalty of a man who no longer loves his wife but hasn't enough friction in his life to want a divorce."

TECHNOLOGICAL DRAG

At least as significant as the leadership lag and the spiritual sag is what some union men consider the technological drag. Too many of organized labor's leaders have set their skulls squarely against the technological revolution. Printers' Powers, for instance, made it eminently evident that he would rather let the New York Post go bankrupt than agree to permit the paper to install a computerized system. As Powers, who is far from being the blindest or the dumbest of union leaders, says: "We'll make all the wheels go the wrong way." Jimmy Hoffa has his own devilishly clever idea: "If we can find out where the components of these computers are made, we can stop the shipment of the components, and we can shut the automated plant down."

The naive, Luddite dreams of stopping progress are obviously nonsense, but labor's worries are understandable. Automation decreases the demand for employees who work with their hands and increases the need for those who use their minds. At General Electric less than half of the total employees are now on regular hourly wage scales. Thus, the blue-collar worker is falling more and more out of style. The white-collar worker, historically hard to organize, is the man of the moment. Organized labor's best chance in the future may well lie with the grey-collar or faded blue-collar worker, the one who used to wield a screw driver but has learned how to work with automated equipment.

For organized labor, another alarming effect of automation is that it blunts the strike weapon. One leader who has learned this is the Communications Workers' President Joe Beirne. Two years ago his people struck against California's General Telephone Co.,

which, like the rest of the industry, is overwhelmingly automated. Unorganized supervisory types easily kept the equipment working, and after more than 100 days, the union gave up without winning a single significant benefit. Beirne now says: "There will still be strikes, but they will not be the same kind of tool. The picket line will be a promotional line"—meaning that the unions will have to sell their case to the community at large.

In the long run, labor, like the whole U.S. economy, is bound to win enormous benefits through the increased productivity and profits made possible by automation. The Communications Workers, despite their futile strike, were already making their peace with that fact. Because automation has helped the industry expand its services by about 170 percent, the union, even though fewer plug pullers and pole climbers are required, has also increased its membership.

Moreover, automation has already brought workers more leisure. The trend is to reduce the time that men work through longer vacations, sabbaticals, earlier retirement. Such benefits constituted nearly half of last fortnight's steel settlement. The United Auto Workers operate under a contract granting them bereavement pay, funeral leave and Christmas bonuses. Their 'supplemental allowance' scheme is known to members as the Honeydew Project—because the men can retire earlier, go home, and hear their wives say, "Honey, do this—Honey, do that." Senior auto and steelworkers get 13 weeks' annual vacation. The United Brewery Workers are contractually given the right to drink as much of the plant product as they want—without charge.

Job protection in the face of automation remains one of labor's chief concerns. Five years ago, San Francisco's Longshoreman Leader Harry Bridges signed a contract permitting shippers to automate to their heart's desire—while guaranteeing Bridges' boys an annual wage, no matter how many hours they actually worked. The agreement has turned out well for both management and longshoremen.

More reasonable and less wasteful is the contract between California's Kaiser Steel Corp. and the United Steelworkers. Under it, any worker displaced by automation goes into an employment reserve, receives his average wage of the past while being retrained and waiting for reassignment. Kaiser also offers vacation time based on productivity gains. Variations of the Kaiser-Steelworkers' arrangement are being tried out elsewhere with success. The Electrical Workers, for instance, are organizing training courses to teach members to work in atomic energy and other advanced fields. But organized labor as a whole has hardly begun to face up to the problem—and the opportunity—of automation.

#### PUBLIC RELATIONS SNAG

Forward-looking labor leaders are sure that they will have to find new markets, branching out from old-line industries, and that is not always easy. Some complain that the electronics industry, for one, is mobile to the point of being nomadic and therefore hard to organize. When one union was contemplating organizing insurance company employees, the union paper struck a note of comic despair: "Can you imagine the national reaction to a strike of insurance salesmen?" Some labor leaders expect to develop new forms of cooperation with management, such as the industrywide boards that already function in steel and coal.

Above all, organized labor will have to become more attractive to the public. One experiment in that line, tried by the Retail Clerks, used low-keyed, soft-sell TV spots. But some of labor's public relations snags will take more than TV to solve. Union leaders have used their tremendous influence

to fight section 14(b) of the Taft-Hartley Act, which permits States to enact right-to-work laws (its repeal was passed by the House, is now before the Senate). No doubt, union membership has been held down by 14(b), particularly in the South. But the gains made, when and if it is repealed, may well be offset by adverse public sentiment; many Americans, whether or not they are accurately informed on the issue, still feel that a man should have a right to hold a job without belonging to a union.

Organized labor is less than ever a monolithic segment of a fragmented national society. No more can it afford to make purely demagogic demands of industry, and to an unprecedented degree, labor and management are forced to work together. In this sense, Labor Secretary Willard Wirtz is fond of quoting Lewis Carroll's "Hunting of the Snark":

"But the valley grew narrow and narrower still,

And the evening got darker and colder  
Till (merely from nervousness, not from good will)

They marched along shoulder to shoulder."

What is actually keeping them marching along together is not nervousness, though there is still some of that, or just good will, though there is a lot more of that. It is above all a common share in America's vast affluence, a common stake in a country, as nearly classless as any in the world, that gives the worker a better life than he has known since the wheels of the industrial revolution first started to turn.

#### CONCLUSION: IN DEFENSE OF FREEDOM

I insist that this suicidal demand by the union bureaucrats must be resisted. For them it is a matter of saving face, and proving they have some "muscle" left. But for America, for the free society—so much more important than any other kind of society—a basic principle is imperiled.

Freedom of association must be preserved, and preserved not just for an Iowa Senator, or Iowa's farmers and businessmen, but for working people in Iowa and throughout the United States.

For union members, it is just as important that this freedom be preserved as it is for nonunion workers. Union leadership must be saved in spite of itself. It must be rescued from its suicidal impulse toward monopoly. Monopoly crushes, it stultifies, it imposes mediocrity, it stops progress. It prevents the new man with new ideas from rising on independent terms, rather than succeeding because of birth, or wealth, or because his father was president of the business or of the union.

To accept the "closed shop" philosophy of the union bureaucracy would be a tragic mistake. History shows that the greatest impulse toward monopoly occurs when an entrenched bureaucracy can no longer justify its existence, and seeks to stifle growing criticism.

In view of our exploding population, we can give thanks that we are enjoying at the same time a technological explosion, and an idea and production explosion. It is said that men will have to undertake more frequent retraining than ever before in order to keep pace with technological changes. Can we expect these transitions to occur in an orderly and proper fashion if we in Congress grant monopolistic powers to the reactionary leadership such as is found, for

example, in railroad unions, teamster unions, longshoremen and maritime unions, to say nothing of the restrictive and costly practices imposed by many construction and craft unions?

No, they have been given more than enough power in the past. The time has come for them to justify what power they already have in terms of how they contribute to the common good, rather than to give them yet more power.

It is in defense of freedom that I urge the defeat of H.R. 77.

Mr. TOWER. At this time, a time when labor unions enjoy a privileged bargaining position, the union institutions are pressing Congress for legislation which would further consolidate and strengthen their present position.

Not only do they enjoy a present position of legal privilege, but their abuse of this power in a number of instances has been brought to light. I cannot agree that we can reasonably grant the request of H.R. 77 and repeal section 14(b) of the Taft-Hartley Act.

Last year the Senate rejected the administration's attempt to invoke cloture in the debate on the merits of State right-to-work laws. In the vote on cloture, 47 Senators, on both sides of the aisle, joined together to defeat the administration's move. In fact, those voting for freedom of debate on this issue constituted a simple majority—47 to 45—a far cry from the two-thirds present and voting needed for the union leaders to carry the day. A similar result was seen here yesterday.

The press of this country has let itself be heard on the side of the right to work. Even those newspapers which normally can find nothing to criticize in the administration programs have expressed their displeasure at the administration's support of 14(b) repeal.

Several weeks ago, while commenting editorially on the President's state of the Union message, the New York Times commented that the President's commitment to push for repeal of section 14(b) was "something that is not at all needed."

Ever since this issue came up, my mail has been running strongly against repeal and for the preservation of right to work.

Apparently there is a significant part of the unionized work force which does not want repeal. I have received correspondence in several cases from union groups in my State pleading that I do all in my power to safeguard 14(b). I have also received literally hundreds of messages from union members stating they are against repeal.

As for nonunion workers, I do not recall many requests from nonunion workers for repeal of this law, but thousands of letters have come in backing my fight to retain this section.

Overwhelmingly, it can be said, Texans want to retain the right to make free decisions concerning labor union membership.

Although the people of my State have enacted a right-to-work law, I do not think it is simply a local issue. The facts show that the vast majority of Americans want 14(b) to remain on the books.

I fail to understand why we have persisted so long with this matter when it is obvious that it is not the consensus of Americans that this law should be scuttled.

I want to concern the Senate today, not with the narrow legal issue of the wisdom of retaining section 14(b) of the Taft-Hartley Act, but with an analysis of the contract principle involved, and of the conditions which necessitated the adoption of section 14(b). I shall attempt to point out that earlier intervention and erosion of the contract principle necessitated the adoption of this "corrective legislation."

I will then turn to a consideration of the general labor situation, including consideration of present labor laws and their effects.

The concept of pure unionism differs greatly from the present institution of unionism in the United States. So great is the difference as to make it a somewhat different entity. When someone mentions unions, one tends to think of the casebook example of pure unionism.

The reason for this is not simply some sort of nebulous difference between theory and practice, but the result of special interest legislation which has relieved at least to some extent union leadership of responsibility for organizing and selling a value and a service.

The concept of workers joining together for the purpose of bargaining collectively with their employers is a good one. Believing in freedom of contract as I do, I find it regrettable that this seemingly obvious right was ever denied, as it was in the early days of the union movement here in the United States and in Great Britain.

Eventually, the legislatures and the courts came to acknowledge this fundamental right, and to acknowledge it for what it is: a concomitant and integral part of the economy of a free society.

The history of the labor movement since that time, however, has shown instances of a group fighting at times both for and against the right of contract: for that right when it suited union purposes, and against the right when the principle upheld the interests of employers.

Too often, it is also important to note, employers failed to understand the nature of their contract relationship with employees. Court injunctions and outright street violence were occasionally used against workers who were guilty of no more than demanding their right to bargain collectively.

One of the tragedies of the labor movement is that at this late date, in the year 1966, with our supposedly broad understanding of economic science, with an enlightened labor and management group, some in our ranks are still thinking in the terms of class warfare.

One of the tragedies of capitalism, of course, is the fact that the exploitation theory still haunts economic thinking of some. Generally speaking, it should have been laid to rest long ago.

This is 1966, and the common enemy of both groups is the specter of complete state control of the economy. The labor union movement grew up in response to the needs of a newly emerging industrial

economy. It was possible only in an economically free atmosphere. Skirmishes it lost, occasionally, but battles it won.

If there ever were a proper time for labor and management to acknowledge their common heritage, the time is now. Both are the products of laissez faire capitalism, and to the extent we abandon economic freedom, then to that extent labor as well as management will find itself increasingly regulated.

Certainly the root of economic freedom, in fact the root of freedom of any kind, might be said to be the contract principle: the recognition that the basis of human cooperation is free and voluntary agreement between parties. The only alternative is compulsion.

The time has come for us to cut away the special pleadings surrounding this issue and think objectively about the question at hand. The root of the problem can be reached by clarifying our concept of the contract principle.

One of this country's prominent economists and political philosophers is Dr. Ludwig von Mises of New York University. His knowledge of and contributions to the complex field of political economy have earned him a mark of distinction among political economists. Dr. von Mises is the author of "The Anticapitalist Mentality," "Socialism," "Theory and History," "The Theory of Money and Credit," "Human Action," and other equally eminent works.

It is from a section of "Human Action," regarding the principle of contractual relations, that I quote:

The exchange relation is the fundamental social relation. Interpersonal exchange of goods and services weaves the bond which unites men into society. Hostile aggression was a practice common to man's nonhuman forbears. Conscious and purposeful cooperation is the outcome of a long evolutionary process. Ethnology and history have provided us with interesting information concerning the beginning and the primitive patterns of interpersonal exchange. Some consider the custom of mutual giving and returning of presents and stipulating a certain return present in advance as a precursory pattern of interpersonal exchange. Others consider dumb barter as the primitive mode of trade.

Where and as far as cooperation is based in contract, the logical relation between the cooperating individuals is symmetrical.

In the frame of a contractual society the individual members exchange definite quantities of goods, and services of a definite quality.

The contractual order of society is an order of right and law. It is a government under the rule of law, as differentiated from the welfare state or paternal state. Right or law is the complex of rules determining the orbit in which individuals are free to act. No such orbit is left to wards of a hegemonic society. In the hegemonic state there is neither right nor law; there are only directives and regulations which the director may change daily and apply with what discrimination he pleases and which the wards must obey. The wards have one freedom only: to obey without asking questions.

Contracts, both written and understood, Mr. President, are phenomena of free societies. They exist only under a rule of law and they flourish only where the law recognizes the inherent right of the individual to his own life, his liberty,

and his property. A man without rights does not sign contracts. Nothing belongs to him for him to bargain with. No one asks his consent about matters affecting him. They do with him and with the creations of his labor what they please. The man who possesses no rights is a slave.

In Soviet Russia, as an illustration, workers do not effect any fundamental changes in their conditions of employment. Unions exist only as window dressing. They perform no effective link between the workers and the employers.

The existence of contracts is symptomatic that certain rights are observed in a society. In a slave society and in a totalitarian dictatorship the principle of sanctity of contract is not upheld. It may receive lipservice, but it does not command obedience. Mr. President, Government compulsion should not be substituted for our right-to-work laws. Those who advocate this special interest repeal legislation fall back on arguments of supposed economic necessity.

Today, we have a jumble of special legislation on the books known as labor law. Laws have been passed to promote the interests of the unions, which have been followed by so-called corrective legislation designed to redress the balance and advantage the employer, which in turn were followed by more laws bolstering the bargaining position of the unions. These in turn necessitated regulations, injunctions, tax credits, and other special advantages to keep marginal producers from going bankrupt and guarantee profits large enough so that big companies could accumulate enough capital for reinvestment.

All this special legislation has not resulted in advancing the net economic position of the worker so much as it has resulted in a jerry-built structure which is becoming increasingly difficult to untangle, and in which any interpretation is possible.

Upon the occasion of the 50th anniversary of Dr. von Mises doctorate, a number of his students and fellow economists collaborated in preparing a volume of economic and political essays for presentation in his honor. The volume was published under the title, "On Freedom and Free Enterprise." Aside from a number of very worthwhile essays by such noted economists as Henry Hazlitt, F. A. Hayek, Wilhelm Ropke, W. H. Hutt, Jacques Reuff, and others, there is an essay by Mr. Percy L. Greaves, Jr., which especially commands our attention in discussing right-to-work legislation. Mr. Greaves does not favor State right-to-work legislation. His essay, written several years ago, is directed to those States considering passing right-to-work laws. He warns against passage of such statutes.

Mr. Greaves' reasoning is sound. It certainly deserves the attention of the Senate. In 1947 Mr. Greaves served as expert for the House Committee on Education and Labor and he helped to write the first draft of the Taft-Hartley bill. He is quick to state that he resigned from the committee before the bill was reported in a different form to the House.

The bill later became the National Labor-Management Relations Act of 1947.

Just as I do, Mr. Greaves also believes in freedom of contract, and it is on this basis that he argues. Quoting the essay:

The so-called right-to-work laws would outlaw union-shop agreements, whereby employers contract to hire only those who agree to join the majority-selected union within a specified time period. Proponents of such laws maintain that where union shops are legal, unions can and do stop the employment of those who will not join or pay tribute to the union. That, of course, is true. Such proponents then argue that union shop contracts prevent nonunion men from earning a living in their chosen fields. This, they hold, is a violation of the inherent right to work of men who refuse to join or pay tribute to the union of the majority. Such logic assumes that men have an inherent right to work for a particular employer, whether he wants them or not.

Do men have such an inherent right? In this writer's opinion they do not.

In this opinion I can fully concur; workers do not have any right to any one particular job.

Quoting again:

We should keep our minds on the chief objective of a free society. This should always be the pursuit and maintenance of economic freedom with its two basic corollaries: (1) The right to own and enjoy all property rightfully earned or received; (2) the right to make and sign contracts with others for the mutual advantage of the participants, provided such contracts do not trespass on the property or equal rights of other free and moral men. This right, to make and sign contracts, includes the right of employers and employees to make and sign mutually agreeable contracts for moral employment. \* \* \*

In a free society, employers also enjoy the right of free association. They are entitled to employ any applicant they wish, provided the contemplated type of activity is acceptable in a free and moral market society and the terms of employment are acceptable to the applicant. Employers also have a right to reject any or all applicants and suffer the consequences. They have a right to hire only union members or only nonunion members, if they can find such applicants willing to accept their terms.

Many employers seem to feel that if they could only get State governments to step into the employment picture on their side and outlaw union shop contracts, such as they now sign largely under duress, they could then increase production, profits, and the general welfare without so much union interference. They fail to realize that the power of unions to exact uneconomic benefits for minority groups at the expense of society is the result of legal rights obtained under Federal law, whereby majority selected unions are entitled to speak for all employees, whether or not they are members of the union and whether or not the employer desires to hire or fire any particular employee. This is the legal source of present-day uneconomic union power and until this legal right is withdrawn, the unions will continue to be able to extort privileges for those they represent at the expense of all others, including employers, consumers, and non-organized workers.

Therein lies the heart of the problem. The adoption of section 14(b) was necessitated by the imbalance created by earlier, prounion laws. As soon as you begin enacting special interest legislation aimed at one economic group—then you create in a greater or lesser degree

an imbalance in need of correction. This is the thesis which Dr. von Mises is expressing when he says:

All varieties of (government) interference with the market phenomena not only fail to achieve the ends aimed at by their authors and supporters, but bring about a state of affairs which—from the point of view of the authors' and advocates' valuations—is less desirable than the previous state of affairs which they were designed to alter. If one wants to correct their manifest unsuitableness and preposterousness by supplementing the first acts of intervention with more and more of such acts, one must go further and further until the market economy has been entirely destroyed and socialism has been substituted for it.

Government regulation, once embarked upon, leads to further regulation in order to correct inequities in the system which were created in the first instance of intervention. There is no point at which the "mixture" can cease short of complete control.

Returning to Mr. Greaves essay, which, incidentally, is entitled "Is Further Intervention a Cure for Prior Intervention?":

In a free economy, employers and employees would be permitted to sign union shop contracts. They would also be legally permitted to sign, if both parties so desired, what have been called "yellow dog" contracts (wherein employees voluntarily agree not to join a union). In order to get union shop contracts, unions would then have to offer employers something better than they could get from nonunion workers. In order to get "yellow dog" contracts, employers would have to offer more attractive terms than unions could obtain for their members. A man has no inherent right to any specific job. The fact that an employer voluntarily signs a union shop contract merely shows that, under the prevailing circumstances, he prefers to hire union help. He does not violate the rights of any person, unless such person is a party to a contrary valid employment agreement that preceded the signing of the union shop contract.

If it were not for certain privileges now granted unions, perhaps there would be no need for right-to-work legislation.

One could imagine employers welcoming closed shop operations in their industries if unions truly offered values not obtainable in the nonunion market, such as special training, union guarantees of its labor, a greater degree of skill. However, it is obvious that in large part unions have been freed of the obligation to provide extra value. Through the legislative route some have been relieved of such obligation, and closed shop contracts can be forced upon industrial managers against their consent.

I differ with Mr. Greaves' conclusion in this respect: He acknowledges that union shop contracts are largely signed nowadays under duress. In my opinion, right-to-work laws are merely stopgap measures seeking to redress this imbalance. We now hear discussion in the executive branch of enacting compulsory arbitration laws. I have pledged to fight such legislation with the same vigor I have used to fight repeal of section 14(b). It is a pledge I fully intend to keep. It will serve no good purpose to repeal section 14(b) at this time, and it will ac-

complish many bad ends. Mr. Greaves argues that:

Under present laws and popular opinion, labor unions can call a strike and prevent men from working. Under existing circumstances, they can prevent not only the employment of their own members but also the employment of all applicants for the jobs they refuse to fill. Some of this power arises from popular acceptance of the union picket line, but part of it arises from the strength given unions by law, wherein employers are prevented from negotiating with nonunion members or nonstrikers. The law gives the union and its members a vested right in jobs once occupied by them and curtails the right of employers to discharge workers they no longer desire. Employers are often stopped from finding other workers willing to work at terms that strikers refuse. This, of course, is a violation of the free market principle of voluntary social cooperation.

Unions and their members frequently occupy key positions enabling them to close down an entire plant or industry by interrupting the flow of production at a vulnerable spot. They are thus able to interfere with the work of many jobs other than their own. The losses they can thus inflict on employers, fellow workers, and consumers often exceed the cost of their immediate demands. By the use of this form of coercion, they are often able to force employers to sign contracts, including union-shop contracts, which they would not sign under free market conditions where the wishes of consumers would prevail instead of the legal privileges granted unions and their members.

In a free economy, men and groups of men would have the right to compete for all jobs. They would have no right to prevent unemployed or lower paid men from competing for their jobs, particularly when they refuse to work at them themselves. As the law now operates, unions and their members are able to force some employers to pay higher than market wages. They can also force some consumers to pay higher than market prices. This reduces consumer purchases and satisfactions. In addition, unions are often able to bar applicants from employment in their industry. This forces the rejected men to compete and drive wages still lower in other jobs, or else remain unemployed. This in turn has resulted in a demand for so-called minimum-wage laws and then a further demand for unemployment insurance for those that unions and minimum-wage laws make unemployable.

Our problem is to correct popular opinion and remove from the statute books all laws that are a result of the popular fallacy that it is a "social gain" for labor unions to be granted privileges to hold up production until they can extort whatever they want from the hides of all other participants in the market. Once this is done, unions will no longer be able to compel employers to sign union shop contracts under duress or fear of uneconomic losses.

I know of few indeed who believe that the repeal of 14(b) will result in an improved situation, or that a greater degree of personal freedom will result, or that it will be in their best interests of the workingman, the union member, or their employers.

The results of repeal of 14(b) are visualized by Mr. Greaves. He observes:

Right-to-work laws will only serve to temporize for a time the evils now inherent in Federal labor laws. Such State laws will perhaps allay for a time the fears that many people have concerning the dire consequences we are now experiencing as a result of union activities. Actually it might be both better economics and better expediency to let pres-

ent laws go their limit, so that people might soon learn how bad they really are.

The fact that many current labor union practices are injurious to the general welfare does not mean that all actions of all labor unions must of necessity be considered evil or uneconomic. There are many truly economic functions that labor unions can perform. In a free and moral society, unions would be solely voluntary groups organized to help their members by helping them to increase their production and thereby their contributions to society.

Their chief purpose would be to raise the standards of workmanship and production. They would then be a force for the general economic good of society as well as their members.

Because of the recent activities of most labor unions, there is a growing tendency for those who have some understanding of economics to associate all union activities, and thus unions themselves, with evil or uneconomic actions. We do not do this with those professional organizations that now set high standards of ability and performance for all their members and prospective members. At another time and clime, it is entirely possible that groups called unions might more closely resemble our best professional organizations in that they might set and maintain high standards of membership and performance. They might then attract all the better workers and, if such were the case, employers might find that union members were much better workers than nonunion members.

There are a number of ways which could be suggested in which workers could advance their own interests and, consequently, those of their employers, if unions were more in the position of having to provide valuable services in order to thrive.

What is certain, however, is that unions do not, today, have to demonstrate their benefits in order to do business with their employers. They have a legal hold over the market, including their own workers and workers not members of unions but employed in units with union representation, not to mention their legal hold over employers in many industries.

As Prof. Sylvester Petro remarks in his book, "Power Unlimited," based on the findings of the McClellan committee:

Coercion marks the beginning and corruption the conclusion of the march of union power observable in the McClellan record. The process begins with the use of compulsion to secure members. Thereafter, new and different coercive devices are used to bind the unwilling employees to the union. After a union has learned the usefulness of coercion in increasing membership, it falls even more into the habit of using even more in disputes with employers.

If there are not yet laws on the books to compel individuals to act in accordance with the unions' wishes, then reprisals against nonstriking workers—both union and nonunion members—are sometimes seen. Pressure, threat, and outright violence in some cases are used against workers who will not acquiesce to union demands, and too often these acts are overlooked later by regulatory and judicial bodies.

These abuses and violations of the law, let me make it quite clear, are not the fault of the workingmen of this country nor of responsible union leaders. They are promoted by the irresponsible one who believes in forcing his services rather than selling them. It is obvious that such a person is a friend of neither the

workingman nor his employer. Furthermore, he does a disservice to respectable unions. He does not propose to offer a value to either party to the contract. He merely offers them an escape from his threat.

Any system of legislated special privileges will effect the same result. It will place some men in a position of being able to offer, instead of a value, an escape from a negative as the inducement to enter into the contract.

I cannot stress too strongly that these abuses are not characteristic of labor unions of labor executives in general. However, neither are they isolated instances of no particular significance.

As Mr. Greaves points out:

Fifty years ago, it was thought that unions could do no good. Today, there is a strong tendency to think that unions can do no wrong. Even their physical violence is accepted with complacency. They are a law unto themselves, free from legal liability for their lawlessness. It is both necessary and important that we distinguish between the activities of unions that are economically beneficial and those that are destructive of life, property, and social cooperation.

Not only does the present situation encourage abuses of power and provoke incidents of force and terror, it has resulted in a state of economic affairs which—from the standpoint of both labor and business interests—has already serious disrupted areas of the economy, promoted disparities, and which promises even greater problems in the future.

A thick layer of economic fallacy surrounds our Nation's economic life and I think a large part of the blame for this situation must be charged to the special pleadings of union economists.

Further, because of their strong market positions resulting from their political and legal advantages, union forces have succeeded in driving to the wall marginal producers in many industries, thereby destroying jobs.

No producer wants to go out of business—although under some current legal interpretations he may not be granted permission to go out of business even if he has to.

If excessive wage demands, union harassment, and legal fees do not destroy the marginal operations of many small firms there is a good chance they will face trouble within the next few years by infringement of the codes of the National Labor Relations Board.

What is truly happening is that unions are losing membership, they are pricing themselves out of the labor market. In 1956, there were 17,490,000 Americans in labor unions. This declined to a low mark for the decade of 16,303,000 in 1961. Since then it has fluctuated below 17 million, with a total last year of 16,841,000.

Now the unions are asking Congress to bail them out.

In my own State of Texas, alone, the AFL-CIO has said they will add 34,000 members right away. That is 34,000 people who obviously do not want to join the unions, but who will have no choice in the matter if we repeal section 14(b). They either join or lose their jobs.

Within 3 years, according to union officials in Texas, 100,000 persons will be

forced to join unions there, not because of any advantages union membership offers or because the unions have demonstrated their utility, but simply because they would have a monopoly on employment.

Given increased power, it may be that union leaders will press still further in the very demands which have created unemployment and furthered inflation.

Section 14(b) was included in the Taft-Hartley Act in response to certain needs. This section was necessitated by previous legislation, and was designed to redress the imbalance which resulted from earlier pro-labor legislation.

The result of this legislation was that it put unions in a position of much greater strength than they would have commanded had union members, non-union workers, and businessmen had a greater freedom of choice.

Section 14(b) was designed to retrieve that freedom of choice.

This very fact is substantiated by the unions' claims today when they boast of the number of workers who will be forced to join unions if they succeed in repealing section 14(b).

There was a need for this section when it was passed; 19 State legislatures have attested to the need for this legislation by enacting right-to-work laws. Not only is there the same need for this legislation to remain on the books now, as there was then, but the need is even greater today, 18 years after passage of the Taft-Hartley Act.

If our currency is not to lose its value still further, if our economy is to become more competitive with other labor markets in other parts of the world, if we are ever going to be able to reduce tariff barriers, and if we desire to escape even greater unemployment, then 14(b) must be preserved.

The confusion in present labor law has led to certain administrative agencies making law rather than interpreting it. It is the opinion of one member of the National Labor Relations Board, for instance, that the Board should decide on a case-by-case basis and should not worry about being bound by mechanical rules.

As a result, neither labor unions, unionized workers, nonunionized workers, nor businessmen are free in their actions or decisions. Neither union officials nor businessmen can be sure that what was all right yesterday will be permitted today. Relations between workers and employers are becoming more strained and straitjacketed.

Although unions have been subjected over the past several decades to special laws which have attempted to curb their power, it is obvious that it is still the employing businessmen who bears the brunt of special legislation in the labor-management field.

For instance, industrialists and small employers have no recourse, as do private citizens, against repeated and continuing trespasses on their land in the course of a strike or dispute. The remedy of an injunction is denied them, although it is available to both the National Labor Relations Board and private citizens.

One of the most ominous precedents which has been set in the field of labor relations recently is the precedent of Federal pressure and activism in settling strikes.

Quoting from an article in *Fortune* magazine, by Max Ways, entitled "Labor Unions Are Worth the Price":

When George Meany says "strikes are part of the American way of life," he is not exulting in labor's power to disrupt, but rather expressing awareness that there are not known alternatives to collective bargaining that would not do far more damage to the American system. All the foreseeable substitutes involve, directly or indirectly, massive extension of Government power to fix wages and other conditions of labor.

Speaking of the danger of Federal activism in settling labor disputes, Mr. Ways continues:

Unions often lean on Washington for support in obtaining settlements; every such incident only increases the belief that only Government can bring labor accord.

As the cold war continues year after year, there is an increased tendency to consider it a total struggle, with a score to be kept in such indexes as the growth rates of national economies. A production loss is treated as a loss of ground on a military front and national harmony in the face of the enemy takes on a heavy emphasis. In such a context strikes offend. The cold war should indeed be an inhibiting factor against major strikes; but if the public, exaggerating strike damage, pushes this feeling to extremes, it may impair the spring that makes the U.S. economy tick. The real issue in the cold war—freedom—may be compromised.

Continuing with Mr. Ways' analysis:

Having stirred up the public by its own intense activity, the previous administration began to discover that, because the public is so stirred up over strikes, a much greater degree of Federal intervention in labor disputes may be necessary.

In February of 1963 Goldberg's successor, Willard Wirtz, made a most remarkable speech to the National Academy of Arbitrators. He said clearly, cogently, emphatically, that the public was exaggerating the damage done by strikes. But "neither the traditional collective-bargaining procedures nor the present labor-dispute laws are working to the public's satisfaction, at least as far as major labor controversies are concerned. It does not matter any more, really, how much the hurt has been real, or has been exaggerated. A decision has been made, and that decision is that if collective bargaining cannot produce peaceable settlements of these controversies, the public will."

And Wirtz added: "I agree with that decision."

The public, he thought, was giving labor and management a last clear chance to develop bargaining techniques that would avoid "crippling shutdowns," or else there might be established a court of labor-management relations to do the job. Wirtz dutifully pronounced the ritual anathema upon such a court and upon compulsory arbitration in general. But in his speech he transformed a wave of diffuse public indignation into a public "decision" to see that strikes in major industries do not occur. Who is going to carry out that decision? Three guesses.

Add to this deteriorating situation the extralegal role presently being played in labor-management relations by the National Labor Relations Board.

I know others have experienced the anxiety I have felt over the past several years with regard to the National Labor Relations Board. I think its recent ac-

tivities further illustrate the present mess this Nation is in with regard to its labor laws. I would like briefly to review this situation.

First, however, I want to reestablish the link between this discussion and the present business of repeal of section 14(b).

My object in discussing the present situation with regard to strikes and my desire to review the activities of the National Labor Relations Board is prompted by my concern about the present tangle of Federal labor law.

Paraphrasing the quote from *Human Action*, which I read earlier, Government intervention in the marketplace aimed at redressing a supposed evil, inevitably creates a state of affairs which is much less tenable than the state which the regulation was designed to alter. Governments then have the choice of repealing the earlier law which created the inequity, or of passing further legislation which will have the effect of further disrupting market processes.

The mixed economy creates pressure groups which, as a panacea for ills resulting from previous legislation, inevitably call for just one more law to make their troubles vanish.

Section 14(b) of the Taft-Hartley Act was a law passed in response to the untenable situation which resulted from passage of earlier laws.

I have no doubt that a general overhaul of labor legislation would be difficult for the Congress. I also have no doubt that continual enactment of corrective measure after corrective measure can only result in a deteriorating situation beneficial to no one in the long run.

The National Labor Relations Board is one good example of the chaos which exists in modern labor-management relations.

As a former General Counsel of the Board remarked several years ago about Board decisions under the previous administration:

The Labor Board has changed the law governing employer-union relations in nearly 100 distinct areas—and more often than not with ex post facto decisions condemning and penalizing employers for acts perfectly legal when undertaken.

In many areas the National Labor Relations Board is overstepping its own boundaries.

Under the Taft-Hartley Act, employers are guaranteed the right of free speech so long as "no threat of reprisal of force or promise of benefit" is contained in management's statements whenever unions are seeking to organize employers or whenever companies are engaged in collective bargaining and negotiations.

National Labor Relations Board Member Gerald Brown has interpreted this to mean that:

The question on which each case should turn is whether when viewed in proper context, the employer's words, even if couched in terms of a prediction or statement of legal position, render employee free choice impossible.

Mr. M. R. Lefkoe, writing in *Fortune* several years ago, recounts how this in-

terpretation was applied to a TV cabinet manufacturer:

Working within this kind of broad interpretation, the Board as a matter of fact has in many cases applied the law in a way that businessmen feel leaves them gagged. In the case of Somismo, Inc., a TV cabinet manufacturer, the employer made a speech in which he stated that the provisos of the union that was seeking recognition were ridiculous and predicted that if the union gained recognition and pressed its economic demands there would be a strike, adding, "use your own judgment."

When the union lost the election by a narrow margin and petitioned the National Labor Relations Board, the Board held that the employer's speech implied the threat that he would go out of business if he had to deal with the union and concluded that such conduct interfered with the employees' freedom of choice. The union was then granted a new election which it lost.

Present law states that companies must bargain with unions not only on the issue of wages and hours of employment but also concerning "other issues and terms of employment."

I am happy to report that the Supreme Court saw fit to rule against the Board decision. The Court found that an employer has an absolute right to terminate his entire business for any reason he pleases, even though he does not have a right, in the Court's view, to close one plant in a group under his control "if motivated by a purpose to chill unionism in any of the remaining plants if the employer may reasonably have foreseen that such closing will likely have that effect."

Another example of the erosion of the right of businessmen to make their own management decisions is the disturbing case of the Town & Country Manufacturing Co., a manufacturer of house trailers. Mr. Lefkoe reports that:

Both before and after the union organizing drive (by the General Drivers, Chauffeurs, & Helpers Union), the company encountered difficulties with the Interstate Commerce Commission about deliveries of its products to customers, and finally decided to discontinue its own delivery system and to use commercial trucks hired under ICC permits. This satisfied the ICC but enraged the union, which appealed to the National Labor Relations Board. The Board decided that the company's unilateral action was designed to undermine the union and constituted a refusal to bargain; it ordered the company to reinstate its delivery department and give its drivers back pay.

It held that the company's action even if it was taken to avoid violations of ICC regulations or because of economic considerations, constituted an unlawful refusal to bargain, for we believe that the employer was under a statutory obligation to bargain as to its decision to subcontract.

After rendering this decision, the Board then reopened a previous closed case and overturned a previous decision against Fibreboard Co.

Some of the decisions which have been handed down by the Board in the last 5 years have had momentous implications which are succeeding in straitjacketing businessmen and which have harmed relations between the unions and the business community.

As Professor von Mises observed in his book "Bureaucracy":

One of the qualifications required for any high position is precisely the ability to judge people correctly. He who fails in this regard jeopardizes his chances of success. He hurts his own interests no less than those of the men whose efficiency he has underrated. Things being so, there is no need to look for special protection for the employees against arbitrariness on the part of their employers or their employer's mandatories. Arbitrariness in dealing with personnel is, under the unhampered profit system, an offense that strikes home to its author.

Salaries and wages do not depend on arbitrary decisions. On the labor market every quantity and quality of work is prized to the amount the consumers are ready to pay for the products. The price of labor is a market phenomenon determined by the consumer's demands for goods and services.

My reasons for discussing the present legal immunities of labor unions and the current decisions of the National Labor Relations Board are to show how far we have strayed from pure contractual relationships.

The jurisdiction which the State courts now retain to enforce the right-to-work laws is one of the very few exceptions to the general rule that the National Labor Relations Board has exclusive jurisdiction in all labor disputes. Businessmen are denied recourse to the Federal courts by the anti-injunction features of the Norris-La Guardia Act, and access to the State courts is blocked by the Supreme Court's preemption doctrine. Only cases involving the right-to-work laws can still be heard in State courts.

The reputation of the National Labor Relations Board for not being a safe place for businessmen is well deserved. The repeal of 14(b) would leave the National Labor Relations Board in virtual complete control of the development of national labor policy.

Just as businessmen need the market check of free competition to remind them that their well-being is in the hands of the consumer, so, too, do unions need to be reminded that their strength lies in serving workers. We should not make it possible for them to survive on any other basis.

Let us consider the exact statute involved:

Section 14(b) of the Taft-Hartley Labor-Management Relations Act of 1947 states as follows:

Nothing in the Act 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.

In other words, by enacting section 14(b), Congress explicitly decreed that the Federal Government should not and would not preempt this particular area of labor-management relations even though interstate commerce might be affected. This is clearly explained in House Conference Report No. 510, on H.R. 3020, the Taft-Hartley Act, 1947:

Under the House bill there was included a new section of the National Labor Relations Act to assure that nothing in the act was to be construed as authorizing any closed shop, union shop, maintenance of membership, or

other form of compulsory unionism agreement in any State where the execution of such agreement would be contrary to State law. Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act as is disclosed by the legislative history of that act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called closed shop proviso in section 8(3) of the existing act nor the union shop and maintenance of membership proviso in section 8(a)(3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy.

To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14(b), contains a provision having the same effect.

In this respect, it is important to note that Federal labor legislation is—and must be—based upon the constitutional power of Congress to regulate interstate commerce; that is, commerce among the several States. However, it is grossly misleading and completely incorrect to say that even purely intrastate businesses and industries—and their workers—are not subject to and covered by the Federal labor laws. Two recent court decisions well substantiate this point:

In the 1962 Cutler case, approved in 1963 by the U.S. Supreme Court, it was held that the amount of interstate business done by an employer is not controlling with regard to Congress' power to regulate such business, and that Congress has the power to regulate even purely intrastate business where it tends to affect interstate commerce.

In the 1964 Patane case, a Federal district court decreed that the National Labor Relations Act and Taft-Hartley Act regulate activities which, in isolation, may be deemed to be merely local, but which involve interlacing of business across State lines or otherwise somehow affect interstate commerce.

In view of the foregoing, it is a little difficult in my opinion for anyone to allege with sincerity that labor unions are persecuted or unable to organize workers in purely intrastate businesses and industries in those States which have right-to-work laws. In the first place, only a minute percentage of all the workers who are capable of being organized into units—mainly those in manufacturing, production, the retail trades, construction, and so forth—are employed today in wholly intrastate businesses or plants which fall outside the scope of the Federal labor laws.

In the second place, the right-to-work laws in Texas and the other 18 right-to-work states all expressly safeguard the inherent right of each employee—whatever the nature of his job—to bargain freely with his employer, either individually or collectively, as he may choose. This is why they are truthfully called right-to-work or freedom-to-work-and-choose laws. An excellent example is Texas' own right-to-work law—article 520a, Vernons Annotated Texas Statutes—which states, as follows:

SECTION 1. The inherent right of a person to work and bargain freely with his em-

ployer, individually or collectively, for terms and conditions of his employment shall not be denied or infringed by law, or by any organization of whatever nature.

SEC. 2. No person shall be denied employment on account of membership or non-membership in a labor union.

SEC. 3. Any contract which requires or prescribes that employees or applicants for employment in order to work for an employer shall or shall not be or remain members of a labor union, shall be null and void and against public policy.

In Texas today, there is no legislative, judicial, or other government-imposed barrier to deter labor unions in their efforts, conducted fairly and democratically, to organize any group of employees subject to being organized for collective bargaining purposes. All the union spokesmen need do is convince a majority of the men at any given plant, or in any business, that the union and its leadership can more effectively represent them.

I would like to now turn to an examination and consideration of several of the major arguments and contentions which have been advanced by employers and employer associations relative to repeal of section 14(b) and the matter of State right-to-work laws. I would like to also review some of the arguments which have been made by union leadership.

It can certainly be effectively argued, I believe, that the oft-mentioned freedom to contract between a union and management should not accord to these two parties an overriding, paramount right to contract away the inherent constitutional right of each worker to exercise a free and uncoerced choice as to whether he will or will not belong to a labor union.

Furthermore, in view of the high cost to employers, employees, and the public of union-sanctioned strikes, walkouts, boycotts, picketing, and other work stoppages, and time-consuming, costly negotiations often occasioned by sometimes unreasonable union wage, hour, and other demands, many employers are not overly fond of this alleged freedom to contract with unions. Some would undoubtedly prefer greater freedom to manage and operate their own businesses, and more individual rights for their own employees. In this respect, it is undisputed that Federal laws already have, in a number of cases, severely restricted employers' freedom of contract in dealing with unions.

Then, too, perhaps, the right of employers and unions to contract should be restricted in some areas, especially in those areas which have to do with a person's natural or inalienable right to associate, to exercise his freedom of choice, for example, as to whether he will or will not join a labor union.

I think it is reasonable to state that the contractual rights of managements and unions should not transcend the natural right of a person to be free to make an uncoerced choice with respect to, in the final analysis, the earning of a livelihood for himself and his family.

The Federal Government in the past has made clear its intention to protect the individual from any form of coercion or discrimination, contractual or other-

wise. This is evidenced by section 7 of the Taft-Hartley Act, which guarantees the right of the worker to engage in or to refrain from any or all union activity.

In fact, section 8(a) (1) prohibits the employer from interfering with the employee's right to choose. Further, the act makes it illegal for the employer to seek to interfere contractually with the employee's free choice.

Certainly one of the most fundamental issues of this proposal we are considering today is the freedom of an individual to join—or not to join—a labor union. It involves the freedom of association. It poses the question of whether Congress should enact national labor policy, the effect of which would be to compel millions of Americans to pay into a labor organization in order to earn a living for themselves and their families.

This is a basic civil rights question and not just a matter of labor legislation. Proponents may argue that a union shop contract does not force any individual to actually join the union to retain his job; the requirement is merely that he must pay dues. In practical terms, the distinction is an impractical one.

It is interesting to look at the record to see what freedom of contract has meant in non-right-to-work States.

The testimony of small retailers establishes that the word "freely" is a grim joke. There is bargaining on wages, working conditions, and fringe benefits. There is no bargaining on the union shop. The employer is reduced to the position of saying yes or no. If he says no, he can expect a strike or picketing. A retailer is of course most vulnerable to strikes and picketing. When his store is shut down or his customers do not cross a picket line, he loses customers which he may never regain. Thus, he is easily forced to agree to compulsory membership and dues checkoff.

In my opinion the natural and inalienable right of an individual to exercise his free choice with respect to membership or nonmembership in a private organization cannot rightfully be taken away by any level of government.

I have yet to learn of a single Federal or State law or court decision which purports to confer upon any labor union the dignity and the power of an arm or agency of the Government. A union is strictly and solely a private organization. One could say it makes as much sense to force every worker to join a local of an international labor union as it does to compel every employer-businessman to join the local chamber of commerce in his town.

Perhaps most importantly, repeal of section 14(b) would further erode the already restricted authority of the citizens of the States to legislate according to their expressed desires in this field. Not only would repeal nullify right-to-work laws which are now part of the constitutional or statutory law of 19 States, it would also deprive all of the 50 States of their regulatory power in this im-

portant area of labor-management relations.

Adoption of the measure to repeal 14(b) would mean that citizens could not legislate specific guarantees of economic and political freedom in the constitutions or labor codes of their States. This vital area of local and State concern would be preempted by the Federal Government, and could be relinquished only by a subsequent act of Congress.

It should not be forgotten that voluntary unionism laws preceded the Taft-Hartley Act. Even the Wagner Act clearly did not prevent States from adopting right-to-work laws, and indeed, some of them did. The courts have repeatedly upheld the constitutionality of such laws.

Furthermore, the people of the several States now have the power, as they should have, to modify or repeal any existing State law or constitutional provision at any time. As noted, Indiana did just that earlier this year.

The fact that repeal of right-to-work laws carried in Indiana and five other States over the years, and failed in Iowa and Wyoming, for example, reflects honest differences of opinion among the States, which I strongly feel should be respected. I repeat, the people of any State with a voluntary unionism law can readily bring about its repeal at any time they may desire. This remedy is always available to the people.

There is much to be said for diversity rather than conformity with respect to State laws on union security agreements. This land remains a collection of State and regional distinctions which, far from weakening the Nation, has contributed and does still contribute much to our strength and progress.

Repeal of section 14(b) would infringe substantially upon the remaining sovereignty of the 50 States. It would further accentuate the already alarming trend toward bigness of business and government, in which the larger public interest and the interest of the individual worker are subordinated to the special privilege of the minority.

Section 14(b) of the Taft-Hartley Act is not itself a right-to-work law. It grants an entirely different right, the right of the voters of each State to enact the form of right-to-work laws they desire. The reservation of this right to the people of each State is in keeping with the principles of federalism set forth in our Constitution and proven by the passage of time. The Supreme Court has ruled that such a reservation of power is constitutional.

I am of the opinion that a worker's constitutional right to freedom of association, as guaranteed in the first amendment, would be placed in jeopardy by repeal of section 14(b) because repeal would permit compulsion to be substituted for voluntarism in the matter of membership in a labor union.

I quote from minority views the committee presented in Senate Report No. 697, dated September 9, 1965:

This Nation was founded by men and women who wanted to escape compulsion

and seek opportunity. The maximum amount of individual liberty consistent with the public interest is guaranteed in our Constitution and exemplified in the diversity of American life and the multitude of voluntary associations in our society. Repeal of 14(b) would arbitrarily restrict individual freedom in the most basic way; namely, by prescribing conditions of employment for millions of Americans.

Compulsion in the trade union movement has been opposed on principle by some of the greatest leaders of organized labor, such as Samuel Gompers, as well as by the foremost jurists of this century. One of the most ardent supporters of trade unionism, the late Mr. Justice Brandeis, argued forcefully against compulsion. Summing up his views on the subject, he once wrote:

"It is not true that the success of a labor union necessarily means a perfect monopoly. The union in order to attain or preserve for its members industrial liberty, must be strong and stable. It need not include every member of the trade. Indeed, it is desirable for both the employer and the union that it should not. Absolute power leads to excesses and to weakness; neither our character nor our intelligence can long bear the strain of unrestricted power. The union attains success when it reaches the ideal condition, and the ideal condition for a union is to be strong and stable, and yet to have in the trade outside its own ranks an appreciable number of men who are nonunionists. Such a nucleus of unorganized labor will check oppression by the union." (Quoted by the late Mr. Justice Frankfurter in his concurring opinion in *American Sash & Door Company*, 335 U.S. 538-559, which upheld the constitutionality of Arizona's right-to-work law).

The case against compulsion also was put persuasively in recent times by another former Supreme Court Justice, Arthur Goldberg, who spoke from a background of experience as union attorney and also as Secretary of Labor. He was quoted at a 1962 meeting of the American Federation of Government Employees by the *Washington Daily News* as follows:

"In your own organization you have to win acceptance not by an automatic device which brings a new employee into your organization, but by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements."

Repeal of the section 14(b) is inconsistent with the established law of the land as set forth in title 7 of the Civil Rights Act of 1964 which bans discrimination in one's employment situation because of race, color, religion, national origin, or sex.

The Federal Government, after setting up these safeguards, should not permit discrimination because of membership or nonmembership in a labor organization.

I fear that repeal of section 14(b) would open the door to discrimination of the worst sort.

The attention of the Nation has been focused for an extended period on the subject of civil rights. A historic and comprehensive law on this subject was passed last year. Congress has followed that with a law to guarantee the constitutional right of every qualified citizen to register and vote.

Yet the adoption of the measure to repeal 14(b) would take away an equally important, if not paramount, right of all Americans. All other individual liberties

and civil rights long cherished by the people of this Nation have little value if a person can be forced to pay money to a union to keep a job.

I submit that the enactment of repeal legislation would place the Federal Government in the position of switching its posture from one of antidiscrimination to one of discrimination against the worker in his employment situation.

As has been noted, union leaders have continually made reference to what they call "free riders," a term aimed at those who do not join. Many of these employees, however, remain out of the union for a number of reasons other than economic.

In those States that do not have right-to-work laws, many workers think of themselves as being "unwilling passengers," especially in view of the fact that they have been forced into union membership under union security contractual agreements.

This free-rider argument is wholly inconsistent because the unions eagerly sought and pressured for the privilege to represent all employees in an appropriate bargaining unit, regardless of the wishes of the minority employees.

The fallacy of the free-rider argument was well stated by Donald Richberg in his book, "Labor Union Monopoly." Mr. Richberg wrote:

The unions took away by law the right and freedom of individual employees to contract for themselves—and now the unions demand that nonmembers be compelled to pay for having their freedom of contract taken away and exercised against their will. The non-member is not a free rider; he is a captive passenger.

Of all the attacks on right to work, the free-rider myth is perhaps the most common and misleading.

It charges that a person who refuses to join a union is taking a free ride at the expense of his fellow workmen. This claim is based upon the fact that the law requires a union to represent all employees in a bargaining unit—members or not.

But this is the way the unions want it, or at least wanted it at one time. When the Wagner Act was passed in 1935, William Green, then president of the American Federation of Labor, insisted that the union be the exclusive voice for all employees.

When Congress granted unions the privilege to represent employees who do not want or think they needed a union, unions then demanded compulsory membership to obtain dues for their unwanted service.

I believe, in addition, that it is unjustified for union spokesmen to claim that they and their organizations are solely, or even primarily, responsible for all of the benefits which the employees whom they may represent now enjoy. Today, most employers confer many such benefits on all their employees, without having bargained with the union involved.

Employers are today unilaterally and voluntarily granting such benefits to their employees. It is primarily due to

the fact that times have changed drastically in the past 30 years. We now enjoy a vibrant, expanding economy in which most of the employees, even union members, are stockholders of the company or employer for whom they work. Then, too, most employers today are far more enlightened and realize their citizenship responsibilities and duties to their employees, their stockholders, and the public. Certainly unions can take some of the credit for this enlightened management philosophy of modern business, but to say they primarily are responsible for such enlightenment would probably be going too far.

In any event, the rise of a strong middle class in America, our present high standard of living, and our vibrant modern economy, has been the result of many factors, not just one.

Now continuing with some of the minority remarks previously referred to:

Almost every proponent witness (for repeal of 14(b)) appearing before the subcommittee stressed the argument that every employee's wages and working conditions are fixed by union contract and that therefore as a beneficiary of this contract he should contribute his share of the cost of union representation.

The argument ignores the fact that employees in a competing nonunion plant are frequently better paid. It assumes that the wages and fringe benefits of the worker in the union plant would be less if it were not for union negotiations. Obviously this applies only to the less skilled, less dexterous, or less diligent members of any working force, for an employer could afford to pay more to the more competent workers, were it not for the union goal of uniformity in job rates. Moreover, almost all union contracts have seniority provisions which require the newly hired to be laid off first and the older to be rehired first.

Young workers or newly hired workers in industries where there are frequent layoffs simply do not benefit by union representation.

Consider also the fact that many non-union employees have serious doubts whether excessive union demands are in their ultimate best interests, particularly when they are involved in costly long strikes over issues where they do not stand to gain. For example, where the issues result in a strike, the employees have much to lose and little to gain. Employees may choose not to join for many reasons apart from the dues requirement.

In fact, 39 million of 56 million workers in nonagricultural establishments have not joined unions and this has not been due to a lack of opportunity to do so.

The free-rider argument is basically unsound because throughout America many voluntary organizations carry on meritorious work which benefits many persons who contribute neither financial nor other support. Fraternal organizations, churches, civic and political organizations are examples. Any organization so lacking in the confidence of its members that it can only exist through the protective cloak of compulsion rests on such insecure foundations that it may need a reappraisal by its membership.

If a union serves the persons in the bargaining unit it represents wisely and unselfishly, it will have no difficulty in maintaining a strong and nearly universal membership.

Turning now to another point, many union leaders claim that right-to-work

laws weaken and destroy unions and impede their organizational drives.

The evidence does not support this contention. On the contrary, the record shows that organized labor has grown to the point where some 17 million of our Nation's nonagricultural workers are now in their ranks.

For example, from 1934 to 1951 the Railway Labor Act prohibited all types of compulsory unionism. Yet, during those years, membership in 13 railroad unions tripled, from 479,000 to 1,682,400, and jurisdiction was extended to cover, for all practical purposes, every mile of track in the country. Growth of union membership in right-to-work States has demonstrated that compulsory membership is not necessary for the continued good health of labor unions. Collective bargaining in the automobile industry, the airplane industry, and many other industries has proved that compulsory unionism is not necessary for effective representation of employees.

What compulsory unionism does do is to give unwarranted power to the union professionals. When members are compelled to join, and forced to contribute support to an organization under the threat of loss of livelihood if they do not, the purpose of the association has been drastically reversed.

Moreover, a Library of Congress publication reports that union membership went up in 40 percent of the right-to-work States in the period from 1958 to 1962. In the same period membership increased in only 30 percent of the non-right-to-work States. Michigan, which has no right-to-work law, has been experiencing a rather static condition with respect to union growth; on the other hand, Arizona, a right-to-work State, has been experiencing a steady union growth.

In the first quarter of 1965, for example, the unions in my State of Texas, a right-to-work State, won 43 of 56 National Labor Relations Board-conducted representation elections for a win figure of 76.8 percent as compared with a win figure of approximately 60 percent for the 2 previous years in Texas, and some 57 percent over the entire Nation. Thus, if anything, the unions are enjoying an organizing and election-winning streak in Texas, a right-to-work State. Even so, in these 1965 Texas elections, 40 percent of the employees who voted rejected the union—a total of 2,336—and 60 percent, or 3,482 employees, voted for the union.

Nationwide, union leaders and the labor press generally have characterized section 14(b) as a major obstacle to their continued progress. Yet there are no facts anywhere in the record to support this contention.

The available studies and information on union membership present an understandable mixed growth pattern. Rapid technological change typified by automation, new patterns within old industries and competitive market conditions are by common agreement the major impediments to continued union membership growth in most fields.

Some unions have maintained or improved their relative position since section 14(b) was enacted, while others have not.

The truth is that neither unions nor companies they bargain with have any inherent right to grow or any guarantee of success in our economic system. Both must earn their way.

Continuing with another point, it is my opinion that the union's claim that right to work impedes economic progress, promotes low wages and substandard working conditions, and causes migration of industry, is not supported by the facts and statistics.

The Bureau of Labor Statistics of the U.S. Department of Labor and other nationally recognized reports show that, in the 10-year period from 1953 to 1963, 3 right-to-work States led the Nation in the rate of new jobs created in business and industry, and that 3 of the top 5 and 7 of the top 10 States in the Nation in rate of gain in manufacturing hourly wage rates were right-to-work States.

The Secretary of Labor has based his arguments for repeal of section 14(b) on philosophical rather than economic grounds. This is understandable in view of the fact that proponents of repeal have so little economic ground to stand on. The same statistics used for years by union spokesmen in their campaign to discredit right-to-work laws can be turned around and used with even more weight to support retention of such laws.

For example, it is true that some Southern States, stung by the after effects of the Civil War and Reconstruction era, and only recently embarked upon industrialization programs, have wage scales ranging below the national average because of the relatively large proportion of rural and farm labor in their population. But it is also true that in the seven right-to-work States outside of the South, earnings of production and manufacturing workers surpass the national average.

Furthermore, there is hardly any accepted index of economic growth in which the rate of gain in the 19 right-to-work States does not exceed that of the remaining States. The union contention that voluntary unionism laws tend to depress wages simply ignores the facts.

Texas, Florida, Louisiana, and other Southern and right-to-work States have made great strides in recent years in attracting new industries and are well above the national average in this respect since World War II. However, some heavily industrialized and unionized States in the East—West Virginia, Massachusetts, Pennsylvania, and even New York—have fallen below the national average in recent years and have even been losing businesses and employees to the South and Southwest—virtually all being right-to-work States. The high cost to management due to the high cost of unions—strikes, other work stoppages, boycotts, and so forth—is one reason for this shift away from the solid non-right-to-work area of our Nation.

The economy of Texas has fared extremely well in recent years, under our

right-to-work law, as compared to non-right-to-work States.

The following statistics from the U.S. Department of Labor, Bureau of Labor Statistics, and the Bureau of Business Research of the University of Texas, bear out this point:

	Rate of increase	
	Texas	Non-right-to-work States
[In percent]		
Nonagricultural employees 1953-63.....	20.8	9.0
New manufacturing jobs 1953-63.....	14.3	-7.6
Production workers 1953-63.....	9.7	-14.1
Value added by manufacturing 1953-62.....	82.5	41.5
Personal income 1953-63.....	64.1	60.2
Population 1950-64.....	34.8	26.2
Bank deposits 1953-64.....	69.9	63.5
Motor vehicle registration 1953-63.....	50.9	44.3
Annual retail trade payroll 1954-58.....	23.8	17.5
Retail trade sales 1954-58.....	19.5	16.7
Number of retail trade establishments 1954-63.....	8.5	3.4
Value of life insurance in force 1953-63.....	167.3	132.0
Number of insurance policies in force 1953-63.....	40.2	26.8

Thus, Texas has gained a great deal under its present system permitting freedom of choice about union membership. Both labor and management have benefited as the economy of Texas has expanded at a greater rate than the average of non-right-to-work States. And this has happened in an atmosphere of relative labor-management harmony because there have been many fewer walkouts, strikes, and other work stoppages in Texas than in non-right-to-work States.

In addition, there are other key areas in which all of the right-to-work States outstrip all of the non-right-to-work States. The following statistics bear out my point:

	[In percent]	
	Right-to-work States	Non-right-to-work States
Per capita personal income 1953-63.....	43.7	35.4
Average weekly earnings of production workers 1955-65.....	46.8	42.8
Capital expenditures 1953-62.....	37.1	27.2
Hourly earnings by manufacturing workers 1953-63.....	46.7	41.5

The following statistics were obtained from the U.S. Department of Commerce and reflect in detail the rate of increase of economic growth in right-to-work States versus non-right-to-work States, and also give the national average for each category. In brief, they show that in every single category, the rate of increase in economic growth for the right-to-work States has been greater during the past 10 to 12 years than that of either the non-right-to-work States or of the Nation as a whole. In fact, in every single category, the right-to-work States ranked first, the Nation as a whole was second, and the non-right-to-work States were always last. Again, I ask unanimous consent that these statistics be printed at this point in the RECORD.

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

ECONOMIC PROGRESS IN RIGHT-TO-WORK STATES	
The 19 States <sup>1</sup> where right-to-work laws guarantee individual freedom for wage earners lead the Nation in rate of economic growth. Data for this economic comparison were obtained primarily from the U.S. Department of Labor and the U.S. Department of Commerce:	
<i>Percentage rate of increase</i>	
Nonagricultural employees (1953-63):	
Right-to-work States.....	23.3
Non-right-to-work States.....	9.0
National average.....	12.6
(The top three States in the Nation in rate of new jobs created by industry are right-to-work States: (1) Nevada, (2) Arizona, (3) Florida.)	
Source of data: Department of Labor, Bureau of Labor Statistics.	
New manufacturing jobs (1953-63):	
Right-to-work States.....	12.8
Non-right-to-work States.....	-7.6
National average.....	-3.3
Source of data: Department of Labor, Bureau of Labor Statistics.	
Production workers (1953-63):	
Right-to-work States.....	3.9
National average.....	-10.2
Non-right-to-work States.....	-14.1
Source of data: Department of Commerce, Bureau of the Census.	
Capital expenditures (1953-62):	
Right-to-work States.....	37.1
Non-right-to-work States.....	27.2
National average.....	29.8
Source of data: Department of Commerce, Bureau of the Census.	
Per capita personal income (1953-63):	
Right-to-work States.....	43.7
Non-right-to-work States.....	35.4
National average.....	37.0
Source of data: Department of Commerce, Office of Business Economics.	
Personal income (1953-63):	
Right-to-work States.....	70.3
Non-right-to-work States.....	60.2
National average.....	62.7
Source of data: Department of Commerce, Office of Business Economics.	
Hourly earnings by manufacturing workers (1953-63):	
Right-to-work States.....	46.7
Non-right-to-work States.....	41.5
National average.....	43.7
Source of data: Department of Labor, Bureau of Labor Statistics.	
Value added by manufacturing (1953-63):	
Right-to-work States.....	73.3
Non-right-to-work States.....	41.5
National average.....	47.5
Source of data: Department of Commerce, Bureau of the Census.	
Population (1950-64):	
Right-to-work States.....	27.4
Non-right-to-work States.....	26.2
National average.....	26.6
Source of data: Department of Commerce, Bureau of the Census.	

<sup>1</sup> Wyoming, which became a right-to-work State in 1963, is not included in these figures because of the time period involved.

Percentage rate of increase—Continued

Average weekly earnings of production workers (1955-65):

Right-to-work States.....	40.8
Non-right-to-work States.....	42.8
National average.....	44.3

<sup>1</sup> 6 of the 15 States with the highest average weekly earnings for production workers are right-to-work States.

Source of data: Department of Labor, Bureau of Labor Statistics—Employment and Earnings, 1955 and March 1965 volumes.

Bank deposits (1953-64):

Right-to-work States.....	69.4
Non-right-to-work States.....	63.5
National average.....	64.6

Source of data: Department of the Treasury.

Motor vehicle registrations (1953-63):

Right-to-work States.....	53.0
Non-right-to-work States.....	44.3
National average.....	47.0

Source of data: Department of Commerce, Bureau of Public Roads.

Annual retail trade payroll (1954-58):

Right-to-work States.....	23.5
Non-right-to-work States.....	17.5
National average.....	18.9

Source of data: Department of Commerce, Bureau of the Census.

Retail trade sales (1954-58):

Right-to-work States.....	20.3
Non-right-to-work States.....	16.7
National average.....	17.6

Source of data: Department of Commerce, Bureau of the Census.

Retail trade establishments (1954-58):

	Total	With payroll
Right-to-work States.....	6.9	9.9
Non-right-to-work States.....	2.6	3.4
National average.....	3.7	5.1

Source of data: Department of Commerce, Bureau of the Census.

Value of life insurance in force (1953-63):

Right-to-work States.....	167.0
Non-right-to-work States.....	132.0
National average.....	140.0

Source of data: Institute of Life Insurance, Life Insurance Fact Book.

Number of life insurance policies in force (1953-63):

Right-to-work States.....	39.2
Non-right-to-work States.....	26.8
National average.....	30.5

Source of data: Institute of Life Insurance, Life Insurance Fact Book.

TIME LOST THROUGH STRIKES

In States without right-to-work laws, nearly twice as much time is lost through work stoppages due to strike action as in the right-to-work States. The following figures are from the Bureau of Labor Statistics:

Man-days idle during work stoppages—1963 (as percent of working time):

Right-to-work States.....	0.09
Non-right-to-work States.....	0.14

Mr. TOWER. Mr. President, some opponents of right to work would have people believe that poverty is widespread in Texas and that Texas wage earners lag far behind the national average because of the existence of the Texas right-to-work law, which is permitted under section 14(b) of the Taft-Hartley Act.

A number of freedom-to-work advocates feel very strongly that forced union membership means more tax free union dues money will be available to the union for political and other purposes.

This would mean of course that some union members would be forced to contribute to campaigns of candidates with whom they were in disagreement and causes contrary to their beliefs.

Thus, all of the reasons for an employee's choice not to join a union are not based on a desire to avoid dues and assessments. Some of the other reasons might be listed as: confidence in the leadership of management; objections to the union leadership; objections to the union policies; objections due to conscience; objections based on religion; objections to the union in principle.

In addition, the assumptions that all union leadership and activities have been good in the past or will be beneficial in the future for the rank-and-file members, and that all employees or the general public will benefit at all times from the efforts of their union, do not always hold up under scrutiny. This point is reflected in the McClellan committee report that documents many examples of corruption, racketeering, and abuse of power by union officials.

Considering another point, the unions contend that right to work is a misnomer in that it does not guarantee employment.

This may be true, but unions cannot guarantee employment, either. Productivity and capital investment in an atmosphere of voluntarism create the most dynamic employment opportunities. Restrictions, whether by labor or Government policy, cause the employment opportunities to go elsewhere.

In my opinion, repeal of section 14(b) would have a most adverse effect on small independent businesses.

Unions represent only about 17 million workers in the United States. By contrast, more than 53 million workers do not belong to any union.

Many of these nonunion workers are employed by the millions of small business enterprises which are such an integral part of the Nation's economic and commercial structure. They are the ones who would be hit hardest by repeal of section 14(b).

Large corporations in basic industries can meet a powerful union at the bargaining table with at least some degree of equality. This is not true for the independent small employer, who may be starting a new enterprise or struggling to survive on a thin profit margin in competitive fields.

It is this small employer—and there are approximately 4 million of them—who can be irreparably harmed by powerful union officials. There are many small contractors in the right-to-work States, for example, who operate an open shop, and thus afford an opportunity both for apprentices to learn a trade and for skilled to work. They would soon be eliminated if section 14(b) is repealed.

The adoption of a measure to repeal right to work would directly contradict long established Federal policy to en-

courage and support small business in this country, as its major impact would fall on medium- and small-sized companies which could not possibly withstand the assault of such organized power in a demand for a union shop and compulsory membership.

Freedom to work opponents have from time to time advanced the argument that the union shop promotes labor peace. This is not confirmed by the record.

The Bureau of Labor Statistics, U.S. Department of Labor, reports, for example, that in 1963 in States without right-to-work laws, nearly twice as much time was lost through work stoppages due to strike action as in right-to-work States. Right-to-work States lost only 0.09 percent of working time as compared with 0.14 percent in non-right-to-work States.

In response last fall to this argument, two of our distinguished colleagues who are members of the Labor and Public Welfare Committee had this to say:

It has been suggested that repeal of section 14(b) would contribute to increased stability and peace in labor-management relations \* \* \*.

The truth is that repeal of 14(b) would inevitably lead to heightened tensions and conflict throughout the land as individual employers and employees struggled to resist coercion by powerful unions. Repealing a law strongly supported by a clear majority of the American people would create discord, not stability.

Organized labor, representing approximately one-fifth of our work force, has expended millions of dollars in a propaganda campaign to create a simulated demand for repeal of 14(b). Yet the evidence unquestionably shows a strong majority of the American people want 14(b) retained.

Congress has a solemn obligation to consider the views of the citizens who elect its Members. Representative government means what it says—or at least it should. And in the case of this particular bill, there can be no doubt that a substantial majority of the American people oppose it.

Recent national polls by Samuel Lubell, Louis Harris, and Opinion Research Corp.—three of the most reputable organizations in the field—show that upward of two-thirds of the voters oppose compulsory unionism. The Gallup poll of June 15, 1965, supported this conclusion and also disclosed that a majority of the public believes unions already have too much power.

It said:

It is significant to note that 42 percent of union members themselves agreed.

Augmenting these widely known national polls are many selective State polls which reflect similar public sentiment. Editorial opinion in the Nation's press also is heavily arrayed against repeal of 14(b). Even such usually divergent publications as the New York Times and the Chicago Tribune agree that 14(b) should remain the law of the land.

By all accepted techniques of measuring public opinion, including a heavy volume of constituent correspondence, there is a distinct national consensus against repeal of this provision of law. At no point in the hearings before the subcommittee was any evidence put forth to justify overriding the clearly expressed will of a majority of

Americans on the issue. Repeal of 14(b) would be an obvious and flagrant disregard of the will of the people.

Union leaders have argued that if the majority of the employees in a bargaining unit want a union, then all should be required to join.

In answer to such argument, we must remember that the union is not an arm of the government. It is a voluntary private organization like the PTA, church, and fraternal organizations.

Opponents of freedom to work argue that the majority of the workers in a plant or shop should determine whether all of the employees there will join the union and pay dues and assessments to it. True, majority rule is a fundamental of our democratic system. However, we have an equally basic belief—the protection of minority rights.

No majority, whether it be a slim 50.1 percent or a whopping 99.9 percent, should be able to compel the minority to join or support a private organization—a church, a club, a political party, or a union.

This union argument completely ignores the fact that minorities in our system of government have rights which cannot be bargained away by majorities. Moreover, the record discloses many instances where unions have acquired exclusive bargaining status without any election whatsoever. Nor for that matter is the question of a union shop demand always put to the union membership for a vote.

In talking about majority rule, union spokesmen erroneously assume there is no difference between public government and private labor organizations, so far as power over the individual is concerned. Sovereign rights cannot be claimed by a labor union or any other private organization.

If a minority of employees does not want to be unionized, no democratic principle will support action which compels that minority to join the union of a majority. Moreover, although a properly constituted government may take some rights from an individual under the principle of majority rule, even in this case there are certain basic rights which cannot be taken from him.

Mr. Justice Jackson eloquently expressed this when he stated:

The very purpose of a bill of rights was to withdraw certain subjects from the vicissitudes of political controversy to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to votes; they depend on the outcome of no elections. (Speaking for the majority in *West Virginia State Board of Education v. Barnette*, 319 U.S. 1187).

I cannot agree that a great national purpose would be served by requiring American workingmen to join unions even if the majority wills it. In the case of the Government a majority decision may decide issues. It should never decide just who shall join a private association.

It is believed by many of those favoring freedom to work that organized labor's real objective is the closed shop.

This form of union security, made illegal by section 8(a) (3) of the Taft-Hartley Act, requires a prospective employee to be a member of the union before he may be hired. When this arrangement is accompanied by the closed union—a union which does not admit new members—the power of the unions can become somewhat overwhelming.

A spokesman testifying for the AFL-CIO during the Senate committee hearings, said:

A closed shop—and an open union—is from our point of view a more desirable situation. The union shop permitted by the Taft-Hartley Act is not ideal from our standpoint, but rather, as was well understood at the time, is itself a compromise.

The union campaign for repeal of section 14(b) started with the passage of Taft-Hartley, grew upon failure to repeal this law in 1949, and continued full ahead after the last national elections when union leaders claimed that they then had a sufficient number of Members of Congress in both houses to obtain repeal.

Freedom to work proponents feel, generally I believe, that labor unions have already been granted sufficient special privileges by Congress, the National Labor Relations Board, and the courts, and do not deserve additional special privilege.

Congress, by law, and the courts by upholding many decisions of the National Labor Relations Board, have already granted many special privileges to private labor organizations since the enactment of the National Labor Relations Act in 1935. Many of these advantages conferred upon trade unionism by law are not enjoyed by any other private institutions or economic interests in our society. For example:

Unions are largely exempt from application of the antitrust laws.

They are immune, in most instances, from the issuance of Federal court injunctions.

They can compel employees in 31 States to pay dues to the union in order to hold their jobs.

They can—and certainly do—use funds which their members have been compelled to contribute as a condition of employment, to finance political campaigns opposed by some of their membership.

Some unions for many years have practiced racial discrimination in determining who shall be allowed to join.

They have the exclusive right to act as collective-bargaining agents even for those employees who do not want to be represented by the union.

Added to this list are a growing number of National Labor Relations Board decisions which have vastly increased the scope and power of union authority. For example:

In the Wisconsin Motors case the Board specifically upheld the right of a union to fine members for exceeding union-imposed production quotas.

In the Allis-Chalmers Manufacturing Co. case, the Board held that a union

member could be fined and threatened with legal action to collect the fine if he exercised his right not to respect a picket line.

Earlier this year, the Board held that an employer who moved his apparel-manufacturing company from New York to Florida must bargain with the union in Florida, even though the union cannot prove it represents a majority of the workers in the new location.

Furthermore, the National Labor Relations Board, particularly since 1962, has tremendously increased the scope and numbers of mandatory bargaining subjects which, under section 8(a) (5) of the National Labor Relations Act, management must negotiate with the union at a particular plant or shop before any action at all can be taken. Thus, in many cases, what used to be purely managerial decisions now must be bargained with the union.

Aside from this tendency of the National Labor Relations Board to regard itself as an advocate of the unions instead of as an impartial administrator of the law, many large unions over the years have not demonstrated the responsibility that should accompany the extraordinary privilege they have.

Consider the staggering loss to the economy from industrywide strikes in which the public interest was not represented at the bargaining table. Consider the unreasoning opposition of many union officials to the technological change which is necessary for survival in a competitive market. And, finally, consider the violence and corruption disclosed by work of the Senate Committee on Government Operations in recent years.

Given this record, it is difficult to understand how the granting of additional coercive power would result in more responsible citizenship by unions.

Another argument advanced by right-to-work opponents is that of so-called uniformity.

Secretary of Labor Wirtz and labor union spokesmen have stated that since all other provisions of the Federal labor laws apply uniformly in the States, accordingly, a uniform national policy should be adopted in the area of union security.

Even assuming for purposes of debate that there is virtue in uniformity, this argument does not stand up under investigation. The Supreme Court has held that State boards may enjoin quickie or intermittent strikes, can regulate the conduct of strikers on picket lines, and that State courts may entertain suits for breach of collective agreements.

Section 14(c) of the present law permits the States to assume jurisdiction over labor disputes even in industries affecting interstate commerce if the Board has relinquished jurisdiction.

Section 18 of the Fair Labor Standards Act allows the States to impose higher wages or shorter workweeks than are prescribed by that act.

Section 603(a) of the Landrum-Griffin Act preserves State laws regulating the actions of union officials and the reme-

dies available thereunder to individual members.

The Civil Rights Act of 1964 gives wide latitude to the States to legislate in the area of racial or religious discrimination in the field of employment.

Even in the National Labor Relations Act union security is not applied alike to all employees. A special rule applicable only to the construction industry is written into section 8(f) of the act. The act similarly abandons uniformity in section 8(e) which writes in special rules regarding "hot cargo" arguments applicable to both the construction and garment industries. Since the garment industry centers largely in New York, it follows that here is an exception which is principally applicable in just one metropolitan area of one State.

Workmen's compensation and unemployment compensation benefits vary from State to State. The States also have varied laws about injunctions in labor disputes, about payment of wages, about employment of minors and females, and many other matters that affect the employer-employee relationship.

Turning to another point, union spokesmen repeatedly make the misleading claim that soon after the passage of the Taft-Hartley Act—the period from 1947 to 1951—when secret ballot elections were a condition precedent to a union shop agreement, the workers demonstrated that they were overwhelmingly in favor of the union shop.

Secretary of Labor Wirtz has said that "over 97 percent of the 46,146 elections which were conducted went in favor of the union shop, and 91 percent of the almost 6 million employee votes cast in these elections were in favor of the union shop." To the Secretary, these figures demonstrate that the American workingmen overwhelmingly favor the union shop.

The figures do not tell the whole story by any means. Only a small percentage of the establishments in this country which now have compulsory membership provisions in contracts were ever the subject of these popular referendums.

It must be remembered that because such polls were taken only upon the petitions of labor organizations, the union officials rarely picked any establishment where they were not sure to win. In cases where the Board has entertained deauthorization petitions from dissident employees—and it takes a 30-percent showing to file—the results of such balloting indicate a disillusionment with compulsory unionism. Of the 34 referendums conducted in 1964, 67 percent resulted in a majority vote for revocation of the union shop. In 1963 unions lost 71 percent of such elections.

It should be noted that these deauthorization proceedings have every force working against them. Employees cannot campaign for deauthorization in the shop or plant. They can hardly campaign at the union hall. The employer cannot assist or even suggest such without being guilty of an unfair labor practice. Advocates of deauthorization can, in some cases, expect threats and abuse and future retaliatory action from the

union. Their employers, fearing union pressures, may be expected to make every effort to discourage deauthorization campaigns.

The measure to repeal 14(b) should be defeated because it is wrong in principle and cannot be justified by the facts. It would not meet any demonstrated national need; on the contrary, it is more the product of a long, expensive campaign by organized labor to gain economic and political power through the force of Federal law. This proposed legislation would, if enacted:

First. Compel American working men and women to join unions, or to pay money to unions against their will and beliefs.

Second. Compel workers to join even in many instances where a majority involved do not desire union security clauses in their contract or, in fact, do not even desire union representation.

Third. Lessen the initiative of union leaders to work for the benefit of employees in the 19 States having right-to-work laws.

Fourth. Make national policy a principle contrary to that of other leading democratic countries, including Austria, Belgium, Denmark, France, Holland, Norway, Sweden, Switzerland, and West Germany, in each of which compulsory unionism is prohibited by constitutions, laws, or judicial decisions.

Fifth. Provide organized labor with the additional economic and political power to secure its real objective—abolition of the ban on the closed shop.

Sixth. Result in a tremendous increase in strikes, picketing, and violence in the 19 States which now have right-to-work laws.

Seventh. Deprive 50 States of their traditional and historic American right to prohibit all forms of compulsory unionism.

Eighth. Adversely affect the interests of small business.

As indicated previously, there are many other compelling arguments against this bill. Considered together, they present an overwhelming case for retention of section 14(b) in the National Labor Relations Act.

In conclusion, it should be noted that the general spirit of the original National Labor Relations Act, as well as that of the Taft-Hartley Act, was to protect employees in their right to associate for the purpose of collective bargaining. The Taft-Hartley Act corrected some of the deficiencies of the National Labor Relations Act, but the underlying theme of both acts was to provide employees with a representative of their own choosing. Both acts guaranteed that right and contained additional prohibitions designed to effect that result.

The Taft-Hartley Act, for instance, declares in its policy statement that workers should have the right to select representatives of their own choosing. Section 7, the heart of the act, guarantees the right to engage in union activity; section 8(a)(1) forbids an employer to interfere with, restrain or coerce employees in the exercise of this right. Section 8(a)(2) forbids an employer to contribute financial or other support to

a labor organization. Section 8(a)(3) forbids an employer to discriminate in employment so as to encourage or discourage membership in a labor union. All of these provisions are designed to protect the individual in his freedom of association without coercion from his employer.

In the final analysis, therefore, regardless of what labor officials want, or what management representatives want, the interests that must be considered paramount are the interests of employees and the public.

Many believe that it is in the public interest to have a strong organized labor movement. I certainly do. However, the end does not justify the means, and a desire for a strong organized labor movement does not justify building the labor movement by compulsory membership. It is doubtful whether a truly strong organization can be built on compulsion. Organizations are made good and kept good by vigilance and effective strength on the part of the membership. Compulsory support undercuts the strength of the membership by eliminating the most effective way of controlling the organization—the free right to withhold or withdraw support from the organization when it acts against the best interests of, or contrary to, the wishes of the membership.

The fact that a member has a free right to withhold support, whether he exercises this right or not, insures that ultimate control remains in the membership. When the union officials know that this right can be exercised, they are more apt to respect the views of the membership.

In any event, the support, financial and otherwise, that union members are compelled to contribute is used to advance opinions with which some do not agree.

Compulsory unionism is not necessary to insure strong and effective unions. It is not necessary to promote successful collective bargaining. Actual experience has proved this to be a fact.

Mr. MURPHY. Mr. President, I rise to oppose the repeal of section 14(b) of the Taft-Hartley Act.

In the first place, I would like to point out that I am a firm believer in the principles of collective bargaining and have been an active member of the labor movement for over 30 years. I still belong to the Screen Actors Guild—AFL-CIO—where I served as a director for 15 years and as president. I can recommend the record of this fine organization for study by all union leaders. All of my experiences with unions, however, have not been as happy and as productive as my days with the Screen Actors Guild, and the two greatest problems I have had to face as a labor leader were caused not by management but by other so-called labor leaders, which makes me doubt the complete infallibility of labor and suggests that individual rights and public welfare should be of first importance and need as much protection as can be given.

I would like to point out that the right-to-work issue has been before the California voters twice in the past several

years and on both occasions they have voted to oppose such legislation, so that for all practical purposes this question has been satisfactorily settled in my State in what I consider the proper manner—by the voice of the people. I believe that the people of all States should have the same privilege as that enjoyed by the voters of California and that they be permitted to make their own determination in this regard.

I am particularly sensitive to the fact that lately we see constant evidence of attempted change in our so-successful Federal system wherein rights and privileges which were historically reserved to the States are being continually eroded and destroyed to be replaced by Executive decree or Federal order from Washington. I believe that this is a dangerous procedure and that this invasion of the rights of the States as well as the rights of the citizens should be stopped wherever possible. The Supreme Court has ruled that the reservation of the powers of the States under section 14(b) is constitutional and, in my humble opinion, it is a continued safeguard for one of the basic principles of our free society which has worked extremely well for many years.

It is evident that the elimination of 14(b) would strike down conditions which exist presently in 19 sovereign States which include: First, the decision of 6 States which have already enacted constitutional amendments prohibiting union shops; second, the condition of 2 States which have previously adopted right-to-work laws by popular vote of the citizens of those States; and third, 11 States which had adopted right-to-work laws through the usual procedure of their State legislatures.

In all cases, it appears that these laws were enacted either by a direct demonstration of the will of the people of such States by vote or by their constitutionally elected representatives which, therefore, would seem to be a reflection of the wishes of the people.

It has been argued that citizens may not understand such complex legislative issues, but I am firmly convinced and have full confidence in the ability of the people of the individual States not only to understand this issue but also to decide it competently.

Many amendments were offered in committee which, in my opinion, would have helped the bill immeasurably by protecting the rights of the rank-and-file members of unions as opposed to giving complete control of the voting franchise of these same members to a few union bosses. I refer to amendments which dealt with union recognition based upon secret elections rather than "card checks," the use of compulsory dues money for political purposes with which the individual union member might be in complete disagreement, free speech in election cases on a practical rather than theoretical basis, and discrimination as historically practiced by some unions because of race, color, and creed.

I also feel very strongly that amendments proposed by the minority should have been accepted which would have limited the use of union dues to matters

of improving wages, hours, and working conditions rather than to the election or elimination of certain political candidates whose views might be either in accordance, or entirely at variance, with those of many of the rank-and-file dues-paying members.

The unfortunate rumor that persists that the elimination of 14(b), which seems to have worked no great hardship on unions in the past, comes as a result of a political promise or deal concerning the delivery of votes, and I find this, if true, very objectionable. As a rank-and-file member of unions for over 40 years, I have always held that the dues-paying members of labor unions should at all times retain full free voting privileges and all of the privileges of citizenship so that they might choose their own representatives in government free from restraint or coercion of any kind and, under no circumstances, should union leaders be permitted to use as a bargaining instrument the voting rights of millions of union members without their individual consent.

I believe with former Secretary Goldberg and one of the greatest names in the union movement, Samuel Gompers, that a good product and a good service need not—and should not—be sold through compulsion and that freedom of choice in union membership will, in the long run, achieve the best interests of employee and employer relationships and work to the benefit of the general public.

The assumptions that all union leadership has been good in the past or will be beneficial in the future for the rank-and-file members, and that all employees or the general public will benefit at all times from the efforts of their union, do not always hold up under scrutiny. This point is reflected in the McClellan committee report that documents many examples of corruption, racketeering, and abuse of power by union officials, and in my personal experience, the matter of the famous Brown-Bioff case in Hollywood, wherein the bargaining rights of an entire industry were turned over, with the sanction of union officials, to men of questionable character with long criminal records, is still crystal clear in my mind.

I believe the record will show that there were 61 criminal convictions on charges of mismanagement of union dues, embezzlement, and like problems which worked to the detriment of the rank-and-file union members and to the entire union movement during the year 1964.

It has always been my concern that the individual members of labor unions need all the protection that we can afford them and certainly freedom of choice and the right of franchise are of paramount importance.

It has further been my belief that in spite of the fact that I am in complete accord with the basic principles of collective bargaining and unionism that restraint must always be in evidence where we are dealing with unlimited powers and that the protection of the individual must be considered at all times.

Finally, when it comes to a decision as to whether I believe that the future expansion of the union movement should be considered ahead of what I believe to be in the best general interest and national welfare, I must always place the welfare of the country first.

In closing, I would like to point out that at no time during my campaign for the Senate did I, nor would I ever, advocate the enactment of a right-to-work law in my State. And as I earlier stated, practically speaking, the repeal of section 14(b) will not affect my home State in any way.

I will however, defend the right of the respective States and the people therein to make their own decisions on this matter. Mail from my constituents and editorials from newspapers throughout my State overwhelmingly support my position. National polls on this subject confirm that the majority of the people in this Nation are opposed to the repeal of section 14(b). It is because of these reasons, Mr. President, that I commend Senator DIRKSEN for his efforts and join him in opposing the repeal of section 14(b).

I ask unanimous consent that the many editorials which appeared in California newspapers on this subject be printed in the RECORD.

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

[From the San Rafael Daily Independent Journal, Jan. 20, 1966]

#### SECTION 14(b) NECESSARY TO PREVENT UNION ABUSES

The President has repeatedly promised labor that he will work for the repeal of section 14(b) of the Taft-Hartley Act.

This is the section which gives States the right to outlaw compulsory unionism through so-called right-to-work laws. Nineteen States have adopted such right-to-work laws, to prohibit labor agreements that would force a worker to become a union member as a condition of employment.

The President's latest plea for repeal of 14(b) was accompanied by an appeal for uniformity. The President argued that the repeal would bring the 19 States (with right-to-work laws) into uniformity with the 31 other States.

Uniformity is exactly what we do not want in matters where Americans have traditionally had freedom of choice. Furthermore, each State is sovereign and need not act in unison on orders from the White House or from labor bosses.

A man's right to work in a job of his choosing and his decision to join or not join a union should be a matter of individual choice.

Uniformity, especially forced uniformity, if carried to extremes, can lead to dictatorship.

Loss of 14(b) would be a big blow to private initiative and individual freedom. It would be the signal for labor bosses to complete the regimentation of the Nation's working force and to tighten their hold on the masses.

The labor bosses' hold over workers is already considerable. Note what happened in New York when labor leaders decided the transit workers should get more pay and greater benefits and the public-be-damned.

With one order, some 35,000 transit workers walked off their jobs, and the greatest metropolis in the world came to a standstill. With the entire city at their mercy, labor leaders could thumb their noses at authority.

There is some indication that the New York strike may have backfired on labor, and that public sentiment may turn against the labor leaders when the 14(b) repealer comes up in Congress this year.

This is not a criticism of labor unions. Responsible unions which strive for the betterment of the workingman and his family should be able to attract and hold members without compulsion. Such unions deserve to thrive.

But those labor bosses who must rely on threats of job loss to compel union membership do not deserve to flourish.

In this age of increased regimentation, laws like 14(b) are needed to put the brakes on complete domination by labor bosses and to preserve for the individual what little initiative and freedom of choice he still retains.

[From the San Francisco (Calif.) Examiner, Sept. 24, 1965]

#### RIGHT OF CHOICE IS THREATENED

President Johnson has had remarkable and deserved success in obtaining congressional enactment of major domestic measures that are part of this Great Society program. The Examiner and other Hearst newspapers have supported those bills for the most part—such as education, medicare, antipoverty—because, in our belief, they are in the best interests of the American people.

On that same basis, we oppose the bill soon to be debated in the Senate, which would repeal section 14(b) of the Taft-Hartley Act. This is the section that gives States authority to adopt right-to-work laws. Repeal would give excessive and dangerous authority to organized labor.

The President is committed to passage of the repeal bill. Some Washington commentators suggest that his commitment is not as wholehearted as it has been for other domestic policies.

We suggest the reason for this is that President Johnson is not wholeheartedly convinced himself that the bill is in the best interests of the majority of the people, but that his commitment derives from the support he received from organized labor last fall.

The Examiner and other Hearst newspapers feel no such obligation. The Taft-Hartley Act has worked sufficiently for 18 years. We think it should stay as is, with 14(b) intact.

In its immediate application, the bill would repeal right-to-work laws of 18 States. But the effect would be far wider and deeper.

It would open the way to a time when an American seeking work in a unionized industry or business would have to join a union as a condition of employment.

In that area, it would nullify the American concept of freedom of choice.

It would encroach on the responsibility and rights of separate States.

The bill clearly is against the best interests of the great majority of the American people.

It should be killed.

[From the Signal Hill (Calif.) Tribune, Sept. 10, 1965]

#### RIGHT TO VOTE AND WORK?

Some of the most important and far-reaching legislation the current Congress is still considering has to do with labor.

At the top of the list is the drive to repeal section 14(b) of the Taft-Hartley Act which permits States, if they so choose, to enact right-to-work laws. This has passed the House and is now in the Senate. If the Senate succumbs to the powerful, even ruthless, political pressures which demand repeal, rank-and-file working people will be deprived of an absolutely essential right and protection. No matter what their beliefs and wants, they will be forced to join and

pay dues to a private organization, a union, or lose their jobs. This is as unthinkable as if Congress passed a law denying a man the right to join a union.

Along with this, another vital issue is at stake. It is the right to vote. This simply means that no union should be certified as bargaining agent for employees without a secret ballot election supervised by the National Labor Relations Board. As of now, certification can be gained on the basis of a card count. The weaknesses in this are glaring. As the Cincinnati Enquirer has said, "Certification of a union as the bargaining agent for a group of employees should not be made on the basis of signatures to cards, as pressures conceivably could be used to obtain these that would not be operative in a secret election \* \* \* . Nor should there be a recognition simply on the basis of a contract between employer and union leader because there have been cases where so-called sweetheart contracts scratched the back of the employer and the union boss but sold out the workingman."

The weary charge that right-to-work and right-to-vote laws are "antiunion" is as phony as a \$3 bill. They are, instead, protections against exploitation and misrepresentation of the desires and beliefs of the workingman who should have freedom of choice.

[From the San Marino Tribune and the San Marino News]

#### DICTATES OF CONSCIENCE

There are times, so we've been told, when a Congressman or Senator may feel compelled, in good conscience, to take a stand on some particular issue which he knows full well is contrary to the wishes of a majority of his constituents. By so doing, he unquestionably would risk being voted out of office at the next election. And we would respect such a man for his conscientiousness, even if we disagreed with his position.

But, we don't take it for granted, in such cases, that someone is really following the dictates of conscience just because he claims so. We expect, for example, that this might be the claim of many among the 221 Members of the present Congress who voted recently to repeal section 14(b) of the Taft-Hartley Act despite the fact freely admitted by many of them that their constituents were overwhelmingly in favor of keeping that provision in the law. We don't doubt one bit that some of them were voting according to some dictates; but not, we are equally certain, of conscience.

They were, in our opinion, an entirely unconscionable act. It demonstrated a willfulness on their part to violate several of the basic and inherent rights of all American working men and women, those who are union members as well as those who are not, in order to ingratiate themselves with power-lusting elements in government and in the hierarchies of labor unions. We might hope that, when the time comes, these Congressional servants of somebody else will be ousted from office by the constituents whom they have betrayed. But our immediate concern is still to preserve, if we can, section 14(b), that part of the Taft-Hartley Act which stands as safeguard to a workingman's freedom of choice to join or not to join a labor union.

Fortunately there is still some hope for that. The drive by the union bosses, with the help of their political debtors in Government, to abolish the last vestiges of freedom for their membership has still to be voted upon by the U.S. Senate. If we, the working and taxpaying people of the United States make our sentiments clear to that august body, perhaps conscience and commonsense, instead of demagoguery, will dictate the outcome after all.

[From the Bakersfield Californian, Sept. 7, 1965]

#### RIGHT-TO-WORK REPEAL LINE UP TOLD

Although President Johnson has been very successful in his legislative program so far, his almost unparalleled period of accomplishment is likely to run on a disastrous shoal when it encounters the tortuous channel involving the proposed repeal of section 14(b) of the Taft-Hartley Act. This is the section that permits States to enact laws banning the closed shop. More than a score of States now have this type of law.

President Johnson, pointing to a commitment he says he made to labor to work for repeal of the section, has linked his legislation with his list of essential bills. Its progress so far includes passage by the House of Representatives and approval by the Senate labor committee. It now goes to the full Senate for deliberation and action.

Two Senators, one a Republican and the other a Democrat, both long and respected Members of the upper House of Congress, have come out strongly against the bill. One is Senator EVERETT DIRKSEN, who is the Senate minority leader and has supported much legislation wanted by President Johnson, who has warned the President of the prospects of a "spirited and extended" fight against the repeal proposal. He is hinting as strongly as he can that a filibuster is in prospect.

Senator HARRY F. BYRD, a Virginia Democrat, asserted in a vigorous statement that repeal of section 14(b) would be a step toward greater centralization of government and an effort to bring the government under the closer influence of the labor movement. He declared that right-to-work legislation as in evidence in his own State and several others "simply provide that the right of persons to work shall not be denied on account of either membership or nonmembership in a labor union."

The Virginia Senator observes that enactment of the repeal proposal "would betray and overthrow a fundamental liberty for which this country was founded and which our form of government was designed to protect."

The growing opposition to repeal of section 14(b) should be a signal to President Johnson to cool off on his insistence on its passage.

[From the San Francisco (Calif.) Examiner, Sept. 7, 1965]

#### THE BATTLE OF 14(b)

Way back at the turn of the century and in the early 1900's the Examiner and other Hearst newspapers fought industrial monopolies ("trusts," they were called) and their attempts to prevent the passage of laws curbing their excessive power.

Now the other side of the coin has turned up. This is the bill, which was narrowly passed by the House and is scheduled to come up for Senate debate Thursday, to repeal section 14(b) of the Taft-Hartley Act. Repeal would nullify State right-to-work laws that ban the union shop. An extremely powerful labor lobby is pressing for its enactment. President Johnson has committed himself to its support.

Nineteen States have right-to-work laws (a 20th State, Indiana, which is heavily industrialized, repealed its law last January.) The 19, of course, form a minority group among our 50 States, but that is not the point.

The point is that repeal of 14(b) would:

1. Put unions on the path toward monopolistic control of jobs by being able to impose on persons seeking work the requirement that they join a union as a condition of employment.

2. Intrude Federal authority in a matter that should be the right of States to determine.

By all accounts there is going to be a whale of a fight against repeal, led by Senator EVERETT DIRKSEN of Illinois, Republican, and comprising Republicans and Democrats some 27 in all.

There should be a whale of a fight because this is something that touches on the rights of all Americans.

[From the San Rafael (Calif.) Independent-Journal]

**TAFT-HARTLEY ACT REVISION MAY HARM WORKING MAN**

The repeal of the right-to-work section 14(b) of the Taft-Hartley Act would be a big blow to private initiative and individual freedom.

Organized labor has succeeded in pushing the repeal through the House and may succeed in the Senate.

We have nothing against honestly run labor unions. They perform valuable service for the working man, his family, and the community.

In supporting the right-to-work law, we are not registering opposition to unions as such. We merely believe in retaining the principle of freedom of choice in a world that is rapidly becoming one of regimentation from the cradle to the grave.

Section 14(b) upholds the principle of voluntary union membership. It gives each State the right to prohibit agreements that require membership in a labor organization as a condition of employment.

In other words, you can get and hold a job without being forced to join a union.

The unions contend that since they must represent every worker in a plant, whether he pays union dues or not, it would be unfair to allow some workers to remain out of the union and still draw the same benefits as the dues-paying union man.

This argument strikes us as being dictatorial and contrary to the idea of freedom of action and speech on which this country was founded.

A union, if it is a good one, should be able to draw and hold members voluntarily; not wield a club over their heads and force them to join or else.

Marin County recently experienced some of the uglier aspects of unionism. We refer to the trouble that erupted between the San Rafael painters' local and the one in San Francisco.

The San Rafael local signed an independent contract satisfactory to its members and proceeded to go to work. But the group in San Francisco said in effect: "Nothing doing, brother. You sink or swim with us. If we don't work, you don't work."

Even union members do not relish having other unions order them around, telling them to go to work or stay off the job.

To an independent, nonunion man, who believes in individual initiative and free enterprise, such an order is even more distasteful.

Yet, that is exactly what the repeal of 14(b) will bring about. Once the protection of 14(b) is gone, regimentation by the union will extend to every individual worker, whether or not he wants to belong to a union.

It will be just like the Army and compulsory draft. You have no choice; you join. And once inside, yours not to reason why, because the labor bosses will decide for you, and you toe the line.

The loss of 14(b) will be a blow to American freedom and private enterprise.

[From the Santa Ana Register, Aug. 24, 1965]

**"LITTLE GUY" LOSES JOB RATHER THAN JOIN UNION**

A month or so ago, before the House passed a bill to repeal section 14(b) of the Taft-Hartley law, a special subcommittee on

labor held hearings on the proposal. Among those who appeared to speak out against repeal was La Rue Berfield, a man who had been fired from his job for refusing to join an organization the Attorney General had charged was subversive. Here's what he had to say:

"My name is La Rue Berfield, of Driftwood, Pa. I faced the hard choice of joining a union I believed to be Communist dominated or being fired from my job at a plant where I had worked for 19 years with time out for combat duty in the Air Force in World War II.

"The choice was forced upon me when the United Electrical, Radio and Machine Workers of America, known as the UE, entered into a so-called union shop contract with my employer, the Sylvania Electric Co. plant at Emporium, Pa., in 1958.

"I had been a member of the UE when it was expelled by the CIO on grounds that it was Communist dominated. The UE had been classified as subversive by the U.S. Attorney General.

"I took an active part in an unsuccessful fight to have the UE replaced by the newly chartered International Electrical Workers (IUE) in a National Labor Board election. As a result of this, I wound up being expelled from the union, but still was able to hold my job because there was no union shop agreement at the plant at that time.

"Eight years later, the UE and Sylvania signed an agreement with a compulsory union membership clause and I was subsequently notified by the company that I must join the UE or at least pay dues. I refused to do either and was fired from the job I had held for so long.

"I did not pay dues to this union because I felt that in so doing I would be supporting a Communist-dominated organization under the guise of a labor union.

"I am sure that any American citizen would agree that it is wrong to force any citizen of our Nation to, in any way, pay tribute to the Communist conspiracy that exists in our Nation, no matter under what guise it may lift its ugly head.

"I was a member of my local school board and the civil defense organization. I would have had to resign from these positions because I took loyalty oaths in both cases, swearing that I have never been and would not be a member of an organization advocating the overthrow of the Government. It was a choice between keeping a job and betraying those oaths. I chose not to violate these oaths, even though it cost me my job.

"I can't understand why our laws do not protect an American citizen from being forced, at the expense of his job, to join and support an organization dedicated to the destruction of our American Government.

"Unable to obtain redress under Federal labor laws, I took my case before the Senate Internal Security Subcommittee whose members expressed sympathy and promised to do what they could by way of seeking remedial legislation. Press reports quoted members of the committee as saying I was a martyr to a legal system which protects those who associate with Communists, but not those who oppose such association.

"I have no desire to be classified as a martyr. I only want my constitutional rights as an American citizen to be protected, but more importantly, I want to preserve those rights for my children.

"Things were not easy in that period after I lost my job and 19 years of seniority with one company. Today, my wife and I own and operate a service station store in the small town of Driftwood, Pa. We put up with a lot of hard work and long hours, but we are getting along all right now.

"I submit to you that if the State of Pennsylvania had a right-to-work law that I would not have had to suffer this injustice. I feel that the repeal of section 14(b) of the Taft-

Hartley Act would be a grave blow to my hopes for the protection of my constitutional rights and those of my children."

The measure to repeal 14(b) is now before the Senate where the vote is expected to be close. Several nationwide polls have shown that between 65 and 70 percent of the people favor retention of the right-to-work clause, but Washington observers predict its passage. If the provision is stricken from the law books Congress will be responding to pressure from President Johnson who promised big labor it would be repealed in return for support of his candidacy. Repeal will not reflect the will of the majority.

[From the Hollywood Citizen-News, Aug. 23, 1963]

**PUBLIC INTEREST OVERLOOKED**

Union leaders cannot be blamed for trying to get all they can for the members of their unions, but sometimes in their eagerness to do so they overlook the interests of the public.

In return for supporting the Democratic Party, these union leaders apparently were promised an effort would be made to repeal section 14(b) of the Taft-Hartley Act.

The House has passed this measure; the Senate is debating it. Now is the time for those opposed to repeal of the section to write letters to our Senators, THOMAS H. KUCHEL and GEORGE L. MURPHY.

The right-to-work laws, which the union leaders are fighting, represent a fundamental protection of liberty—the freedom of an individual to select work and associations of his own choosing.

Under the protection of section 14(b) a man may repudiate union coercion to support political candidates, particular programs or legislation of which he disapproves.

Without section 14(b) he may be forced to join a union and see his dues go to support candidates and political principles which he opposes.

The union leaders want to have every worker forced to join a union. The leaders have tied the unions to the Democratic Party. Repeal of section 14(b) means that a Republican worker may see his money going to support the Democrats. No wonder the Democrats are for it.

Statistics for 1953 to 1963 showed States with right-to-work laws beat the other States in the creation of new jobs, in the increase of production workers, increases of capital expenditures, and many other facets of economic life.

Work stoppages due to strike actions in right-to-work States were half those in other States—a matter of importance to the public, which has often expressed a need for such laws.

All the fine language of the orators in Congress cannot hide the fact that repeal of section 14(b) is not being advocated for the benefit of the public, but for the benefit of the union chiefs and through them, very likely, the Democratic Party.

The proposed amendments to the Fair Labor Standards Act (S. 1986), which its framers declared would increase jobs by making overtime payments too costly, is likely to cost the public more than any benefits to workers can justify. Too often the need for overtime work is the result of emergency situations for which it is impossible to hire a new man—a regular worker will have to do the job no matter how costly.

And that is bound to cost the public eventually—and add to the cost-price inflationary spiral.

[From the Palo Alto Times]

**CONSCIENCE AND UNION MEMBERSHIP**

Urged on by organized labor, the Johnson administration has been inexorably pushing legislation through Congress to strip the States of their authority to ban union shops.

Unless the administration steamroller is stopped—and there seems to be little chance that it will be—Congress will eliminate right-to-work laws in the 19 States that have adopted them. The laws hold that a worker may not be compelled to join a union to keep his job.

Legislation aimed at banning such right-to-work laws by States was approved by the House, 221 to 203, on July 28. Currently it is winding its way through Senate redtape.

The Senate Labor Subcommittee, which passed the administration bill by a 7 to 1 vote the other day, came up with an amendment that seems to put union membership on par with military duty in the service of our country.

The amendment makes provision for conscientious objection to union membership on religious grounds.

It provides for exemption from union membership for any individual with religious scruples to joining a union, or for a member of a sect that opposes union membership. Such a conscientious objector could be given exemption if he agrees to pay into a charitable fund an amount equal to the dues he would have had to pay if forced to join a union.

In other words, he would have to pay conscience money to stay out of the union.

If Congress recognizes religious objections to union membership—and it should—then it should also admit that workers have a right on other grounds to decide for themselves whether or not they want to belong to a union. Convictions against union membership can be just as strong on intellectual grounds as on religious ones, and should be respected.

The States which passed laws barring union shops were acting within their rights. Congress should not strip them of those rights.

[From the San Diego Union, Aug. 21, 1965]  
LABOR AND THE RIGHT TO WORK

Nothing could be farther from the truth than the argument that a person who is for right-to-work laws is against organized labor.

Yet the argument keeps cropping up as Congress begins consideration of bills to repeal section 14(b) of the Taft-Hartley Act which allows States to pass right-to-work laws.

Nineteen States have taken advantage of the section, which in effect holds that a worker does not have to belong to a labor union to hold his job.

One of the principal contentions of persons who would repeal section 14(b) is that it destroys labor unions by endangering their security.

The fact is that organized labor is the single most powerful and dominating economic and political force in the United States. Its security is not threatened.

On the other hand, forcing people to join unions when they do not want to could weaken organized labor.

Samuel Gompers, the father of modern American unionism, said it succinctly: " \* \* \* no lasting gain has ever come from compulsion." He constantly urged union members to have "devotion to the fundamentals of human liberty—the principles of voluntarism."

In the final analysis, the right-to-work laws preserve a fundamental freedom for the individual. They also reinforce the fundamental national concept that monopolies are not desirable whether they are business or labor.

Section 14(b) of the Taft-Hartley labor law has not served to weaken unions, but has guaranteed protection of individual rights by action of State legislatures. Each State must make its own decision. This right should not be repealed.

[From the San Marino (Calif.) Tribune, Aug. 19, 1965]

#### DICTATES OF CONSCIENCE

There are times, so we've been told, when a Congressman or Senator may feel compelled, in good conscience, to take a stand on some particular issue which he knows full well is contrary to the wishes of a majority of his constituents. By so doing, he unquestionably would risk being voted out of office at the next election. And we would respect such a man for his conscientiousness, even if we disagreed with his position.

But, we don't take it for granted, in such cases, that someone is really following the dictates of conscience just because he claims so. We expect, for example, that this might be the claim of many among the 221 Members of the present Congress who voted recently to repeal section 14(b) of the Taft-Hartley Act despite the fact freely admitted by many of them that their constituents were overwhelmingly in favor of keeping that provision in the law. We don't doubt one bit that some of them were voting according to some dictates; but not, we are equally certain, of conscience.

Theirs was, in our opinion, an entirely unconscionable act. It demonstrated a willingness on their part to violate several of the basic and inherent rights of all American working men and women, those who are union members as well as those who are not, in order to ingratiate themselves with power-lusting elements in Government and in the hierarchies of labor unions. We might hope that, when the time comes, these congressional servants of somebody else will be ousted from office by the constituents whom they have betrayed. But our immediate concern is still to preserve, if we can, section 14(b), that part of the Taft-Hartley Act which stands as a safeguard to a workingman's freedom of choice to join or not to join a labor union.

Fortunately there is still some hope for that. The drive by the union bosses, with the help of their political debtors in Government, to abolish the last vestiges of freedom for their membership has still to be voted upon by the U.S. Senate. If we, the working and taxpaying people of the United States make our sentiments clear to that august body, perhaps conscience and commonsense, instead of demagoguery, will dictate the outcome after all.

[From the Los Angeles Times, Aug. 8, 1965]

#### COMMONSENSE AND RIGHT TO WORK

House passage of legislation outlawing State right-to-work laws by a narrow margin was followed by predictions that an identical measure will have easier sailing in the U.S. Senate.

Although this may be so, it is neither fit, proper, nor right.

A majority of the House of Representatives bowed to the demands of organized labor for repeal of section 14(b) of the Taft-Hartley Act. But the Senate—particularly those Members concerned about such things as freedom of choice, good government, abridgment of States rights and discrimination—should think long and hard before supinely playing follow the leader.

The repealer would negate right-to-work provisions in the statutes, or written into the constitutions of 19 States and bar possible enactment of such statutes in the other 31 States.

Is it sound governmental practice for the Federal Government to invalidate State laws and State constitutional provisions? Is there any justification for further erosion of States rights? Is individual freedom of choice no longer a thing to be valued? Is compulsory unionism greatly to be desired?

We think not.

If, however, the Senate is willing to overlook such basics and proceed to amend the

Taft-Hartley Act, then consideration should be given to some other changes sorely needed in that act.

It should be amended to prohibit discrimination by unions on the basis of race, color or creed. It should be amended to prohibit the use of dues for political purposes. It should be amended to provide for secret balloting in union representation elections.

Union leaders would fight most such amendments to the bitter end.

But equity, fair play, and just plain common horse sense demand that the one change not be made without the others.

[From the San Francisco News-Call Bulletin, Aug. 3, 1965]

#### THE CASE OF 14(b)

The individual States have—or should have—the right to decide for themselves whether they want to ban the union shop.

The U.S. House has just acted to take that right away by voting to repeal section 14(b) of the Taft-Hartley Act which specifically recognizes that prerogative.

A substantial number of thoughtful people feel the union shop is coercive. They should be able, within the social climates of their own States, to support a right-to-work law. Union elements, of course, retain the right to oppose it.

The House vote is a brutal imposition of Federal power on the local decision-making process.

[From the San Francisco Examiner, Aug. 2, 1965]

#### A BAD ONE

One of the most controversial and important measures affecting the American people is up in Congress.

It goes by the foreshortened title of 14(b). That is, the bill would repeal section 14(b) of the Taft-Hartley Act which grants States the authority to enact right-to-work laws. Such laws, which 19 States now have, forbid labor contracts that recruit all employees to be or become, union members as a condition for working.

This is an administration-endorsed measure, and it has behind it the power of the labor unions and the labor lobby.

It is also a bad measure.

A few years ago it would have been inconceivable, and it is still unbelievable, that the Government could be so coerced as to be a partner or accessory of a group whose aim is to restrict the freedom of any individual to earn a living for himself and his family unless he join and pay dues to a union.

It is grossly unfair.

In fairness to American workers, it should be killed.

[From the Riverside Enterprise, July 31, 1965]

#### LABOR GETS ITS WAY

House passage Wednesday of legislation to outlaw State right-to-work laws seemed to be based far more on concern for the political support of union labor than for the national welfare.

There are serious inadequacies in national labor law, but section 14(b) of the Taft-Hartley Act, the section which permits States to determine whether or not union shop contracts shall be legal, is not among them.

There is considerable force to the argument that there should be a uniform, national policy on this union shop question. But it does not follow, as advocates of the administration bill seem to think, that it should be a policy under which employees can be forced to join a union.

And certainly if this is to become the Nation's policy, then there should be written into the law some protection for the dissenters, the "conscientious objectors" to compulsory unionism.

We hope the Senate will at least take care of this. But the Senate would be far wiser to let 14(b) alone and turn its attention to labor problems which really need attention, first among them the inadequacy of the Taft-Hartley provisions for handling national emergency strikes.

[From the Los Angeles (Calif.) Herald-Examiner, July 29, 1965]

#### THIS IS A BAD ONE

One of the most controversial measures affecting the American people is up in Congress.

It goes by the foreshortened title of 14(b). That is, the bill would repeal section 14(b) of the Taft-Hartley Act which grants States the authority to enact right-to-work laws. Such laws, which 19 States now have, forbid labor contracts that require all employees to be or become union members as a condition for working.

This is an administration-endorsed measure, and it has behind it the power of the labor unions and the labor lobby.

It is also a bad measure.

A few years ago it would have been inconceivable, and it is still unbelievable that the Government could be so coerced as to be a partner or accessory of a group whose aim is to restrict the freedom of an individual to earn a living for himself and his family unless he joins and pays dues to a union.

It is grossly unfair.

In fairness to American workers it should be killed.

NOTE.—Editorial reaction to the House vote to repeal 14(b) was swift and virtually unanimous: a rubberstamp Congress had ignored the wishes of the people and enacted bad legislation. This is a sampling of what was said by hundreds of daily and weekly newspapers in all 50 States.

[From the San Jose (Calif.) Mercury, July 26, 1965]

#### RIGHT TO WORK REPEAL

Reportedly the Johnson administration is cool toward the campaign to deny States the authority to enact what are generally called right-to-work laws—that is laws that forbid an employer to sign a labor contract requiring that his employees belong to a union.

Despite this coolness, however, the President apparently feels he is in labor's debt for its support in last year's election. This is unrealistic in light of the votes Lyndon Johnson drew from most elements of our society in his landslide victory.

Nevertheless, he is allowing this measure—it repeals a section of the Taft-Hartley Act—to drift rudderless through Congress. It is possible there are enough Congressmen who feel obligated to organized labor to pass the measure.

It is paradoxical that in an era in which civil rights are given such emphasis, Congress should seriously consider a bill that would take away the right of an individual to decide whether he wants to join a union.

There is no need for this bill. This newspaper does not dote on States rights, in that it believes that there are many matters, civil rights measures among them, that can be handled better through Federal legislation. But there are matters which should be left to the States simply because there is no compelling reason to place them under Federal control. The right-to-work issue is one of these.

This is almost an academic point in California. A right-to-work proposal was on the State ballot 7 years ago, and it was beaten soundly. Until and unless there is a marked change in the attitude of the California public, this is a dead issue here. But of the 50 States, 19 have right-to-work laws. Why should people of those 19 States be denied

the authority to decide this issue themselves?

[From the Long Beach (Calif.) Signal Hill Tribune, July 22, 1965]

#### STRAITJACKET ON LABOR WILL BE SEEN

On July 2, the equal employment opportunities section of the 1964 Civil Rights Act went into effect. This is the provision that outlaws discrimination in employment because of race, color, religion, sex, or national origin.

In the near future, Congress will be called upon to approve or reject the proposal to repeal section 14(b) of the Taft-Hartley Act. Section 14(b) authorizes the States to pass right-to-work laws which forbid compulsory union membership as a condition of employment. Nineteen States have done so.

It's hard to see how a Congress which approved the equal employment opportunities guarantee could even think of repealing 14(b). Certainly, the right of a man to hold his job without being forced, against his will, to join any private organization is every bit as basic as the right to obtain a job for which he is qualified regardless of his race or religion.

Labor is free to organize. This is recognized in law and overwhelmingly supported by public opinion. By the same token, the individual worker should be free not to join a union if his beliefs and his conscience so dictate.

The Florence, S.C., Morning News came straight to the point when it said: "Should Congress \* \* \* invalidate existing right-to-work laws, it would straitjacket American production to the whims of a handful of all-powerful labor bosses. In that same straitjacket would go an individual right so basic that is seems incredible that it would be challenged."

[From the Solana Beach (Calif.) San Diego Citizen, July 15, 1965]

#### NO ROOM FOR COERCION

The drive is underway to cause Congress to repeal section 14(b) of the Taft-Hartley Act, which permits the States to pass right-to-work laws prohibiting compulsory unionism as a condition of employment.

In the 19 States which have done so, every worker voluntarily decides whether to join or not, and is protected from coercion by either the union or the employer.

The unions argue that right to work is, in effect, a union-busting tactic and is designed to play havoc with union membership and the effectiveness of the unions in obtaining benefits for labor.

In the light of that, some information provided by James R. Watson, specialist in labor relations, Legislative Reference Service, Library of Congress, is extremely significant.

He says: "For the period 1958 to 1962, at least, the trend in (AFL-CIO) membership in major union States without right-to-work laws is more unfavorable than in right-to-work States." Specifically, union membership went up in 40 percent of the right-to-work States, as against 30 percent in the non-right-to-work States.

One reason for this, perhaps, is that the unions must do a better job where membership is voluntary rather than compulsory. They must sell themselves on the basis of service and make joining up a more attractive proposition to the worker. And they must be far more responsive to the wishes of the rank-and-file.

Finally, if a man can't hold a job without joining and paying dues to an organization, irrespective of his wishes in the matter, an absolutely basic freedom is denied him.

There is no room for that kind of coercion in a truly free society.

[From the Santa Paula Chronicle, July 7, 1965]

#### SUPPOSE

Congressional debate on repeal or retention of Taft-Hartley section 14(b) will have a lot of flavor. While some of the arguments will be opinions with quality, unfortunately the issue will be obscured with a mixture of emotionalism and guff. Section 14(b) now permits States to adopt laws making it illegal to compel a man to join a union in order to hold a job. Nineteen States have such legislation.

The unions argue that because they help nonmembers, everyone should be forced to join a union. That's just as logical as arguing that every business in a community should be forced to join the chamber of commerce because it improves business conditions for both members and nonmembers. Or that everyone should be made to join a Rotary, Kiwanis, or other civic club because of the good they do for the whole community.

Suppose every farmer or rancher was required by law to join and pay dues to a farm or ranch organization? Or suppose every parent of schoolchildren was required to be a dues paying member of the PTA? Or suppose every hunter and fisherman was legally compelled to join a game protective organization?

If the right to join or not to join an organization is not a fundamental right, what is? A large question in this controversy is whether American workers shall be free to join or not to join a union if they wish as they are to join them if they wish. Taking away anyone's right to decide for himself is an invasion of individual rights and thus of civil rights.

The mere existence of section 14(b) has had benefits on unions, even in States including California which have no right-to-work laws. Union chiefs are ever mindful that such a law could be passed if they abused their power. This awareness has a restraining value. Small wonder that union leaders want it junked.

The worker needs the protection of 14(b). Its repeal would erase forever any pretense that the laborer can exercise free choice on a matter so vital to his livelihood.

[From the Pomona (Calif.) Progress Bulletin, July 7, 1965]

#### INVALUABLE PROTECTION

A spokesman for the Chamber of Commerce of the United States has something of unusual interest to say about the drive to repeal section 14(b) of the Taft-Hartley Act—the section which permits States to adopt right-to-work laws. Last year, he recalled, Congress passed a law outlawing job discrimination on the basis of color, race, religion, or sex. But now, he went on, the present Congress is debating "whether to legalize discrimination in employment because of membership or the lack of membership in a private organization—a labor union." It will be interesting to see how Congress can doubletalk this issue.

It is difficult to see how anyone could reconcile repeal of 14(b) with Congress previous legislative action. To discriminate against a man because he does or does not want to join a union is certainly as bad as to discriminate against him because of the color of his skin or the church he attends. No man is free when the right to earn a living is conditioned upon forced membership in any organization.

A good union has nothing to fear from 14(b). It will gain and hold its membership on the basis of service rendered. But when membership is compulsory, there is no need to provide good and effective service—the rank and file are helpers. Right-to-work provides them with an invaluable protection.

[From the Menlo Park Recorder, June 30, 1965]

#### A PUZZLE

Washington reporters are saying that the vote on repeal of section 14(b) of the Taft-Hartley Act, which permits the States, if they so choose, to pass right-to-work laws, is apt to be extremely close and could go one way or the other.

Just why this should be so is a puzzle. Right to work doesn't discriminate in any shape, manner, or form against labor or the unions. It simply gives each worker the right to choose—to decide for himself, without fear of union or employer coercion, whether he wants to belong to a union or doesn't. If that isn't a fundamental right, essential in any free society, what is?

The compulsory union shop makes for labor monopolies that were outlawed long ago. And the compulsory union shop leaves the way wide open for exploitation of the membership—and the worker must join or become jobless and is without the power to fight abuses. Right-to-work is the corrective.

[From the Santa Rosa Press Democrat, June 28, 1965]

#### A HOLLOW VICTORY

Alexander Hamilton said it in 1788 in the Federalist Papers: "No man can be sure that he may not be tomorrow the victim of injustice by which he may be a gainer today."

The AFL-CIO, it seems to us, might ponder those words in connection with its current lobbying in Congress to secure repeal of that portion of the Taft-Hartley Act which permits States to outlaw the union shop if they so desire.

The Press Democrat opposed passage of an initiative that would have outlawed the union shop in California on grounds that the proper people to decide this were the workmen concerned in a collective bargaining agreement.

We still feel the same way—but we also believe that if the majority of the voters in a State want to forbid the union shop, that particular majority should rule.

Should the AFL-CIO, with the active support of the Federal administration, succeed in removing this as a State's right, it would have won at the Federal level something it could not win at the State level in a minority of the States.

It would have also made itself vulnerable to the possibility of a future outlawing of the union shop in all 50 States, not just in the few which have taken that step individually. If Congress can reverse the action of States which forbid the union shop, a future Congress can reverse the action of those States which do not forbid it.

[From the Signal Hill Tribune, June 18, 1965]

#### SECTION 14(b) A GOOD LAW

An announced goal of major labor unions is repeal of the section of the Taft-Hartley Act which permits States, if they so wish, to pass right-to-work laws forbidding employees from being forced to join a union in order to keep a job. Nineteen States have done so.

The test in Congress has begun. Hearings are underway by a special subcommittee of the House Education and Labor Committee on repeal of section 14(b) of the Taft-Hartley Act.

Everyone in favor of the principle of voluntary unionism should immediately let Congress know they do not want 14(b) repealed.

Employees should have freedom of expression. Under forced unionism, the voice of the individual is effectively drowned out.

An individual's right to work should not be conditioned on the whims of a labor union organization. A person's right to work

should not be valid only as long as payments are made to that particular private organization, the labor union.

Labor union leaders propagandize that the right-to-work laws of 19 States are designed to throttle the labor movement.

The truth is that section 14(b) of the Taft-Hartley Act has but one purpose—to protect individual employees against exploitation by powerful union officials.

Let Congress know that you oppose repeal of section 14(b) of the Taft-Hartley Act.

[From the Los Angeles Times, June 11, 1965]

#### THE RIGHT NOT TO JOIN

Congress has enacted sweeping laws banning discrimination in employment, on the basis of color, race, religion, or sex. Yet it is now being asked to legalize discrimination because of union membership or lack of it.

Many Congressmen are concerned over abridgement of States rights. Yet they are being asked to preempt the rights of States to enact laws against compulsion.

So-called liberals profess to abhor compulsion, but they are now pressing for compulsory unionism.

Eventual House Labor Committee approval of the administration-backed proposal to amend the Taft-Hartley Act by repealing section 14(b), which authorizes State right-to-work laws, is virtually certain. Interest has switched, therefore, to the upcoming floor battle on the amendment.

The AFL-CIO claims 222 sure votes—4 more than needed for passage. The National Right to Work Committee discounts that claim and says it has more than 200 sure votes and that at least 50 Congressmen are still undecided. Obviously one side or the other has misstated its strength.

Under the circumstances there must be a lot of soul searching going on among the Nation's lawmakers.

What of those who insist on the rule of the majority? If, as has been estimated, 77 percent of the labor force is not unionized then repeal of section 14(b) would clearly constitute the imposition upon the majority of the will of an organized minority.

Collective bargaining does not function well when one side is so strong it can impose its will on the other. Therefore, there must be many who are concerned over how the proposed amendment would affect the balance of power between labor and management. It would appear that the Government is determined to avoid any semblance of a reasonable balance.

Both the Taft-Hartley Act and the 1959 Landrum-Griffin Act represented attempts by Congress to redress the balance which had become excessively weighted in favor of the unions. Yet in the intervening years, the courts have repeatedly increased union powers.

Those who deem the Norris-La Guardia Act the Magna Carta of organized labor may remember that that measure enunciated the policy that a man "should be free to decline to associate with his fellows."

Some public opinion polls show that two out of three people believe a man should not be compelled to join a union in order to hold a job. There is more than a faint suspicion that President Johnson actually feels the same way.

Clearly the President had to pay off a campaign obligation to organized labor. But if he starts twisting any arms on his proposal for repeal some of the "twisteers" are bound to recall that when he was in Congress Mr. Johnson voted in favor of section 14(b) and to override President Truman's veto.

The Times does not argue here for the enactment of right-to-work statutes in States which do not now have them, but we do insist that the repeal of section 14(b) would be violative of the basic right of freedom of choice in the 19 States which have such laws.

Congress should not take such a step.

[From the San Jose News, June 4, 1965]

#### OTHER VIEWS: THE UNION SHOP

President Johnson's obsequious bow to organized labor in urging Congress to federalize compulsory unionism strikes at the heart of individual freedom.

The Johnson-sponsored AFL-CIO legislation to deny States the right to legislate against compulsory unionism, as represented by the "union shop," is wholly inconsistent with the advocacy by the President and union leadership of civil rights laws generally.

The right of a worker to join or not to join a union ought to be recognized as equal to his right to vote, to patronize public establishments, and to send his children to public schools. A union should not have the right to deny the supporter of a family, or any individual, the opportunity of employment if he does not want to become a member of an organized group of workers.

The Federal Labor-Management Relations Act of 1947, familiarly known as the Taft-Hartley law, banned the "closed shop"—an old union device to require employers to hire only members of a contracting union. But it carried on the restrictive policy of compulsory unionism by permitting employers and unions to enter into agreements for a "union shop." This requires that all employees join the union or be fired.

But Congress provided one avenue of relief. It included in the Taft-Hartley law 44 words in section 14(b) which permit States to ban the union shop. Nineteen States have adopted such laws.

Should Congress reverse itself, the right-to-work laws of the 19 States would be overruled, and no other State could adopt a ban on compulsory unionism.

We do not think that even this heavily Democratic Congress can justify such a reversal in the national trend toward individual rights. But should Congress take this means of paying off the Democratic political debt to organized labor, we believe there will be such a States rights revolt as to threaten the alliance of the Democratic Party and the unions.

Furthermore, resentment against compulsory unionism could and probably would result in a national drive to prohibit the union shop. A national survey has indicated that two out of three Americans are opposed to the union shop.—The Oregonian.

[From the Santa Ana Register, June 4, 1965]

#### COMPULSORY UNIONISM

The proposition that Congress should repeal that section of the Taft-Hartley law which permits the States to decide whether they shall have right-to-work laws is now under debate.

President Johnson has called for repeal of the section which in effect allows the worker in the States that have right-to-work laws the choice of joining or not joining a labor union. In other words, in the 19 States that have adopted the right-to-work statutes, a man is never compelled to join a union in order to get and keep a job.

What do others say about right to work? National polls shows the people overwhelmingly are against compulsory union membership. A sampling of press opinion, as expressed last week, includes:

"It is our view that, as a matter of principle, no man should be compelled to join a union in order to hold his job."—Washington Evening Star.

"Since Mr. Johnson seems so lukewarm about repeal, why shouldn't Congress be even more so?"—New York Daily News.

"Has the corruption of the electoral process with the Electrical Workers Union demonstrated that unions should have greater authority over conditions of employment? We think not."—New York Herald Tribune.

"The repeal of 14(b) would be an unjustified intrusion on the rights of States as well as individuals to make up their own minds."—Chicago Daily News.

"We are for labor unions. But we are also for freedom of job choice."—New York Journal-American and all Hearst newspapers.

"A union which has to earn the loyalty of workers is much more likely to be honest and aggressive than one which can merely sit back and collect their dues."—The Washington Daily News and all Scripps-Howard newspapers.

Reed Larson, executive vice president of the National Right-to-Work Committee points out that the list of newspapers editorially supporting right to work goes on and on and on.

"Editorial opinion," says Mr. Larson, "on controversial issues is generally diverse. But on this subject, it is as if one voice spoke up and answered the President. There can be no doubt that this voice mirrors the opinions of most of the people of this country."

It speaks for us and we believe for a large majority of Orange County residents. Those who are opposed to compulsory unionism should write to California Senators GEORGE MURPHY and THOMAS KUCHEL, Senate Office Building, Washington, D.C., and to Representatives RICHARD HANNA and JAMES B. UTT, House Office Building, Washington, D. C.

[From the San Marino Tribune, June 3, 1965]

#### WRITE 'EM OR WEEP

At the bitter end of the President's long-delayed labor message came the tall that wagged the dog—the reluctant and apologetic recommendation that Congress remove from the Taft-Hartley Act the 44 words of section 14(b) that empower the States to protect their workers against compulsory unionism.

This recommendation was offered, the President said, "with the hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States." The division arises from the fact that the citizens of 19 States have availed themselves of the labor freedom made possible by 14(b), while those of 31 States have not as yet done so. Simply stated, the President would remove the "conflict" by scuttling the right to work without paying union dues where it is now State law, while terminating the chance of ever having such liberty in all the others.

The President did not say he is asking repeal of 14(b) to pay off his election debt to the AFL-CIO chieftains who ordered out their troops and opened the union treasuries to campaign for him in a big and effective way. If this was not so, Mr. Johnson might have achieved his stated desire to "insure uniform application of our national labor relation policy" by proposing a Federal open-shop law insuring to all workers in all States the right and privilege of voluntary unionism.

And this reform might have been accomplished far more easily and have added considerably more luster to the L.B.J. "image." Every Congressman knows—and certainly the President should—that the American people do not want compulsory unionism. The latest of several public opinion polls attesting to this pegs the opposition at 2 to 1. No less an authority than Speaker McCormack has expressed doubt of enough House votes to pass a repealer of 14(b).

But it would be foolhardy to think that the President with L.B.J.'s reputation on Capitol Hill would now ask "early and favorable consideration" for this proposal if he did not feel sure of getting it.

If the President has his way, the freedom to join or not to join a union will, overnight, become a bitter memory. Unhorsed for a time in 19 States, the membership

drives of the labor bosses restored to the saddle will make Genghis Khan look like a Boy Scout. But it cannot happen if every American who wants right-to-work laws will tell his Congressman and his Senator so—and put it in writing. A majority in both Houses will support 14(b)—if their constituents support them. Without support, we should expect administration pressures to insure a majority.

Better to write today than blame yourself tomorrow.

[From the Redwood City Tribune, May 25, 1965]

#### A REPAYMENT TO LABOR?

The cartoon in the adjoining column expresses the issue quite clearly and simply. While President Johnson ascends the rostrum to talk of human rights and the freedom of the individual, he follows this with a request that Congress repeal a law which guarantees the workingman that specific freedom.

The President has asked for repeal of section 14(b) of the Taft-Hartley Act which permits States to establish their own individual freedom laws. Section 14(b) states that no man should be forced to join a union in order to keep his job.

Nineteen States have adopted their own "right-to-work" laws under section 14(b). The President would erase the rights of these States to establish their own work rules.

While the President feebly claims that repeal of section 14(b) would insure uniform application of national labor relations policy, it is a known fact that the real reason the President wants the law repealed is that this is how the leaders of organized labor have indicated that they want repayment for their support of Mr. Johnson in the last election.

These labor leaders have sought to make this an issue by insisting that right-to-work encourages slave labor. That there is virtually no evidence to support this charge is beside the point so far as they are concerned.

These union leaders are, admittedly, worried about organizing problems created by right-to-work regulations. Only where union membership is required is the job of the union leader made easier.

These union leaders refuse to recognize that one of the reasons they are having troubles organizing is the widespread disenchantment with union attitudes and tactics . . . denying the very freedoms they claim to be safeguarding.

It is not our purpose to defame unions in general. Only someone who is totally blind to reality could fail to see how the laboring man's position has improved under organized labor.

But the foolish management practices which resulted in the growth of unions are past history. Business which fails to keep pace in wages and working conditions just gets trampled in the rush for success.

Most persons have forgotten—if they ever knew—the real purpose of the Taft-Hartley Act. This was explained simply by one of the authors, Representative Hartley, who put it this way:

"Right-to-work laws guarantee a worker's right to join a union but also his right to stay out of a union if he wants to—and I say, What's wrong with that?"

It's wrong, we suppose, if the purpose of Federal law or union regulation is to deny the workingman his freedom of choice.

But if that's wrong, maybe quite a few of us are all mixed up about that jazz about life, liberty, and the pursuit of happiness.

And we don't think we are.

[From the Alameda County Morning News, May 24, 1965]

#### OUR RIGHT TO DECIDE

In his message to Congress on labor this week President Johnson redeemed his pledge to labor to urge the National Legis-

lature to scrap the right-to-work laws that now ban a compulsory union shop in 20 States.

How this would be accomplished would be through passage of a bill to repeal section 14(b) of the Taft-Hartley Act and thereby make it illegal for any State to have a right-to-work law.

Why the majority of organized labor wants section 14(b) repealed is because a union in any plant that is organized could then compel any worker who was not a member to join the union. And conversely it could compel the firing of any worker whom the union might deprive of union membership, even though the worker might be otherwise completely satisfactory.

The chief objection to repeal of section 14(b) by those in favor of its retention is that any worker should have the right to work at a job, if satisfactory to his employer, without being compelled to join a union.

As Sir Roger De Coverley was wont to say on any controversial matter, there is much to be said on both sides. There are plenty of cases in which unions have had to fight to get what they have won from employers of the rugged individualist types who did not hesitate to use such instruments as company towns and armed strikebreakers. And there are plenty of cases of racketeering labor leaders who not only have ground down the boob members of the rank and file of their unions but have also ruined businesses by their senselessly exorbitant demands and thus impoverished even whole communities.

In short, the issue here is one that is not to be found carefully delimited in jet black and glaring white. In fact, the motivating forces behind both labor and management differ in different parts of the country. For example, there is a different labor-management tradition on the Pacific coast from that to be found in New York, and both differ greatly from that to be found in certain sections of the South.

Under such circumstances, then, it should be the part of both wisdom and justice to let the legislators—and so the people—of the several States decide what kind of a law they prefer to be under. In other words, to let section 14(b) of the Taft-Hartley Act remain as it is.

If it does remain, neither labor nor management will be the loser.

In California, if the forces of management find the situation unsatisfactory, and if enough of the rank and file of labor decide that they prefer to have a right-to-work law passed, all they have to do is win the necessary votes and the matter will be done. In any of the 20 right-to-work States, if labor feels itself being ground down by management, all it has to do is convince enough of the voters that a compulsory union shop is the solution of their problems and they, too, will gain their objective.

How could anything be fairer than that is something difficult to see. For certainly, under the law as it is, neither the tycoons of Wall Street nor the labor barons of Detroit can now impose their will on either California labor or management. Instead, the power of decision remains precisely where it belongs on matters so intimately affecting Californians—right in the hands of the California voters themselves.

In other words, we should not let this so-called right-to-work issue bamboozle us into losing our fundamental right to decide.

[From the Los Angeles Times, May 21, 1965]

#### MR. JOHNSON'S BOW TO LABOR

Ever since the 1964 presidential campaign, the Nation's labor unions have made it obvious they expected a return for the massive support they gave to President Johnson.

They have had to wait until legislation with higher priority—such as civil rights and aid to education—was well underway.

Mr. Johnson's brief labor message to Congress indicates they did not wait in vain. For example, he proposed that Congress:

Repeal section 14(b) of the Taft-Hartley Act, which now permits any State to ban the union shop under right-to-work laws.

Expand coverage of the \$1.25 minimum wage law to 4.5 million additional workers in laundries, hotels, restaurants, and other such establishments which are now exempt.

Impose double overtime pay, after 48 hours.

Extend unemployment insurance coverage to 5 million more workers, and standardize requirements so that every State will offer 26 weeks of benefits.

Provide 26 weeks of Federal unemployment benefits to workers who have exhausted their State benefits.

AFL-CIO chieftains expressed some disappointment that Mr. Johnson failed to endorse their plea for an increase in the minimum wage to \$1.50 or \$2 an hour, and that he flatly opposed their demand for a shorter workweek.

As it stands, the general public has much less reason than labor to give blanket approval to the program. Responsible leaders of Congress will do well to see that these proposals get a thorough airing.

Only 19 States have right-to-work laws, and California is not among them, having rejected the proposal in 1958. Arguments against repeal of this original Taft-Hartley provision have considerable validity.

Federal law already guarantees labor's right to organize, but no State should have to embrace compulsory unionism just to create a national uniformity.

Some of Mr. Johnson's proposals, including extension of the minimum wage coverage, may prove to be worthwhile. But these are all complex matters, deserving the closest scrutiny.

The move toward standardization of unemployment insurance requirements conceivably could help States like California, for example, where high rates sometimes give a cost advantage to competitors in less advanced States.

But against this possible gain must be weighed the dubious new burden on employers that would result from proposed extension of unemployment insurance coverage and benefits, and the long-term effects of so drastically increasing Washington's authority in this field. Certainly these two proposals need not be tied together as a package. The former has merit; the latter raises serious doubts.

Mr. Johnson's proposals are far too sweeping in their effects to be rushed through, even by a liberal Congress, merely to chalk up marks on a political scoreboard.

[From the San Francisco Examiner, May 20, 1965]

#### A WORKER'S RIGHT TO SAY NO

President Johnson has raised a fundamental democratic issue with his request that Congress abolish the so-called right-to-work laws.

These laws exist in 19 States. Basically, they prohibit the compulsory "union shop," which rules that a worker cannot hold a job in a particular shop unless he is a member of a union.

We are for labor unions. The Hearst newspapers were among the first in the newspaper industry to reach agreements with labor unions.

But we are also for freedom of job choice, and opposed to compulsion by government legislation. It seems elementary that no one should be compelled to join a union if he doesn't want to, just as no businessman should be compelled to join any commercial organization.

We have found ourselves in agreement with most things L.B.J. has done. We feel that in most matters we think as the President does. Our thinking usually being

alike, we have often concurred with his views. We are, for example, wholeheartedly in favor of his proposals to reduce excise taxes by \$3.9 billion. This will help reduce car prices, and we are all for that. And we are with him all the way on foreign policy.

But we think he is wrong in urging abolition of laws that give the worker the right to belong, or not to belong, to a union, and we urge the President to reconsider his request to Congress.

[From the San Gabriel Valley Tribune, May 20, 1965]

#### NO FEDERAL ACTION NEEDED

President Lyndon Johnson has asked Congress to repeal section 14(b) of the Taft-Hartley Act. This section of one of the prime laws governing labor-management relations in this country, reserves to the various States the right to determine whether or not union shop contracts are to be outlawed. State laws banning such contracts—which require workers to join a union within a specified period after employment—are called right-to-work laws.

At present 19 States have these right-to-work laws. One State, Indiana, repealed its right-to-work law. Here in California such a law was a key issue in the 1958 gubernatorial election. Californians rejected the law and the candidate who championed it, former Senator William Knowland.

There has been little agitation for repeal of section 14(b) in recent years. Perhaps because there has been doubt by its opponents as to whether there were the votes in Congress to do anything.

However, in compliance with the 1964 Democratic Party platform calling for its repeal, President Johnson has asked Congress to strike out section 14(b) of the Taft-Hartley Act. The late hour in this session of Congress at which the President has asked for repeal of section 14(b) is indicative of its importance or lack of importance in the eyes of L. B. J.

Whether or not union shop contracts are good or bad does not seem the point at issue. The point, in our opinion, is that once again an effort is being made by the Federal Government to impose its authority in a field that has been reserved for the States.

We see no reason why the people of each State cannot determine for themselves whether or not union shop contracts are to be legal or illegal within their boundaries.

Of 20 States that have enacted right-to-work laws, only 1 has deemed it advisable to reverse its earlier action. Meanwhile, 30 States have not enacted such a law. In some there has been no test. In others, like California, there has been a bitter battle over the issue.

In our opinion, each State can resolve this matter in its own best interest without dictation from the Federal Government.

[From the Los Angeles Herald-Examiner, May 20, 1965]

#### RIGHT TO SAY NO?

President Johnson has raised a fundamental Democratic issue with his request that Congress abolish the so-called right-to-work laws.

These laws exist in 19 States. Basically, they prohibit the compulsory union shop, which rules that a worker cannot hold a job in a particular shop unless he is a member of a union.

We are for labor unions. The Hearst newspapers were among the first in the newspaper industry to reach agreements with labor unions.

But we are also for freedom of job choice, and opposed to compulsion by Government legislation. It seems elementary that no one should be compelled to join a union if he doesn't want to, just as no businessman

should be compelled to join any commercial organization.

We have found ourselves in agreement with many things LBJ has done. We are, for example, in favor of his proposals to reduce excise taxes by \$3.9 billion. And we are with him on his policies in the Dominican Republic and in Vietnam.

But we think he is wrong in urging abolition of laws that give the worker the right to belong, or not to belong, to a union, and we urge the President to reconsider his request to Congress.

[From the Santa Ana Register, May 14, 1965]

#### TO JOIN OR NOT TO JOIN

Great concern is voiced in Washington for the protection of the civil rights of individuals and minority groups.

But what of the right of the American worker to join—or not to join—a union? This particular issue doesn't seem to interest those who are in the forefront of the civil rights battle. There is a strange silence about the evil of compulsory unionism and its denial of individual civil and human rights.

The great weight of the Federal Government is thrown into the human rights movement—in schooling, in housing, in public accommodations. But what of the human rights of the man who, in order to hold a job, is forced to join an organization that may be diametrically opposed to his principles and views.

In 19 States that man has some protection by the right-to-work laws. And section 14(b) of the Taft-Hartley Act upholds the States in enacting these laws.

Now, the push is on in Washington to have Congress repeal 14(b). What the legislators will do when the issue comes before them is not known, but we do know what the American public thinks.

A national poll shows that the public is against repeal of 14(b) by more than a 2-to-1 margin. In fact, nearly two-thirds of the adult public favor a national law making all union membership voluntary.

[From the Duarte, Duartean and Dispatch, May 6, 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 proclaimed 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 one 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 free man'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 California Farm Bureau Monthly, May 7, 1965]

#### RIGHT-TO-WORK LAWS IN JEOPARDY

Hearings on the Taft-Hartley Act are expected to get underway in the House Labor Subcommittee in early May. Secretary of Labor Wirtz is expected to lead off the hearings with a plea for repeal of section 14(b) (the section which authorizes States to pass right-to-work laws prohibiting forced union membership). This will be followed by 2 weeks of testimony to be divided between opponents and proponents.

CFBF President Allan Grant, who is a member of the Citizens Committee to Preserve Taft-Hartley, points out that "the number of Congressmen for and against repeal of the Taft-Hartley's right-to-work section is very close at this time. This means there is a real job of contacting national legislators to be done if the right for employees to make a free choice regarding union membership is to be preserved."

The farm bureau president added that "one of the standard arguments used by union leadership against right-to-work laws is that they impede economic progress. Just the opposite is true. Comparing those States having right-to-work laws and those States without such laws and having compulsory unionism shows the right-to-work States leading the compulsory union States in percent of increase in manufacturing jobs, hourly earnings in manufacturing, per capita income, value added by manufacturing, capital expenditures, bank deposits, motor vehicle registrations, annual retail payroll, retail sales, and number of retail establishments. Forced union membership is what impedes economic progress."

Grant stressed the need for farm bureau members to contact their Congressmen urging support for maintaining section 14(b) in the Taft-Hartley Act.

[From the Santa Ana Register, Apr. 30, 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 or not 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 Fullerton News Tribune, Apr. 26, 1965]

#### WHY NOT THIS CIVIL RIGHT?

The drive to repeal section 14(b) of the Taft-Hartley Act, the right-to-work provision, appears to be miring down in the soft spring turf across the land.

In Wyoming, the State senate has rejected a powerful effort by the union leaders to scrap the law. A 2-year drive by labor was blunted despite the fact that it won in the house and enemies of right to work there threatened to paralyze the State government unless they got their way.

Certain defeat is forecast for a campaign to repeal right to work in South Dakota.

In Tennessee, union officials have given up.

A bill strengthening the statute has been approved by the senate labor committee in Kansas.

And in President Johnson's home State of Texas, a San Antonio newspaper has found that 85.9 percent of the readers polled favor retention of 14(b).

Strangely enough, President Johnson, who now urges repeal, voted for 14(b) when he was a Congressman in 1947. As late as 1960, he endorsed the Texas party platform which praised right to work as essential to a free society. In that year, the President ran for reelection to the Senate while his name was on the ballot for the Vice Presidency as well.

There is no doubt that the labor organizations are demanding payment of a campaign debt by attempting to force the repeal of 14(b).

But the President and the Congress have an obligation to all the people. Especially do they have an obligation to preserve the civil rights and basic freedoms of the people.

Right to work is such a freedom. Without it, the time would not be far distant when no man could work at his trade, anywhere in America, without paying tribute to a union.

[From the Riverside (Calif.) Enterprise, Apr. 13, 1965]

#### PITFALLS OF POWER

The International Union of Electrical Workers, the labor movement in general, and to some degree the country itself, owe a debt of appreciation to the ousted IUE president, James B. Carey. He fought the union's battles in early New Deal days when life was not easy for labor organizers. With equal acuity and courage he led the postwar fight to take the electrical union back from the Communists. He led also the movement for adoption of an official union code of ethical practices.

But none of these achievements entitles Mr. Carey to a reward which, with or without his knowledge, the three trustees of the IUE tried to confer on him last December. This was nothing less than fraudulent reelection to his post.

According to a finding by the U.S. Department of Labor, which intervened under powers granted it by the Landrum-Griffin Act, trustees miscounted the votes so flagrantly that they declared Carey reelected by 2,193 votes, while actually he was beaten by Paul Jennings by the whopping margin of 23,316 ballots. "An obvious case of real stealing," declared President Thomas Meany of the parent AFL-CIO.

This was inexcusable on the part of the trustees and even more so on the part of Mr. Carey if he had knowledge of what was being done. It points up the weaknesses in the democratic structure of many unions even under the safeguards that have been written into the Nation's labor law beginning with the Taft-Hartley Act. And of course it illustrates the dangers than can swamp a man of ability and integrity if the system enables him to build up too much power and hang onto it too long.

[From the Duarte (Calif.) Duartean and Dispatch, Mar. 11, 1965]

#### LEGISLATIVE SWINDLE

Some of the slickest brains in Congress are now working overtime trying to solve a difficult political problem. What the legislative wheelers 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 smokescreen 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 7 of the Civil Rights Act of 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 the Santa Ana Register, Mar. 2, 1965]

#### WHAT THE UNIONS WANT

Nobody knows precisely what Uncle Cawnpone in the White House really plans to do about repealing some of the features of the Taft-Hartley Act so despised by the professional labor unionists.

Uncle C. is a very tricky individual. Knows how to play the shell game. Sold a cure-all to 41 million Americans last fall.

He—Uncle C.—says he is for repeal of the right-to-work provision. Some people think, however, that he won't press for it; not this time, anyway.

If that's the correct reading of what's on Uncle's mind, it may be that he knows that right-to-work is popular with the people. In 1964, 67 percent of the American public believed that no citizen should be forced to belong to a union to hold his job.

It was a record year for support of the right-to-work principle, higher than it had

been in any year since 1944 when samplings of opinion first were taken.

The "union shop" requires that a person be compelled to belong to a union to hold his job. The right-to-work laws, now existing in 19 States, prohibit this compulsion.

The Opinion Research Corp. of Princeton, N.J., conducted a study of public opinion for the National Right-to-Work Committee. Sixty-seven percent said a man should be able to hold a job without joining a union.

Opinion Research says that "the survey results are almost certainly within plus or minus 4 percent of the figures which would have been obtained if every adult in the survey area (the United States) had been interviewed."

"Today," says the ORC, "voluntary union membership (as opposed to compulsory union membership) enjoys majority support among all population groups, except the unionized worker."

The figures were a delight, naturally, to the National Right-to-Work Committee, headed by S. D. Cadwallader.

Said Cadwallader: "The tens of millions of dollars being spent politically by the Meany's, the Reuthers, the Bridges, and the other politically minded union officials come largely from dues and fees raised with the instrument of compulsion—the so-called 'union shop.' It is an infringement on the personal liberty of American citizens; and inherent in the use of this club of compulsion is the danger of totalitarianism."

The union hierarchy is determined that every American who works—approximately 78 million of them—will be forced to pay dues and belong to unions.

The Taft-Hartley Act's Section 14(b) (right-to-work) is the principal obstacle in the union's goal of conquest of the American worker.

[From the Visalia, (Calif.) Times-Delta, Feb. 15, 1965]

#### WHAT IS A FUNDAMENTAL RIGHT?

Suppose every farmer and rancher were required by law to join and pay dues to a farm and ranch organization.

Or suppose every parent of schoolchildren was required to be a dues-paying member of the PTA. Or suppose every fisherman and hunter was legally compelled to join a game protective association.

These ridiculous ideas, as the Arizona Farm Bureau Federation has pointed out, contain the same logic as that used by labor groups and others who are now seeking repeal of that section of the Taft-Hartley Act which permits the States, if they so choose, to enact right-to-work laws.

Twenty of the States have done that. They thus have said, in effect, that it is up each individual worker to decide whether he wants to join a union or not. He cannot be compelled to join—on pain of unemployment—and his employer cannot prevent him from joining. In other words, it is up to the union to demonstrate that its services are worth their price.

If the right to join or not to join any organization is not a fundamental right, what is?

[From the Santa Ana (Calif.) Register, Feb. 2, 1965]

#### THE DRIVE AGAINST 14(b)

Fourteen (b) sounds like an odd shoe size, but in fact this identifies a section of the Taft-Hartley Law designed to keep union members from living completely subject to the whims of union officials. The administration, having been elected with the lavish support of union officers, now proposes to change the section at their request.

Fourteen (b) allows any State whose citizens so desire to adopt a right-to-work law which merely prohibits making union membership necessary to get or hold a job.

Twenty States have such laws. Unions thrive in all of them.

But where right-to-work laws are in force, a man can make up his own mind about whether he wants to belong to a particular union. A National Labor Relations Board examiner recently commented that he had no power to treat a corrupt union any differently than a legitimate one.

Where right-to-work laws do not exist, a union once it signs a contract with an employer can obtain dismissal of any covered employee who does not join and stay in good standing with the union. It can call wildcat strikes that put him out of work, curtail his earnings through work quotas and do other things that hurt rather help the individual employee, and still he must render his dues as if he truly were being represented.

It is probable that the mere existence of 14(b) has had a beneficial effect on unions, even in States which have passed no right-to-work laws. Unions are always mindful that one could be passed, and inclined to behave a bit less arrogantly to keep from getting the voters worked up.

If 14(b) is repealed, this restraint will be gone. Unions will not need to consider the feelings or opinions of either members or the people of the States in which they operate.

Fourteen (b) injures no one. Its repeal would benefit only labor union officials. It is a guarantee against captive union membership.

[From the San Marino Tribune, Jan. 21, 1965]

#### CONSISTENCY NO JEWEL TO L.B.J.

President Johnson, in his state of the Union message, declared that the Nation is dedicated to "freedom from arbitrary power" not merely for Americans but for all.

"Our Nation was created," he said, "to help strike away the chains of ignorance and misery and tyranny wherever they keep man less than God means him to be."

Yet, within minutes, he gave the signal for a nationwide return to compulsory unionism in saying that he would ask the Congress for "changes in the Taft-Hartley Act including section 14(b)."

Reed Larson, executive secretary of the National Right to Work Committee, promptly branded this strange inconsistency as "the most fantastic paradox of the campaign to repeal 14(b)" and bracketed Labor Secretary Wirtz with the President in this offense against the commonsense of the American public. He quoted Mr. Wirtz as saying: "The large edifice of civil rights is dependent on equality of employment opportunity," and again: "If men \* \* \* are to be truly free in accord with the tenets of democracy, then they must be free to seek a livelihood without prejudice." Mr. Larson said that he thought it "strange that Mr. Wirtz can offer these brave words at the same time he is leading the fight to further the cause of forced union membership, to extend even further the arbitrary control by the Federal Government over the lives of all our citizens."

Referring to a recent survey showing that 67 percent of Americans favor voluntary unionism, Mr. Larson charged that in the face of mounting public opinion, "the President has now openly pledged to take away another individual freedom."

Still, no one with a good memory should be surprised at the President's "inconsistency," Mr. Larson said. When the President was campaigning in 1960 and again last year, he did not mention that as a Congressman he voted for Taft-Hartley, as a Senator he voted against repealing 14(b) and in 1960 supported Texas' rights-to-work law in campaigning for reelection to the Senate—while campaigning against it as J.F.K.'s running mate.

[From the Pasadena (Calif.) Star-News, Jan. 19, 1965]

#### RIGHT-TO-WORK LAWS

Fourteen (b) sounds like an odd shoe size, but in fact this identifies a section of the Taft-Hartley law designed to conserve the rights of union members.

Section 14(b) simply allows any State whose citizens so desire to adopt a so-called right-to-work law which prohibits making union membership necessary to get or to hold a job.

Twenty States have such laws. They are Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Mississippi, Nebraska, Nevada, North and South Carolina, North and South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. (California notably rejected the notion of a right-to-work law after the tempestuous campaign of 1958.) Unions thrive in all of them.

Now the new administration proposes to press for the repeal of 14(b). The recommendation was one of the kernels in President Johnson's recent address on the state of the Union.

Mr. Johnson is widely believed to have made the request at the behest of labor leaders who contributed so handsomely to his overwhelming election victory. Bluntly put, it looks to many like a kind of payoff.

Right-to-work laws are just not that iniquitous where they are in force. In those 20 States, a man can make up his mind about whether he wants to belong to a particular union. As mentioned, the unions are not hurting.

Even in a State which has not passed a right-to-work law, it is possible that the mere existence of 14(b) has had a beneficial effect. Unions are always mindful that such a statute could be enacted.

If 14(b) were repealed, this restraint will be gone.

In fact, it seems more likely, in the view of a number of analysts, that the unions have their eyes less on repealing existing right-to-work laws than on keeping them out of those States which lack them.

"Labor union leaders are not as much concerned about the right-to-work laws in the 20 States as they are anxious to see compulsory unionization retained and extended in all the other States," typically commented David Lawrence.

If Congress follows through and does repeal 14(b), the effect will be to make compulsory unionism, a national policy. This would be more than undesirable; it would be unfair because it would abridge a working man's rights.

One fact which those in favor of repeal doubtless will hammer on in the weeks ahead as legislation advances in the Congress is that even if 14(b) is junked, it will still be technically possible for each State to enact a right-to-work law.

This is misleading. The catch is that such a State law would apply only to employment in businesses which are supposed to be conducted wholly within that State. And, as Lawrence has pointed out, there is hardly any purely "intrastate" operation in business or commerce these days.

The Supreme Court has interpreted "interstate commerce" so broadly in connection with recent Civil Rights Act cases (viz the barbecue-stand episodes) that nearly every business which uses some article manufactured in or imported from some other State has lost its "intrastate" standing.

Fourteen (b) ruins no one. Its absence might. It should be retrained.

[From the Pasadena Independent, Jan. 18, 1965]

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Fourteen (b) ruins no one. Its absence might. It should be retained.

[From the Los Angeles Times, Jan. 13, 1965]

#### NEW THREATS OF FORCED UNIONISM

Organized labor leaders, who claim much credit for Lyndon Johnson's landslide victory, found their reward in his opening message to Congress.

To improve the state of the unions, the President promised to extend minimum wage coverage and modernization of unemployment compensation. Nothing, however, could have pleased the AFL-CIO more than

Mr. Johnson's pledge to support the repeal of section 14(b) of the Taft-Hartley Act.

This is the section that permits States to outlaw compulsory unionism through enactment of "right to work" laws. As such, repeal of 14(b) is the predictably primary legislative goal of organized labor lobbyists.

The President's pledge of support, however, contrasts strangely with the theme of expanded freedom that ran throughout his speech. For section 14(b) involves a very basic freedom—the freedom to work without being compelled to join a union.

That freedom is guaranteed in 20 States which have passed "right to work" laws in spite of bitter union opposition. Other States, including California, have chosen not to enact such legislation.

Labor unions are now predicting that with Presidential help and heavy Democratic majorities the Congress will protect them from the will of State voters or legislators.

President Johnson said that he wants to bring about the repeal of section 14(b) in order "to reduce the conflicts that for several years have divided Americans in various States of our Union."

To reduce those "conflicts" by giving in to the unions would only enhance the vast and sometimes monopolistic powers already possessed by organized labor. Unions now enjoy every reasonable protection—and some not so reasonable—that the law can afford.

The demand that compulsory unionism be made a national policy, however, is asking too much.

Americans are indeed divided on this basic issue of freedom. And the right to express their will must not be denied them.

[From the Fullerton News Tribune, Jan. 5, 1965]

#### PROPAGANDA BARRAGE ON WAY

Labor is on President Johnson's doorstep, seeking to collect a campaign debt as the new Congress opens.

Its goal: Repeal of the right-to-work provision in the Taft-Hartley Act section 14(b).

Authority to enact right-to-work laws has been exercised by 20 out of the 50 States. An attempt to provide this freedom to join or not to join a labor union was made in California some years back, but a powerful offensive by the AFL-CIO resulted in the defeat of a constitutional amendment.

Public support of right to work now is far higher nationally than it was half a dozen years ago—and presumably this is true in California as well.

Union leaders, who have a vested interest in opposing right to work, are fearful that the movement will spread unless Congress can be induced to repeal section 14(b).

They have read the public opinion polls, which show that two out of three Americans believe that a man should not have to belong to a union to hold a job—that unions should not have compulsory membership privileges.

They also look back over a record of defeat on this issue, not only in the 20 States which have right-to-work laws, but in the courts, which have held section 14(b) constitutional in a series of decisions following its enactment in 1947. In their attack on section 14(b), labor officials portray it as "union busting," permitting some workers "free rides" at the expense of others.

What is the truth?

In the 20 States with right to work, there is no evidence that the laws have either destroyed unions or resulted in lower wages or less job security. Unions have continued to thrive and average wage increases in right-to-work States have been higher than States without this guarantee of individual freedom.

These facts, which have been documented by the Departments of Labor and Commerce, should be remembered when the massive propaganda barrage against section 14(b) be-

gins. And the people who believe in right to work should call them to the attention of their Representatives and Senators in Washington, lest they be brainwashed and intimidated by the lobbyists for big labor on Capitol Hill.

[From the San Marino Tribune, Dec. 17, 1964]

#### AFTER 14(b)—THE DELUGE

America's labor tycoons have laid it at the White House door.

In return for the landslide victory of President Johnson, they expect prompt and favorable action from the President on a list of demands that would speed our creeping socialism to a full gallop.

Having delivered the 16 million votes making up the difference between the 42 million for L.B.J. and the 27 million for Barry Goldwater (as they modestly claim), the unions have instructed the administration to:

Repeal section 14(b) of the Taft-Hartley Act. This would automatically outlaw the right-to-work laws that have been passed thus far by 20 States and give back to the union bosses a nationwide closed shop with the right to levy tribute on every working American, man or woman, in every unionized craft or industry anywhere for the privilege of making a living.

Amend the Landrum-Griffin Act to remove restrictions obnoxious to the unions.

Impose the 35-hour workweek and double pay for overtime on the Nation's economy, two demands that combine to achieve appreciable wage-hikes in defiance of existing contracts and without negotiation.

Boost the Federal minimum wage of \$1.25 (now responsible for widespread unemployment among workers of limited capabilities) to \$2.

Place all employment service in the hands of the Federal Government.

These are the demands most immediately affecting labor; but there are many more, such as medicare, the scrapping of present immigration laws, and colossal public works for the "war on poverty," together with others that would render specific aid to spread communism in the United States.

But first and foremost is repeal of section 14(b)—proclaimed by the executive council of the AFL-CIO as its No. 1 objective. Right-to-work laws must be smashed even though official figures show that union membership gains have been greater, and the economic gains of workers have been greater in the right-to-work States than in those where compulsory union membership is imposed.

It should be apparent to the Congress that the greedy demands of the labor bosses are no more in their own long-range interest than that of the people of the United States. And let the Congress beware in approaching unionism's prime exaction for political services. If 14(b) should prove to be the dominance that tumbles all the others on the "must" list, our public servants will have voted their own destruction as well as that of all the rest of us—the union fat-cats included.

[From the Los Angeles Times, Dec. 9, 1964]

#### L.B.J.: HOW MUCH DEBT TO LABOR?

Organized labor went all-out for President Johnson's reelection in November. Now the union leaders want his support for a whole range of labor-sponsored legislation which failed to pass Congress in previous years.

This optimism of the AFL-CIO is bolstered by estimates that labor has 65 more "friends" in Congress after the election than it enjoyed before.

Nevertheless, the labor lobbyists will not have an easy time.

Some items on the unions' shopping list—such as medical care for the aged under social security—are broad social welfare measures.

Others reflect a sincere, though dubious, effort on labor's part to alleviate automation-fed unemployment by spreading the available work. These include the proposals to lower the workweek from 40 to 35 hours, and to discourage overtime by requiring double pay.

To reduce the Nation's pockets of poverty, the AFL-CIO lobbyists want to raise the minimum wage from \$1.25 to \$2 per hour, and to extend its benefits to 1.5 million workers in hotels, cafes, laundries and other establishments which are not covered by the present law.

Most important, in the eyes of the labor chiefs, the AFL-CIO will launch a major campaign for Federal legislation to outlaw State right-to-work statutes.

The upcoming Congress, like others before it, will find that some of these proposals threaten to create as many problems as they cure.

The minimum wage revision, for example, would destroy many jobs by encouraging further automation and by driving many small operators out of business. A 35-hour workweek would reduce our competitiveness in world markets, and thereby threaten jobs tied to exports.

Wholly indefensible is labor's top-priority drive to outlaw the right-to-work statutes in 20 States. These laws prohibit labor contracts which force a man to join a union in order to hold a job. They do nothing to prevent union membership among those who want it.

Labor strategists concede Mr. Johnson's firm support is essential to success of their drive. Before they count on it, however, they should remember that the very size of the President's election victory minimizes the debt he owes to organized labor.

[From the Fullerton News Tribune, Nov. 17, 1964]

#### THIS RIGHT SHOULD BE DEFENDED

Civil rights is the cause of the day, but those who shout loudest about it are curiously silent when it comes to an individual's freedom to work, to join or not to join a labor union.

Twenty States have done something about it by enacting so-called right-to-work laws.

These statutes gail the leaders of organized labor, who see in them a threat to their massive political and economic power, to say nothing of the feathers which line their personal nests.

The labor officials prefer the union shop, in which all employees must join or lose their jobs once the union has won a majority to membership.

Now that organized labor has provided financial support through COPE for more than a majority of the House of Representatives elected November 3, we can expect a concerted drive to abolish the provision.

The prospects for success are high, because the Senate majority is generally pro-labor, and the AFL-CIO support of President Johnson—who must sign any such repeal—was wildly enthusiastic and vocal.

Certainly such an action would gratify union leaders, because it would require employers to enroll their employees into unions without any effort on the union's part. It would also keep employees in the unions, whether they liked it or not, no matter how offended the employees might become at union behavior.

The argument over this issue has gone on and on, but there are new facts that should now be considered.

For example, the National Labor Relations Board has ruled that unions may levy heavy fines upon their involuntary members for actions which the law specifically says they may take. The Board has chosen to consider this an "internal union matter."

It seems less than justice to force a man into an organization against his will, and

then refuse him legal protection because he is a member of it.

But such circumstances exist, and repeal of the right-to-work provision of the Taft-Hartley law would foreclose the remedy of voluntary membership everywhere.

The forthcoming attempt to destroy a man's right to hold a job if he does not believe in union membership should be watched closely by the people. When the time comes, they should make their views known to their Representatives in Congress. If they speak loudly enough, the lawmakers will hesitate to act in behalf of the special interests which have a stake in the repeal of right to work.

Mr. MUSKIE. Mr. President, as I think back to what has been said in this chamber during the course of this filibuster, I am struck by one glaring omission.

Much has been said here about unions as an economic and political force. There have been discussions of union structure, the application of union contracts and much more. But all of this has been in terms of statistics or of legal and constitutional interpretations.

At no point that I can recall has there been any recognition of the social and ethical principles that are the heart of the labor movement—the spirit of mutual effort for the benefit of all, without which the labor movement would not exist.

There has been no indication that my distinguished colleagues are aware that fundamentally a union is a brotherhood, not merely in the sense that all men are brothers, but in the specific dedication of a group to a common cause. And for that reason a union does not function with the same degree of self-interest as a business enterprise whose primary obligation is to make a profit. The concern of a union is the people who comprise it, and the people it is obligated to protect.

I am sure it will be argued, by those who are on the other side of this issue, that such a brotherhood should, therefore, be voluntary; that a worker who is brought into membership under a union shop contract does not automatically become endowed with the spirit of brotherhood. But this argument misses the point. A union brotherhood has a function to perform, the function of safeguarding and advancing the interests of all those who are part of the group, even those whose feelings may be unbrotherly to the point of selfishness.

This often leads unions to behave in what, by other standards, would be regarded as a quixotic way. Just such a case came to my attention yesterday. It was described in the current issue of the American Newspaper Guild's publication, the Guild Reporter.

During the newspaper strike of 1962, a New York Times photographer who had refused to join the guild during his 8 years of employment also crossed the guild picket line and went to work. This, of course, is the ultimate trade union crime—indeed, it is regarded more nearly as a sin.

Subsequently, some time after the strike, the photographer was injured on an assignment and lost the sight of one eye. The Times management fired him, offering no reason.

The guild—to the astonishment of management—filed a grievance and fought the discharge up to the point of arbitration. A day before the arbitration hearing the Times capitulated and reinstated the photographer with back pay for the year he had been idle.

Here, Mr. President, we see a union fighting for the rights of a man who not only was not a member, but who had been, by union principles the most offensive of all creatures—a scab.

It is reported that management asked, "Why do you bother?"

The answer, of course, is that the union bothered because it was its moral obligation to bother—its duty, as a brotherhood, to seek justice for all.

This is the true nature of the labor movement; a quality far more pertinent than involved dissertations against the union shop, based upon false premises and imaginary fears.

A calm, dispassionate look at the issue of the repeal of section 14(b) long ago led me to the conclusion that this part of our Federal law is harmful to our Nation and, when the opportunity comes, I shall vote for repeal.

However, before we come to that moment of decision, I feel that we must ponder the effects of any further protraction on the issue of section 14(b).

Let us consider what our failure to deal with this issue will bring about in many parts of our country. Already, it has been announced by an organization calling itself the National Right-to-Work Committee that it intends to launch right-to-work campaigns in several States, and committees to that purpose have been formed.

Now, it is one thing to discuss section 14(b) here in the Congress, but, for anyone who has been through such a campaign, it is a totally different creature when a bill to enact a right to work is introduced into a State legislature.

The effect is instantaneous. Any industrial harmony that has been achieved, any labor-management responsibility, any joint activity in behalf of the community, whether it be a united givers fund or a school bond issue, will disappear overnight.

In every community, in every State where a battle is undertaken for a so-called right-to-work law, the sides will be drawn and the fight will be bitter. And, whatever the outcome, the scars and the hurts will remain for years thereafter.

Is this the kind of labor-management harmony we seek to promote? Is this the kind of Federal labor legislation we really had in mind when section 14(b) was written into the law? I think not, but the effect of the nearly 20 years of section 14(b) has brought it to this.

The National Right-To-Work Committee says it will seek "early expansion" of the number of right-to-work States. The head of that organization told a business association in Charleston, S.C., recently that he hoped to get the campaign underway in 1966 in various States.

He later told newsmen that the committee was hoping to raise more than \$1 million to carry out its campaigns.

This is what our failure to act could bring about in the States. Perhaps

there are some who welcome such warfare, but they are not the responsible voices in the community. The overwhelming number of labor-management relationships are stable, with respect for the rights of each party. The overwhelming majority of collective bargaining contracts are agreed upon each year without strikes or work stoppages. Our industrial labor climate is, for the most part, excellent in the United States. But the failure of this body to act will be the signal for right-to-work campaigns in many States, and the patiently built labor-management relationships will disappear and America will suffer as a result.

I urge consideration and repeal of section 14(b) in the interest of the Nation's best interest and economic health.

THE VOTE ON REPEAL OF SECTION 14 (b)

Mr. McGOVERN. Mr. President, I have generally opposed filibusters and the use of the Senate floor to block the orderly conduct of the Nation's business. In line with this conviction, I voted on Tuesday to end the filibuster, so that 14(b) could become the pending business of the Senate. This vote resulted in 51 votes for ending the filibuster and 48 against—15 votes short of the necessary two-thirds. Obviously the will of the Senate is to avoid a vote on the merits of the issue before us. It is now clear that no Senator will be able to cast a vote on the substance of the proposed legislation.

I personally am opposed to repeal by congressional action of State right-to-work laws. In my State, South Dakota, the so-called right-to-work law is a part of our constitution. Some years ago when referred to the voters, it was given an overwhelming endorsement of 70 percent. Current surveys indicate roughly the same number of people are still opposed to the repeal of our right-to-work law.

The rollcall vote tomorrow will be the only time, at least this year, when one can cast a vote which will indicate his position for or against repeal. Because of the complexity of the legislative situation, many people are confused by the difference between a cloture vote and a regular vote. Recognizing this confusion and to make clear my opposition to the repeal of 14(b), I am therefore casting a "no" vote on the present cloture motion. I frankly do not like such a procedure, nor do I like to see the Senate floor used for endless filibusters. But I am opposed to the enactment of legislation which would repeal a section of the South Dakota State constitution favored overwhelmingly by my constituents. This is the only vote of record now open to me to express my convictions against congressional action to set aside the State right-to-work laws.

So like my colleague from South Dakota [Mr. MUNDT], I intend to vote "no" on the cloture motion tomorrow.

VETERANS' READJUSTMENT BENEFITS ACT OF 1966

Mr. YARBOROUGH. Mr. President, I regret that I did not get to hear the

remarks of my colleague. I have another matter to bring up at this time.

Mr. TOWER. Mr. President, I yield to my colleague from Texas, who wishes to discuss a problem of great importance.

I commend him for the work that he has done on this measure.

Mr. YARBOROUGH. Mr. President, I thank my colleague from Texas for his gracious remarks.

I ask that a message from the House of Representatives on S. 9 be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 9) to provide readjustment assistance to veterans who served in the Armed Forces during the induction period, which was, to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Readjustment Benefits Act of 1966".

EDUCATIONAL BENEFITS

SEC. 2. Part III of title 38, United States Code, is amended by inserting immediately after chapter 31 thereof the following new chapter:

"CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

"Subchapter I—Purpose—Definitions

"Sec.

"1651. Purpose.

"1652. Definitions.

"Subchapter II—Eligibility and entitlement

"1661. Eligibility; entitlement; duration.

"1662. Time limitations for completing a program of education.

"1663. Educational and vocational counseling.

"Subchapter III—Enrollment

"1670. Selection of program.

"1671. Applications; approval.

"1672. Change of program.

"1673. Disapproval of enrollment in certain courses.

"1674. Discontinuance for unsatisfactory conduct or progress.

"1675. Period of operation for approval.

"1676. Education outside the United States.

"Subchapter IV—Payments to eligible veterans

"1681. Educational assistance allowance.

"1682. Computation of educational assistance allowances.

"1683. Measurement of courses.

"1684. Overcharges by educational institutions.

"1685. Approval of courses.

"1686. Discontinuance of allowances.

"Subchapter I—Purpose—Definitions

"§ 1651. Purpose

"The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of (1) enhancing and making more attractive service in the Armed Forces of the United States, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty after January 31, 1955, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.

"§ 1652. Definitions

"For the purposes of this chapter—

"(a) (1) The term 'eligible veteran' means any veteran who (A) served on active duty for a period of more than 180 days any part of which occurred after January 31, 1955, and who was discharged or released therefrom under conditions other than dishonorable or (B) was discharged or released from active duty after such date for a service-connected disability.

"(2) The requirement of discharge or release, prescribed in paragraph (1) (A), shall be waived in the case of any individual who served at least two years in an active-duty status for so long as he continues on active duty without a break therein.

"(3) For purposes of paragraph (1) (A) and section 1661(a), the term 'active duty' does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 511(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

"(b) The term 'program of education' means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocation objective.

"(c) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above.

"(d) The term 'dependent' means—

"(1) a child of an eligible veteran;

"(2) a dependent parent of an eligible veteran; and

"(3) the wife of an eligible veteran.

"Subchapter II—Eligibility and entitlement

"§ 1661. Eligibility; entitlement; duration

"Entitlement

"(a) Except as provided in subsection (b), each eligible veteran shall be entitled to educational assistance under this chapter for a period of one month (or to the equivalent thereof in part-time educational assistance) for each month or fraction thereof of his service on active duty after January 31, 1955.

"Entitlement Limitations

"(b) Except as provided in subsection (c), in no event shall an eligible veteran receive educational assistance under this chapter for a period which, when combined with education and training received under any or all of the laws listed below, will exceed thirty-six months—

"(1) Parts VII or VIII, Veterans Regulation Numbered 1(a), as amended;

"(2) title II of the Veterans' Readjustment Assistance Act of 1952;

"(3) the War Orphans' Educational Assistance Act of 1956;

"(4) chapters 31, 33, and 35 of this title.

"(c) Whenever the period of entitlement under this section of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester, such period shall be extended to the termination of such unexpired quarter or semester. In educational institutions not op-

erated on the quarter or semester system, whenever the period of eligibility ends after a major portion of the course is completed such period shall be extended to the end of the course or for twelve weeks, whichever is the lesser period.

"(d) If an eligible veteran is entitled to educational assistance under this chapter and also to vocational rehabilitation under chapter 31 of this title, he must, if he wants either, elect whether he will receive educational assistance or vocational rehabilitation. If an eligible veteran is entitled to educational assistance under this chapter and is not entitled to such vocational rehabilitation, but after beginning his program of education becomes entitled (as determined by the Administrator) to such vocational rehabilitation, he must, if he wants either, elect whether to continue to receive educational assistance or whether to receive such vocational rehabilitation. If he elects to receive vocational rehabilitation, the program of education under this chapter shall be utilized to the fullest extent practicable in determining the character and duration of vocational rehabilitation to be furnished him.

"§ 1662. Time limitations for completing a program of education

**"Delimiting Period of Completion**

"(a) No educational assistance shall be afforded an eligible veteran under this chapter beyond the date eight years after his last discharge or release from active duty after January 31, 1955.

**"Correction of Discharge**

"(b) In the case of any eligible veteran who has been prevented, as determined by the Administrator, from completing a program of education under this chapter within the period prescribed by subsection (a), because he had not met the nature of discharge requirements of this chapter before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, then the eight-year delimiting period shall run from the date his discharge or dismissal was changed, corrected, or modified.

**"Savings Clause**

"(c) In the case of any eligible veteran who was discharged or released from active duty before the date for which an educational assistance allowance is first payable under this chapter, the eight-year delimiting period shall run from such date, if it is later than the date which otherwise would be applicable.

"§ 1663. Educational and vocational counseling

"The Administrator may arrange for educational and vocational counseling for veterans eligible for educational assistance under this chapter. At such intervals as he deems necessary, he shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent he deems practicable.

**"Subchapter III—Enrollment**

"§ 1670. Selection of program

"Subject to the provisions of this chapter, each eligible veteran may select a program of education to assist him in attaining an educational, professional, or vocational objective at any educational institution (approved in accordance with chapter 36 of this title) selected by him, which will accept and retain him as a student or trainee in any field or branch of knowledge which such institution finds him qualified to undertake or pursue.

"§ 1671. Applications; approval

"Any eligible veteran who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the eligible veteran of the approval or disapproval of his application.

"§ 1672. Change of program

"(a) Except as provided in subsection (b), each eligible veteran (except an eligible veteran whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application) may make not more than one change of program of education.

"(b) The Administrator may approve one additional change (or an initial change in the case of a veteran not eligible to make a change under subsection (a)) in program if he finds that—

"(1) the program of education which the eligible veteran proposes to pursue is suitable to his aptitudes, interests, and abilities; and

"(2) in any instance where the eligible veteran has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

"(c) As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second.

"§ 1673. Disapproval of enrollment in certain courses

"(a) The Administrator shall not approve the enrollment of an eligible veteran in any type of course which the Administrator finds to be avocational or recreational in character unless the eligible veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

"(b) The Administrator shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

"(c) The Administrator shall not approve the enrollment of an eligible veteran in any course of apprentice or other training on the job, any course of institutional on-farm training, or any course to be pursued by open circuit television (except as herein provided) or radio. The Administrator may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit television, if the major portion of the course requires conventional classroom or laboratory attendance.

"(d) The Administrator shall not approve the enrollment of an eligible person in any course which is to be pursued as a part of his regular secondary school education, but this subsection shall not prevent the enrollment of an eligible veteran in a course to be pursued below the college level if the Administrator finds that such veteran has ended his secondary school education (by completion or

otherwise) and that such course is a specialized vocational course pursued for the purpose of qualifying in a bona fide vocational objective.

"(e) The Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution for any period during which the Administrator finds that more than 85 per centum of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under this chapter or chapter 31 or 35 of this title.

"§ 1674. Discontinuance for unsatisfactory conduct or progress

"The Administrator shall discontinue the educational assistance allowance of an eligible veteran if, at any time, the Administrator finds that according to the regularly prescribed standards and practices of the educational institution, his conduct or progress is unsatisfactory. The Administrator may renew the payment of the educational assistance allowance only if he finds that—

"(1) the cause of the unsatisfactory conduct or progress of the eligible veteran has been removed; and

"(2) the program which the eligible veteran now proposes to pursue (whether the same or revised) is suitable to his aptitudes, interests, and abilities.

"§ 1675. Period of operation for approval

"(a) The Administrator shall not approve the enrollment of an eligible veteran in any course offered by an educational institution when such course has been in operation for less than two years.

"(b) Subsection (a) shall not apply to—

"(1) any course to be pursued in a public or other tax-supported educational institution;

"(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

"(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality; or

"(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree.

"§ 1676. Education outside the United States

"An eligible veteran may not pursue a program of education at an educational institution which is not located in a State, unless such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the educational assistance under this chapter of any veteran in a foreign educational institution if he finds that such enrollment is not for the best interest of the veteran or the Government.

**"Subchapter IV—Payments to eligible veterans**

"§ 1681. Educational assistance allowance

"(a) The Administrator shall pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"(b) The educational assistance allowance of an eligible veteran shall be paid, as provided in section 1682 of this title, only for the period of his enrollment as approved by the Administrator, but no allowance shall be paid—

"(1) to any veteran enrolled in a course which leads to a standard college degree for

any period when such veteran is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter, or of chapter 36;

"(2) to any veteran enrolled in a course which does not lead to a standard college degree for any day of absence in excess of 30 days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law during which the institution is not regularly in session; or

"(3) to any veteran pursuing his program exclusively by correspondence for any period during which no lessons were serviced by the institution.

"(c) The Administrator may, pursuant to such regulations as he may prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible veteran for any period for which he receives an educational assistance allowance under this chapter for pursuing such program or course.

"(d) No educational assistance allowance shall be paid to an eligible veteran enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period or where the program is pursued by correspondence a certificate as to the number of lessons actually completed by the veteran and serviced by the institution; and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution.

"(e) Educational assistance allowances shall be paid as soon as practicable after the Administrator is assured of the veteran's enrollment in and pursuit of the program of education for the period for which such allowance is to be paid.

"§ 1682. Computation of educational assistance allowances

"(a) (1) Except as provided in subsection (b) or (c) (1), while pursuing a program of education under this chapter of half-time or more, each eligible veteran shall be paid the monthly educational assistance allowance set forth in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the applicable type of program as shown in column I:

"Column I	Column II	Column III	Column IV
Type of program	No dependents	One dependent	Two or more dependents
Institutional:			
Full time.....	\$100	\$125	\$150
Three quarter time.....	75	95	115
Half time.....	50	65	75
Cooperative.....	80	100	120

"(2) A 'cooperative' program means a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

"(b) The educational assistance allowance of an individual pursuing a program of education—

"(1) while on active duty, or

"(2) on less than a half-time basis, shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) \$100 per month for a full-time course, whichever is the lesser.

"(c) (1) The educational assistance allowance of an eligible veteran pursuing a program of education exclusively by correspondence shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution, as certified by the institution.

"(2) In the case of any eligible veteran who is pursuing any program of education exclusively by correspondence, one-fourth of the elapsed time in following such program of education shall be charged against the veteran's period of entitlement.

"§ 1683. Measurement of courses

"(a) For the purposes of this chapter—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required; and

"(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required.

"(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter.

"§ 1684. Overcharges by educational institutions

"(a) If the Administrator finds that an educational institution has charged or received from any eligible veteran pursuing a program of education under this chapter any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveteran students, who are enrolled in the same course to pay, he may disapprove such educational institution for the enrollment of any eligible veteran not already enrolled therein under this chapter and any eligible veteran or person not already enrolled therein under chapter 31 or 35 of this title.

"(b) Any educational institution which has been disapproved under section 1734 of this title shall be deemed to be disapproved for the enrollment under this chapter of any eligible veteran not already enrolled therein.

"§ 1685. Approval of courses

"An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course is approved in accordance with the provisions of subchapter I of chapter 36 of this title.

"§ 1686. Discontinuance of allowances

"The Administrator may discontinue the educational assistance allowance of any eligible veteran if he finds that the program of education or any course in which the eligible veteran is enrolled fails to meet any of the

requirements of this chapter or chapter 36, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 36, or fails to meet any of their requirements."

Sec. 3. (a) Chapter 35 of title 38 of the United States Code is amended by—

(1) amending section 1761 thereof to read as follows:

"§ 1761. Authority and duties of Administrator

"(a) The Administrator may provide the educational and vocational counseling required under section 1720 of this title, and may provide or require additional counseling if he deems it to be necessary to accomplish the purposes of this chapter.

"(b) Where any provision of this chapter authorizes or requires any function, power, or duty to be exercised by a State, or by any officer or agency thereof, such function, power, or duty shall, with respect to the Republic of the Philippines, be exercised by the Administrator."

(2) deleting in section 1762, "(a)" and subsection (b) in its entirety;

(3) deleting sections 1726, 1763, 1764, 1765, 1766, 1767, and 1768;

(4) deleting the following heading, immediately preceding section 1771, "Subchapter VII—State Approving Agencies", and substituting therefor:

"CHAPTER 36.—ADMINISTRATION OF EDUCATIONAL BENEFITS

"Subchapter I—State approving agencies

"Sec.

"1770. Scope of approval.

"1771. Designation.

"1772. Approval of courses.

"1773. Cooperation.

"1774. Reimbursement of expenses.

"1775. Approval of accredited courses.

"1776. Approval of nonaccredited courses.

"1777. Notice of approval of courses.

"1778. Disapproval of courses.

"Subchapter II—Miscellaneous provisions

"1781. Nonduplication of benefits.

"1782. Control by agencies of the United States.

"1783. Conflicting interests.

"1784. Reports by institutions.

"1785. Overpayments to eligible persons or veterans.

"1786. Examination of records.

"1787. False or misleading statements.

"1788. Advisory Committee.

"1789. Institutions listed by Attorney General.

"1790. Use of other Federal agencies.

"Subchapter I—State approving agencies";

(5) inserting a new section 1770 to read as follows:

"§ 1770. Scope of approval

"(a) A course approved under and for the purposes of this chapter shall be deemed approved for the purposes of chapters 34 and 35 of this title.

"(b) Any course approved under chapter 33 of this title, prior to February 1, 1965, under subchapter VII of chapter 35 of this title, prior to the date of enactment of this chapter, and not disapproved under section 1686, section 1656 (as in effect prior to February 1, 1965), or section 1778 of this title, shall be deemed approved for the purposes of this chapter."

(6) striking out in section 1771(a), "this chapter after the date for the expiration of all education and training provided in chapter 33 of this title. Such agency may be the agency designated or created in accordance with section 1641 of this title", and substituting therefor "chapters 34 and 35 of this title";

(7) striking out in sections 1772, 1773, and 1774, each time it appears, the phrase "this chapter" and substituting therefor "chapters 34 and 35";

(8) striking out in sections 1772, 1774, and 1775, each time it appears, the phrase "eligible person" and substituting therefor "eligible person or veteran";

(9) striking out in section 1776 "1653 or";

(10) deleting from the analysis appearing at the head of chapter 35 of such title:

"1726. Institutions listed by the Attorney General."

and

"1763. Control by agencies of the United States.

"1764. Conflicting interests.

"1765. Reports by institutions.

"1766. Overpayments to eligible persons.

"1767. Examination of records.

"1768. False or misleading statements.

"Subchapter VII—State approving agencies

"1771. Designation.

"1772. Approval of courses.

"1773. Cooperation.

"1774. Reimbursement of expenses.

"1775. Approval of accredited courses.

"1776. Approval of nonaccredited courses.

"1777. Notice of approval of courses.

"1778. Disapproval of courses."

(11) striking out the term "eligible persons" in sections 1773(a) and 1774 and inserting in lieu thereof "eligible persons or veterans".

(b) Title 38 of the United States Code is further amended by adding immediately following section 1778, the following new subchapter:

"Subchapter II—Miscellaneous provisions

"§ 1781. Nonduplication of benefits

"No educational assistance allowance or special training allowance shall be paid on behalf of any eligible person or veteran under chapter 34 or 35 of this title for any period during which such person or veteran is enrolled in and pursuing a program of education or course paid for by the United States under any provision of law other than such chapters, where the payment of an allowance would constitute a duplication of benefits paid from the Federal Treasury to the eligible person or veteran or to his parent or guardian in his behalf.

"§ 1782. Control by agencies of the United States

"No department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, or State educational agency, or any educational institution. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or to prevent the furnishing of education under chapter 34 or 35 of this title in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of law.

"§ 1783. Conflicting interests

"(a) Every officer or employee of the Veterans' Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person or veteran was pursuing a program of education or course under chapter 34 or 35 shall be immediately dismissed from his office or employment.

"(b) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible person or veteran was

pursuing a program of education or course under chapter 34 or 35 of this title, he shall discontinue making payments under section 1774 of this title to such State approving agency unless such agency shall, without delay, take such steps as may be necessary to terminate the employment of such person and such payments shall not be resumed while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education.

"(c) A State approving agency shall not approve any course offered by an educational institution operated for profit and, if any such course has been approved, shall disapprove each such course, if it finds that any officer or employee of the Veterans' Administration or the State approving agency owns an interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, such institution.

"(d) The Administrator may, after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Veterans' Administration or of a State approving agency, if he finds that no detriment will result to the United States, or to eligible persons or veterans by reason of such interest or connection of such officer or employee.

"§ 1784. Reports by institutions

"Educational institutions shall, without delay, report to the Administrator in the form prescribed by him, the enrollment, interruption, and termination of the education of each eligible person or veteran enrolled therein under chapter 34 or 35.

"§ 1785. Overpayments to eligible persons or veterans

"Whenever the Administrator finds that an overpayment has been made to an eligible person or veteran as the result of (1) the willful or negligent failure of an educational institution to report, as required by chapter 34 or 35 of this title and applicable regulations, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the eligible person or veteran, or (2) false certification by an educational institution, the amount of such overpayment shall constitute a liability of such institution, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the eligible person or veteran. This section shall not preclude the imposition of any civil or criminal liability under this or any other law.

"§ 1786. Examination of records

"The records and accounts of educational institutions pertaining to eligible persons or veterans who received education under chapter 34 or 35 of this title shall be available for examination by duly authorized representatives of the Government.

"§ 1787. False or misleading statements

"Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a person or veteran, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

"§ 1788. Advisory committee

"There shall be an advisory committee formed by the Administrator which shall be composed of persons who are eminent in their respective fields of education, labor, and management, and of representatives of the various types of institutions and establishments furnishing vocational rehabilitation under chapter 31 of this title or education to eligible persons or veterans enrolled under chapter 34 or 35 of this title.

The Commissioner of Education and the Administrator, Manpower Administration, Department of Labor, shall be ex officio members of the advisory committee. The Administrator shall advise and consult with the committee from time to time with respect to the administration of this chapter and chapters 31, 34, and 35 of this title, and the committee may make such reports and recommendations as it deems desirable to the Administrator and to the Congress.

"§ 1789. Institutions listed by Attorney General

"The Administrator shall not approve the enrollment of, or payment of an additional assistance allowance to, any eligible veteran or eligible person under chapter 34 or 35 of this title in any course in an educational institution while it is listed by the Attorney General under section 12 of Executive Order 10450.

"§ 1790. USE OF OTHER FEDERAL AGENCIES

"In carrying out his functions under this chapter or chapter 34 or 35 of this title, the Administrator may utilize the facilities and services of any other Federal department or agency. Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement."

SEC. 4. (a) Chapter 33 of title 38, United States Code, is hereby repealed.

(b) Nothing in this Act or any amendment or repeal made by it, shall affect any right or liability (civil or criminal) which matured under chapter 33 of title 38 before the date of enactment of this Act; and all offenses committed, and all penalties and forfeitures incurred, under any provision of law amended or repealed by this Act, may be punished or recovered, as the case may be, in the same manner and with the same effect as if such amendments or repeals had not been made.

(c) The analyses of title 38, United States Code, and of part III thereof, are both amended by (1) striking out

"33. Education of Korean Conflict Veterans..... 1601";

(2) inserting in lieu thereof,

"34. Veterans' Educational Assistance..... 1650";

and (3) inserting immediately after

"35. War Orphans' Educational Assistance..... 1701"

the following:

"36. Administration of Educational Benefits..... 1700".

(d) Section 101 of such title 38, United States Code, is amended by adding the following sentence to paragraph (20) thereof: "For the purpose of section 903 and chapters 34 and 35 of this title, such term also includes the Canal Zone."

(e) Section 102(a)(2) of such title 38 is amended by striking out "Except for the purposes of chapter 33 of this title, dependency" and inserting in lieu thereof "Dependency".

(f) Section 102(b) of such title 38 is amended by striking out "(except chapters 19 and 33)", and inserting in lieu thereof, "(except chapter 19)".

(g) Section 111(a) of such title 38 is amended by striking out "33" and inserting in lieu thereof "34".

(h) Section 211(a) of such title 38 is amended by striking out "775, 784, 1661, 1761" and inserting in lieu thereof "775, 784".

(i) Section 903(b) of such title 38 is amended by deleting the last sentence thereof.

(j) Section 1701 of such title 38 is amended (1) by striking out "1013(c)(1) of title 50" in subsection (a)(3)(C) and inserting in

lieu thereof "511(d) of title 10" (2) by striking out paragraphs (8) and (9) in subsection (a) thereof and redesignating paragraph (10) of such subsection as paragraph (8) and (3) by striking out "and prior to the end of the induction period" in subsections (a)(1) and (d) thereof.

(k) Section 1711(b) of such title 38 is amended by striking out "33" and inserting in lieu thereof "34", and by inserting immediately before the period at the end thereof the following: "or under chapter 33 of this title as in effect before February 1, 1965".

(l) Section 1731 of title 38, United States Code, is amended by striking out subsection (c) thereof and inserting immediately after subsection (b) the following new subsections:

"(c) The Administrator may, pursuant to such regulations as he may prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible person for any period for which an educational assistance allowance is paid on behalf of such eligible person under this chapter for pursuing such programs of course.

"(d) No educational assistance allowance shall be paid on behalf of an eligible person enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator shall have received—

"(1) from the eligible person a certification as to his actual attendance during such period; and

"(2) from the educational institution, a certification, or an endorsement on the eligible person's certificate, that he was enrolled in and pursuing a course of education during such period.

"(e) Educational assistance allowances shall be paid as soon as practicable after the Administrator is assured of the eligible person's enrollment in and pursuit of the program of education for the period for which such allowance is to be paid."

(m) Section 1734(a) of such title 38 is amended by striking out "33" and inserting in lieu thereof "34".

(n) Section 1735 of such title 38 is amended to read as follows: "An eligible person shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course (1) is approved in accordance with the provisions of subchapter I of chapter 36 of this title, or (2) is approved for the enrollment of the particular individual under the provisions of section 1737 of this title."

(o) Section 1736 of such title 38 is amended by (1) striking out "(a)", (2) striking out all of subsection (b) thereof, and (3) inserting after the phrase "this chapter", both times it appears, the following: ", or of chapter 36 of this title."

(p) Section 3013 of such title 38 is amended by striking out "33" and inserting in lieu thereof "34".

#### Guaranteed Home and Farm Loans

SEC. 5. (a) Chapter 37 of title 38 of the United States Code is amended by inserting immediately after section 1817 the following new section:

"§ 1818. Veterans who serve after January 31, 1955

"(a) Each eligible veteran, as defined in paragraphs (1) and (2) of subsection (a) of section 1652 of this title, shall be eligible for the benefits of this chapter (except sections 1813 and 1815, and business loans under section 1814, of this title), subject to the provisions of this section.

"(b) Entitlement under subsection (a), (1) shall cancel any unused entitlement under other provisions of this chapter derived from service during World War II or the Korean conflict, and (2) shall be reduced by

the amount by which entitlement from service during World War II or the Korean conflict has been used to obtain a direct, guaranteed, or insured loan—

"(A) on real property which the veteran owns at the time of application; or

"(B) as to which the Administrator has incurred actual liability or loss, unless in the event of loss or the incurrence and payment of such liability by the Administrator the resulting indebtedness has been paid in full.

"(c) (1) Entitlement to the benefits of this section will expire as follows:

"(A) Ten years from the date of discharge or release from the last period of active duty of the veteran, any part of which occurred after January 31, 1955, plus an additional period equal to one year for each three months of active duty performed by the veteran after such date, except that entitlement shall not continue in any case after twenty years from the date of the veteran's discharge or release from his last period of active duty, nor shall entitlement expire in any case prior to the date ten years after the date of enactment of this Act; or

"(B) Twenty years from the date of the veteran's discharge or release for a service-connected disability from a period of active duty, any part of which occurred after January 31, 1955.

"(C) Direct loans authorized by this section shall not be made after January 31, 1975, except pursuant to commitments issued by the Administrator on or before that date.

"(2) If a loan report or application for loan guaranty is received by the Administrator before the date of expiration of the veteran's entitlement, the loan may be guaranteed under this chapter after such date.

"(d) A fee shall be collected from each veteran obtaining a loan guaranteed or made under this section, and no loan shall be guaranteed or made under this section until the fee payable with respect to such loan has been collected and remitted to the Administrator. The amount of the fee shall be established from time to time by the Administrator, but shall in no event exceed one-half of 1 per centum of the total loan amount. The amount of the fee may be included in the loan to the veteran and paid from the proceeds thereof. The Administrator shall deposit all fees collected hereunder in the revolving fund established under the provisions of section 1824 of this title.

"(e) Notwithstanding any of the provisions of this section, a veteran deriving entitlement under this section shall not be required to pay the fee prescribed by subsection (d) and such entitlement shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the period of his entitlement to the benefits of this chapter based on service during World War II or the Korean conflict has not expired under section 1803(a)(3), and (2) he has not used any of his entitlement derived from such service."

(b) The table of sections at the beginning of chapter 37 of such title is amended by inserting immediately below

"1817. Release from liability under guaranty."

the following:

"1818. Veterans who serve after January 31, 1955."

(c) Section 1822(a) of such title is amended by striking out "or 1813", and inserting in lieu thereof "1813, or 1818".

(d) Section 1803(c)(1) of title 38, United States Code, is amended by striking out ", with the approval of the Secretary" and all that follows through the end thereof and inserting in lieu thereof the following: "may from time to time find the loan market demands; except that such rate shall in no event exceed that in effect under the pro-

visions of section 203(b)(5) of the National Housing Act."

(e) Section 1811(d) of such title is amended by striking out "\$15,000" each place where it appears therein and inserting in lieu thereof in each such place "\$17,500".

(f) (1) Subchapter III of chapter 37 of such title is amended by adding at the end thereof the following new section:

"§ 1826. Withholding of payments, benefits, etc.

"(a) The Administrator shall not, unless he first obtains the consent in writing of an individual, set off against, or otherwise withhold from, such individual any benefits payable to such individual under any law administered by the Veterans' Administration because of liability allegedly arising out of any loan made to, assumed by, or guaranteed or insured on account of, such individual under this chapter.

"(b) No officer, employee, department, or agency of the United States shall set off against, or otherwise withhold from, any veteran or the widow of any veteran any payments (other than benefit payments under any law administered by the Veterans' Administration) which such veteran or widow would otherwise be entitled to receive because of any liability to the Administrator allegedly arising out of any loan made to, assumed by, or guaranteed or insured on account of, such veteran or widow under this chapter, unless (1) there is first received the consent in writing of such veteran or widow, as the case may be, or (2) such liability and the amount thereof was determined by a court of competent jurisdiction in a proceeding to which such veteran or widow was a party."

(b) The analysis of subchapter III of such chapter 37 is amended by adding at the end thereof the following:

"1826. Withholding of payments, benefits, etc."

#### Job Counseling

SEC. 6. (a) The heading of chapter 41 of title 38, United States Code, is amended by deleting:

"CHAPTER 41—UNEMPLOYMENT BENEFITS FOR VETERANS"

and inserting therefor:

"CHAPTER 41—JOB COUNSELING AND EMPLOYMENT PLACEMENT SERVICE FOR VETERANS"

(b) The analyses of title 38, United States Code, and of part III thereof, are amended by deleting:

"41. Unemployment Benefits for Veterans..... 2001"

and inserting therefor:

"41. Job Counseling and Employment Placement Service for Veterans..... 2001"

(c) Sections 2001, 2002, 2003, and 2004 of title 38, United States Code, are amended by inserting the phrase, "or of service after January 31, 1955" immediately after the phrase "veterans of any war", and the phrase "veteran of any war" each time such phrases appear therein.

Wartime Presumptions for Veterans Serving After January 31, 1955

SEC. 7. (a) Subchapter IV of chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 337. Wartime presumptions for certain veterans

"For the purposes of this subchapter and subchapter V of this chapter and notwithstanding the provisions of sections 332 and 333 of this subchapter, the provisions of sections 311, 312, and 313 of this chapter shall be applicable in the case of any veteran who served in the active military, naval, or air service after January 31, 1955."

(b) The analysis of such subchapter which appears in such chapter is amended by adding at the end thereof the following: "337. Wartime presumptions for certain veterans."

#### Medical Care

Sec. 8. Section 610(a)(1)(B) and section 610(b)(2) of title 38, United States Code, are each amended by inserting "or of service after January 31, 1955," immediately after "veteran of any war".

#### Deceased Veterans—Flags

Sec. 9. Section 901(a)(1) of title 38, United States Code, is amended by striking out "or of Mexican border service" and inserting in lieu thereof ", of Mexican border service, or of service after January 31, 1955".

#### Soldiers' and Sailors' Civil Relief Act

Sec. 10. Subsection (1) of section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 530), is amended by striking out "\$80" and inserting in lieu thereof "\$150".

#### Veterans' Preference

Sec. 11. Section 2 of the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851), is amended by striking out "and" at the end of clause (5) and by striking out the period at the end of such section and inserting in lieu thereof a semicolon and the following: "and (7) those ex-service men and women who have served on active duty (as defined in section 101(21) of title 38, United States Code) at any time in any branch of the Armed Forces of the United States for a period of more than one hundred and eighty consecutive days after January 31, 1955, not including service under the provisions of section 511(d) of title 10, United States Code, pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, and who have been separated from such Armed Forces under honorable conditions."

#### Effective Dates

Sec. 12. (a) Except as otherwise specifically provided, the provisions of this Act shall take effect on the date of its enactment, but no educational assistance allowance shall be payable under chapter 34 of title 38, United States Code, as added by section 2 of this Act, for any period before June 1, 1966, nor for the month of June 1966, unless (1) the eligible veteran commenced the pursuit of the course of education on or after June 1, 1966, or (2) the pursuit of such course continued through June 30, 1966.

(b) The provisions of section 1765(b) of title 38, United States Code, as in effect immediately before the enactment of this Act, shall remain in effect through May 31, 1966.

Mr. YARBOROUGH. Mr. President, however long I may be privileged to serve in the U.S. Senate, I shall never know a more gratifying moment than this as we approach final enactment of the cold war GI bill giving readjustment assistance, principally monthly education subsistence grants, to veterans of military service since January 31, 1955.

For 7 years, since becoming chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee, I have been devoting my every effort to obtaining this measure of recognition and justice for the young men who have carried the responsibility for our Nation's security. The compulsion of the draft has caused 5½ million young men to have served in the Armed Forces since the Korean war. These cold war vet-

erans have suffered no less disruption of their careers and sacrifice of their normal pursuits in defense of the liberties of all of us than the veterans of other wars. For these many years, I have worked to extend to them substantially the same readjustment benefits as were given to those serving before January 31, 1955, when the Korean GI bills benefits were stopped by Executive order.

In every Congress since 1959 our subcommittee and the Senate Labor and Public Welfare Committee have recommended the enactment of a cold war GI bill; every Congress our recommendation has failed of passage because of shortsighted opposition.

The Senate voted for the bill every time it had an opportunity to vote on it. I am reminded of the poem:

God and the soldier all men adore,  
In time of danger and no more,  
For when the danger is past and all things  
righted  
God is forgotten and the old soldier slighted.

Today we can redress a decade of neglect. Last July the Senate passed S. 9 by a vote of 69 to 17. As passed by the Senate, S. 9 provided for veterans of more than 180 days' service since January 31, 1955, a program of educational assistance grants and guaranteed and direct home and farm loans patterned after the benefits of the Korean GI bill. As amended by the House and returned to the Senate, S. 9 contains 80 percent of the education aid of the Senate bill, plus other provisions going far to give veterans of cold war service substantially the same veterans benefits as those given to veterans of World War II and the Korean conflict.

The significant changes made by the House are as follows:

First. The basic monthly educational allowances are set at \$100 for a single veteran, \$125 for a veteran with one and \$150 for a veteran with two or more dependents by the House bill. These figures are \$10 per month below the corresponding rates of S. 9 as passed by the Senate and the rates of the Korean GI bill.

Second. The House bill measures the duration of educational benefits available to the veteran by the formula of 1 day of training for each day of service, rather than the formula of 1½ days of training for each day of service used in S. 9 and the Korean GI bill.

Third. The House bill in general authorizes institutional training, both academic and vocational, but, unlike S. 9 and the Korean GI bill, does not authorize apprenticeship, on-the-job or on-the-farm training, or flight training.

Fourth. The House bill creates a program of educational grants to pay the tuition costs of active duty servicemen serving more than 2 years.

This, Mr. President, is an addition to S. 9 and the Korean conflict bill. This is one of the instances in which the House increased the benefits, by providing that if a man is on active duty and has served more than 2 years, he can then receive assistance by having his tuition paid. For example, a serviceman in Germany, if he wishes to go to a night class in physics or chemistry,

would be entitled to receive, not additional pay for himself, but to have his tuition paid in a German university to take those science courses at night.

Fifth. The House bill makes the program permanent while the Senate bill was limited to the presently authorized period for the draft—July 1, 1967.

Sixth. The House bill eliminates the Senate and Korean GI bill requirement that the veteran must begin his training within 3 years after first becoming eligible. It gives him a longer period of time in which to decide to start school.

Seventh. The House bill raises the maximum amount of a direct home loan from \$15,000 to \$17,500, otherwise its provisions for home and farm direct loans and loan guarantees are similar to the Senate-passed S. 9.

Eighth. The House bill extends the Labor Department's job counseling and employment placement service now available to wartime veterans to those serving since January 31, 1955. The Senate did not consider this provision.

Ninth. The House bill extends to the cold war veterans the wartime statutory presumptions for service connection of disabilities from chronic and tropical diseases. The Senate did not consider this provision.

Tenth. The House bill makes Veterans' Administration hospital care available for the cold war veterans with non-service-connected medical needs on the same basis as for other veterans. The Senate did not consider this provision.

Eleventh. The House bill authorizes the Veterans' Administration to provide a flag for the casket of veterans of the cold war. The Senate did not consider this provision.

Twelfth. The House-passed bill provides veterans preference in Federal employment for all veterans of service since January 31, 1955. The Senate did not consider this provision.

Thirteenth. The House bill extends the protections from eviction of the Soldiers' and Sailors' Civil Relief Act to those having a monthly rental up to \$150, as opposed to the present figure of \$80. The Senate did not consider this provision.

While the Senate bill followed what we might call the compartmentalization of the GI bills of the Korean war and of World War II, the House bill combined that matter with certain additional veterans benefit provisions which are generally included in a separate veterans' law.

S. 9 as passed by the Senate contained provisions dealing only with the readjustment assistance which is under the jurisdiction of the Senate Labor and Public Welfare Committee. Although that is still the major portion of the bill as passed by the House, the House bill contains additional benefits which normally would be considered matters within the jurisdiction of the Senate Finance Committee, the Senate Post Office and Civil Service Committee, and the Senate Banking and Currency Committee. These provisions have been called to the attention of the various committees having primary jurisdiction, and I have heard of no objection from any of these other

Senate committees to these House provisions being included in the bill. I believe they are meritorious and noncontroversial and may properly be approved by the Senate in this package.

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

Mr. YARBOROUGH. I am happy to yield to the Senator from Pennsylvania.

Mr. CLARK. When this legislation passes—and I trust it will be soon—whether it is a modified version of the House bill or whatever it is, I hope it will be known to history as the Yarborough Act, because never in my experience in the Senate has one Senator, against such overwhelming odds, including the opposition of several in the administration, moved forward with such unequalled determination, to see to it that young men—and to some extent young women—who have been serving in the Armed Forces since the Korean war, receive the kind of justice, in terms of higher education, that they so richly deserve.

I congratulate the Senator on what appears to be the incipient success of a long, hard period of fine work.

Mr. YARBOROUGH. Mr. President, I thank my distinguished friend the Senator from Pennsylvania. I have been impressed, though rather baffled, by the resistance to a bill to which there can be no logical objection, because it will do so much for the country.

We are not experimenting with something new. We are repeating something tried and proved by our experience following enactment of the World War II and the Korean conflict GI bills. We know that this legislation will pay dividends to the Nation. It will pay back more in taxes from the increased earnings of the men who take the training than it costs the Government. The Government will get back more in cold cash than it will pay out.

The Government gets back more in cold cash than it pays out, not to consider the great additional advantage of having a body of trained citizens to help uplift American education. There are hundreds of thousands of teachers who received their education as a result of enactment of the other bills. Out of those bills we obtained more than 100,000 medical personnel, which relieved one of the great shortages in the American medical profession, such as doctors, dentists, nurses, X-ray technicians, and other kinds of technicians in the field of medicine. We also obtained more than 200,000 engineers, and more than 100,000 scientists. Veterans went into every field in which this country was short of personnel. This is an act of justice, to readjust returning veterans to civilian life.

No one has a greater knowledge of this subject than the Senator from Pennsylvania [Mr. CLARK]. Because of his work in the field of manpower and retraining, to retrain people who have had their jobs automated out from under them for other jobs, he knows the necessity for continuing education.

The Senator has also been active in the war on poverty. It costs \$4,500 to train a man in one job in the camps for

a year. In my bill, the maximum amount a single man could ever receive for 36 months of education would be \$3,600 for 4 years in college, which is the minimum cost in this bill.

It is therefore inexplicable to me that any Government agency would fight it. But, fight it they did. We have never yet had a Government agency support such a bill, from any administration—whether it be Democratic or Republican. The distinguished Senator from Pennsylvania has been a bulwark in support of every one of these measures. Such measures were reported from the Committee on Labor and Public Welfare, first in 1959, and then in 1961, 1963, and 1965—twice passed the Senate, once to run into obstacles in the House and to be stopped there.

Every time Senators have had an opportunity to vote on a bill of this kind, they have voted for it overwhelmingly. The Senate has never turned it down. This body, coequal with the other body, has always voted for it. It is the one outstanding branch of government which has seen the need for it. I am proud of my membership in the Senate, and very grateful to all Senators who voted for such a bill by such an overwhelming vote.

This year, the bill was coauthored by more than 40 Senators and supported by many more than that.

I reiterate my gratitude to all Senators who have helped me in this fight.

I recall that the first bill in 1959 was considered in a subcommittee of the Committee on Labor and Public Welfare, having five members. One Senator was absent, and we were tied 2 to 2. The fifth Senator came back from his speaking engagement and broke the tie, which made the vote 3 to 2. That Senator was John F. Kennedy, of Massachusetts. It was by his vote that the bill was reported from the committee in 1959. It was reported by the full Committee on Labor and Public Welfare, and passed the Senate by a vote of 57 to 31.

It went on to the House where it was bogged down for that Congress.

I also wish to pay tribute to the Senator from Alabama [Mr. HILL] who, during all these years, gave it his untiring support and leadership, together with the staff. Not only in the subcommittee, but also in the full Committee on Labor and Public Welfare, the staff worked with us in each Congress.

The Senator from Alabama always led in helping to push it through the full Committee on Labor and Public Welfare. It was a close vote. The first vote in 1959 was 8 to 7. The weight of the chairman cast the deciding vote. But, since then, the vote in the Committee on Labor and Public Welfare has gone up for the bill in each Congress, and now it has become overwhelming in the past 4 years.

It did not take the crisis in Vietnam to cause the Committee on Labor and Public Welfare and the Veterans Subcommittee and the Senate to pass it, because the Senate passed it in 1959. It was passed by the Senate because it was an act of justice to readjust servicemen to civilian life from which they had been

drafted in order to protect the rights, property, liberties, and life of the rest of us. I call this bill an act of justice to those individuals and I call it progress for the Nation.

I thank the Senator from Pennsylvania for his great contribution to this most important subject over the years.

Mr. CLARK. I thank my good friend the Senator from Texas for his kind words, and commend him once again for the splendid work he has done on this GI bill.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD an analysis of S. 9 as passed by the House February 7, 1966.

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

ANALYSIS OF S. 9, AS PASSED BY THE HOUSE  
FEBRUARY 7, 1966

(A bill to enhance the benefits of service in the Armed Forces of the United States and further extend the benefits of higher education by providing a broad program of educational benefits for veterans of service after January 31, 1955, and certain members of the Armed Forces; and for other purposes)

EDUCATION

An eligible veteran is one who served on active duty for a period of more than 180 days, any part of which occurred after January 31, 1955, and was honorably discharged. There is no cutoff date.

The requirement of discharge is waived where an individual has served at least 2 years on active duty so long as he continues on active duty without a break therein (enabling qualified men to afford themselves benefits while still in service).

Active duty is as defined in 38 U.S.C. 101, except does not include period assigned to a civilian institution or service as a cadet or midshipman.

Each eligible veteran is entitled to educational assistance for 1 month for each month, or fraction thereof, of his service on active duty after January 31, 1955. His entitlement under the bill, or when combined with past readjustment benefits, may not exceed 36 months.

The veteran must complete training under this chapter within 8 years after his last discharge or release from active duty.

Counseling may be provided.

Educational assistance is only available for institutional training but a program may be pursued by correspondence.

An eligible veteran may make one change of program and with the Administrator's approval make one additional change of program.

An eligible veteran may pursue a program of education at a foreign institution of higher learning.

Monthly certifications are required in programs of education below college level, but the Administrator may, by regulation, fix the certification requirements for schools of college levels.

A discharged veteran, while pursuing a program of education of half-time or more, will receive:

Type of program	0 dependents	1 dependent	2 or more dependents
Institutional:			
Full time.....	\$100	\$125	\$150
¾ time.....	75	95	115
½ time.....	50	65	75
Cooperative.....	80	100	120

The educational assistance allowance of an individual pursuing a program while on active duty, or on a less than half-time basis, is computed at the rate of the regularly established charge for a nonveteran, or \$100 per month for a full-time course, whichever is the lesser. The allowance for a veteran pursuing a program exclusively by correspondence is the established charge which the institution requires the nonveteran to pay.

Administration of educational benefits, including provisions dealing with State approving agencies, is contained in the new chapter 36, and is not substantially changed, except that the \$1 reporting fee is eliminated from both chapters 34 and 35.

#### HOME AND FARM LOANS

Loan guarantee benefits (generally, home and farm loans, guaranteed to \$7,500) are extended to veterans who served after January 31, 1955, entitlement expiring 10 years after the veteran's discharge, plus an additional period of 1 year for each 3 months of active duty performed by the veteran after January 31, 1955.

It provides for a fee from each veteran obtaining a loan, not to exceed one-half of 1 percent of the total loan, and that no loan shall be guaranteed which bears an interest rate in excess of that in effect under the provisions of section 203(b)(5) of the National Housing Act. Direct loan authority is increased from \$15,000 to \$17,500.

#### OTHER BENEFITS

Job counseling and employment placement are extended to veterans who served on and after February 1, 1965, as previously available to war service veterans through the Department of Labor.

Wartime criteria for presumptions of soundness as they relate to entry into service and service connection of chronic diseases would apply—but not wartime rates of compensation—hotspot veterans would get wartime rates under extrahazardous service provision.

Eligibility for hospital treatment would be on same basis as veterans of wartime service.

Burial flags would be furnished under same criteria as applies to World War II and Korean conflict veterans.

Soldiers' and Sailors' Civil Relief Act: Under current law dependents of servicemen cannot be evicted from their dwelling if the rental is \$80 per month or less, except by permission of a court. Proposed bill would increase the \$80 to \$150.

Extends veterans preference to those who served on active duty for more than 180 days after January 31, 1955.

The effective date is date of enactment—but no educational assistance allowance is payable for any period before June 1, 1966, nor for the month of June 1966, unless (1) the eligible veteran commenced the pursuit of the course of education on or after June 1, 1966, or (2) the pursuit of such course continued through June 30, 1966.

Mr. YARBOROUGH. Mr. President, one of the points which I need to state in full concerns a provision in S. 9, as amended in the House, which was not in the Senate bill. The provision is section 1673(d)—page 11 of the bill as reported in the House. The effect of this amendment, in my opinion, would be to deny a veteran, who had entered service without having completed high school, the opportunity to complete his high school education under the GI bill.

This language on page 11 of the bill, subsection (d) of section 1673, apparently would be a barrier to a veteran's receiving the educational benefits of the bill to complete his secondary education. The World War II and Korean GI bills

did authorize secondary school completion for returned veterans, and our bill for cold war veterans would certainly be subject to great criticism should we make this a program for college education only without providing assistance for veterans who need to complete high school.

While we anticipate that by far the larger part of the training would be in higher education and post-high-school vocational training, a surprisingly large number of cold war veterans will not have completed high school. During the 5 fiscal years 1959-64, 2,562,011 men entered the armed services, and 871,084 of them—about one-quarter—had not completed high school. Of this group, 554,276 received their high school diplomas or certificates while in service, but 316,808 did not. This group leaving service without high school completion represents over 12 percent of the cold war veterans who left service with neither high school completed nor a certificate to show that they had completed the equivalent of a high school education. That 12 percent is no less entitled to be able to receive appropriate educational assistance after their service in the many branches of the Armed Forces.

I recognize that educational dollars are better spent for college than for high school training and that, perhaps, a veteran should get himself a night job and finish high school and save his limited number of readjustment dollars for college; but, for some veterans and their families, that might not be practical; and failure to give him the opportunity to finish high school would deny him the advanced training to which he should be entitled.

Under the Korean GI bill program, the Veterans' Administration has by regulation and counseling attempted to insure that veterans obtain any needed secondary education through adult-oriented courses, accelerated and specialized to afford maximum progress and speed of completion to the veteran, so that he can complete high school requirements in the minimum number of months and still have his money to go to college.

It is our intent to have this program continued for the cold war veterans, with this type of administration to insure the greatest educational advance for the veteran.

Section 1673(d) contains language incorporated from the War Orphans Education Act, which was set up as a college scholarship program rather than one with the broader readjustment purposes of the GI bills. There is a danger that if this language is retained in the GI bill, a veteran might be prevented from pursuing an educational program which included attending classes with regular high school students, or attending classes in academic high school subjects. To avoid an unnecessary rigidity that might well lead to injustice in individual cases, we should conform this language to the provisions of the Korean GI bill. This can be accomplished by striking section 1673(d), and I shall offer an amendment to this effect.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I congratulate the able senior Senator from Texas on this culmination of the tremendous effort he has made down through the years of his service in this body to provide adequately for educational programs for those who served their country during cold wars, which sometimes were hot wars. He has been zealous in his efforts to see that the Congress properly considered the needs and the possibilities of these veterans, who have made considerable sacrifices for our Nation during the period that existed after World War II.

I salute the Senator. He has rendered a fine service, and sometimes against great odds. I am sure the bill we are about to pass will be regarded as one of the landmark bills passed by Congress. In the eyes of those who worked to provide education for veterans, this bill is long past due.

Mr. YARBOROUGH. I thank the Senator. Without his help we would not have passed the bill of 1959, which paved the way by showing that the Senate had the will to pass the bill.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the amendments to the House amendment that I shall offer tomorrow. The language includes three minor technical and clerical amendments.

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

#### AMENDMENTS

On page 11 of the House engrossed amendment, beginning with line 3, strike out all down through line 12.

On page 11 of the House engrossed amendment, strike out "(e)" and insert in lieu thereof "(d)".

On page 16, line 3, of the House engrossed amendment strike out "veterans'" and insert in lieu thereof "veteran's".

On page 31, line 17, of the House engrossed amendment, strike out "programs of" and insert in lieu thereof "program or".

On page 38, line 5, of the House engrossed amendment, strike out "(b)" and insert in lieu thereof "(2)".

#### AUTHORIZATION FOR SENATOR LONG OF LOUISIANA TO ADDRESS THE SENATE ON MONOPOLY, HEALTH, AND WELFARE MATTERS, FOLLOWING CONSIDERATION OF HOUSE AMENDMENT TO S. 9 TOMORROW

Mr. LONG of Louisiana. Mr. President, I wish to make a unanimous-consent request that, after the vote on the cloture motion tomorrow and after the vote on S. 9, I may be permitted to discuss with the Senate some matters which I believe are of great importance and about which I shall have some rather startling disclosures. These matters are very important to the health and welfare of the people of this country—in fact, even beyond this country.

I hope Senators who are particularly interested in matters involving monopoly and the health and welfare of our people might try to arrange their affairs so that they may be present. I well realize that many Senators have made

plans to be absent from the Senate immediately after the vote because of the Lincoln Day holiday.

Mr. President, I ask unanimous consent that I may be recognized immediately after action on S. 9 tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### RULES OF THE SENATE

Mr. CLARK. Mr. President, as this weary, dreary filibuster against allowing the Senate to work its will as the majority desires to work its will on the repeal of section 14(b) of the Taft-Hartley Act draws to its inevitable conclusion, I should like to discuss briefly with my colleagues some of the lessons of this latest exercise in futility and immaturity.

First, I would like to express concern at the failure of the Subcommittee on Standing Rules of the Committee on Rules and Administration to act favorably on a number of proposed changes in the Senate rules which I have been urging for some time, and which are particularly desirable in view of the problems on the Senate floor which have arisen again as a result of the current filibuster against the repeal of section 14(b) of the Taft-Hartley Act.

While the revision of rule XXII, which is presently pending on the Senate Calendar, in the form of a motion by both the Senator from New Mexico [Mr. ANDERSON] and the Senator from Illinois [Mr. DOUGLAS] is perhaps the most important of these changes, there are a number of other proposals which would be of great help in preserving the dignity and efficiency of the Senate, both of which have suffered seriously as a result of recent floor actions. These actions have injured the reputation of the Senate in the eyes of our country and indeed the world. Among these are the lengthy discussion—debate is too inaccurate a term—occasioned by the motion to amend the Senate Journal to include the Chaplain's prayer, and the denial of permission to the Senate Foreign Relations Committee to meet during Senate sessions to consider President Johnson's urgent aid request for Vietnam.

Three reforms contained in Senate Resolution 103, the proposed comprehensive revision of the Senate rules, which I introduced last year, are not really controversial and would do much to correct existing deficiencies in the Senate rules which permit departures from sound and proper procedure insisted on by nearly all other legislative bodies. These proposals provide that:

One. A motion for permission for a committee to sit while the Senate is in session would be privileged and nondebatable. This is revised rule XXX, section 5, of Senate Resolution 103. The sole purpose of this proposal is to restore the practice originally intended by the Congress when it passed the La Follette-Monroney Reorganization Act of 1946. As Senator MONRONEY has testified, it was never intended that the objection of any one Senator could keep committees from sitting. However, as a result of an erroneous advisory ruling of the Chair

on April 6, 1949, which the Parliamentarians appear unwilling to overrule, a motion for leave to sit was declared to be debatable. This ruling makes it possible for an objecting Senator to delay decision on the issue by protracted debate until the time has passed, usually during the morning or early afternoon, during which a committee desired to meet.

As a result of this deplorable state of affairs, a motion for permission to sit made last Wednesday by the chairman of the Senate Foreign Relations Committee to deal with urgent matters of utmost concern to our national security—involving the increasing risk of our passing the point of no return on our way to world war III—was open to a filibuster, and would have been filibustered had not the leadership decided to table it. I point out that the majority whip, who made the tabling motion, stated on the floor that "all we need to do is to change the rule that the motion could be debatable."

The Committee on Appropriations has repeatedly made it a practice to secure unanimous consent to sit during sessions for an entire session of Congress. While I appreciate the importance of that committee's work, I am sure Senators will agree that it is certainly no more important than the work of the Committee on Foreign Relations and the Committee on Armed Services, both of which have grave responsibility for our national security. They should be given an equal opportunity to do their jobs. So should all other committees of the Senate. The reform I have proposed would give them that chance.

Section 2. The obsolete and archaic rule which permits any Senator to filibuster by proxy through the morning hour by forcing the reading of the Senate Journal, and offering and debating amendments to it, would be abolished. This is revised rule VI of Senate Resolution 103.

The Senate Journal, as all Senators know, is a quaint anachronism, long ago superseded by the CONGRESSIONAL RECORD, which is never looked at by anyone and is read, if at all, only for purposes of delay. Surely, at a time when American soldiers are fighting and dying in a bloody war in Vietnam—which may well be escalating into something far worse—the Senate can ill afford to waste time engaging in a full-dress debate over whether or not to include the Chaplain's prayer in the Journal. Such action only serves to bring the Senate into disrepute.

My proposal would recognize the fact that the CONGRESSIONAL RECORD has taken the place of the Journal. Since the RECORD is printed and available to Senators each morning at breakfast, there is no need to have it read aloud, and the right to require that would be abolished and should be abolished. In addition my suggested change includes a procedure for correcting mistakes in the RECORD without providing a device for filibustering.

Third. The rule which permits unlimited debate on a motion to take up would be abolished. This is revised rule XIV in Senate Resolution 103. It is bad enough that the Senate rules permit a filibuster on the question of adoption of

a bill. It is unconscionable that they should also permit the preliminary motion to take up to be filibustered.

The change which I have proposed would provide a means by which a Senator could convert a motion to proceed to the consideration of any measure on the Senate Calendar, which would ordinarily be debatable, into a nondebatable motion. This could be done by filing at the desk of the clerk a notice of intention to make such a motion on the following calendar day on which the Senate is in session. The notice of intention would be printed in the CONGRESSIONAL RECORD. An alternative form could give to any motion to take up made by the majority leader nondebatable status.

The net effect of these reforms would not prevent the minority from expressing itself—or even conducting a full-scale filibuster on the merits of the motion on the calendar. But they would let the Senate committees get on with their vital work, and they would spare the Senate and the Nation some of the worst aspects of the filibuster.

#### REPORT OF NATIONAL COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS

Mr. CLARK. Mr. President, last Thursday Congress received the report of the National Commission on Technology, Automation, and Economic Progress. When we consider the monumental mandate which Congress laid before the Commission when it began its work only a year ago, I am doubly impressed by their efforts. The findings and recommendations of the Commission deserve serious congressional exploration and consideration.

Its most important finding, the full meaning of which has been brought home during the past year, is that the high levels of unemployment which we experienced from the mid-fifties to the early sixties were the result of inadequate rates of economic growth. Thus, while automation and other technological changes may eliminate jobs, this Nation possesses the needed monetary and fiscal tools to maintain a rate of growth sufficient to encourage high levels of employment with reasonably stable prices in spite of increases in productivity and the labor force.

Spurred first by the 1964 tax cut, and then by the increase in Federal defense spending necessitated by our enlarged commitment in Vietnam, we have reduced unemployment to its current low level of 4.1 percent. Although this may be startling to some—especially to those who only a short time ago were predicting that automation and technological change would make much of the work force obsolete—it is not startling to those of us who over the years have stressed the importance of increased Federal spending in generating rapid economic growth and full employment. It is unfortunate that so much of the stimulus has had to come from increased military spending, but it is instructive to note the effect of such spending.

The report also finds that while the Nation as a whole possesses the tools

necessary to solve its problems, many individuals lack the needed skills, training, education, or mobility to get and keep jobs in the face of labor displacements necessitated by technological changes. The Commission recommends many important programs to help these individuals to enter and reenter the labor force to upgrade their skills through education and training.

The Commission also recommends a program of public service employment which would provide many hard-core unemployed with rewarding work opportunities, while at the same time providing society with some of the human resources needed to meet our unmet individual and community needs. This proposal deserves strong and immediate consideration by Congress both in the light of the emerging labor shortages in some areas and occupations, and in light of the continuing high unemployment among teenagers and Negroes.

The Commission's proposals for 14 years of free education, for improvement of the employment service, and for better matching our technological capabilities and human needs also deserve serious consideration.

The Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare will be holding hearings shortly on this report.

I should like to offer my thanks to the members of the Commission on Technology, Automation, and Economic Progress for their dedicated and successful efforts to acquaint our Nation with what needs to be done to make technological advancement a national asset instead of a national liability.

As Chairman of the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare I shall be doing my best to incorporate into legislative form those recommendations of the Commission which require legislation.

#### RECESS UNTIL 10 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, in accordance with the order entered on Thursday, February 3, 1966, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 35 minutes p.m.) the Senate took a recess, in accordance with the order entered on Thursday, February 3, 1966, until tomorrow, Thursday, February 10, 1966, at 10 o'clock a.m.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 9, 1966

The House met at 12 o'clock noon.

The Reverend T. J. Mattingly, pastor, First Christian Church, Knoxville, Tenn., offered the following prayer:

Dear God, every day is the most important day in our turbulent lives. Look with Thy special favor upon these legislators who have been entrusted by their people to properly enact laws and serve the cause of freedom. Our Father, may

the somber overtones of the sounding guns of war make us more conscious than ever of our responsibility to our servicemen who will die today.

Make us patriotic in the real meaning of patriotism. Recall us again to be our best selves. The day of our years are short—too short for compromise.

Give then, Thy wisdom without which we have no wisdom.

In Thy holy name we pray. Amen.

### THE JOURNAL

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

### PERSONAL EXPLANATION

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

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

There was no objection.

Mr. JARMAN. Mr. Speaker, on Wednesday of last week the House voted on rollcalls No. 6 and No. 7. Because of illness I was unavoidably absent. Though my vote was not needed, I want the permanent RECORD to show that had I been present, I would have supported the Un-American Activities Committee with "aye" votes on these two rollcalls and on the other five contempt citations that were passed by voice vote.

### TRIBUTE TO BUSINESSMAN EDWARD MARCUS FOR HIS WORK IN THE TEXAS PARTNERS OF THE ALLIANCE

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

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

There was no objection.

Mr. CABELL. Mr. Speaker, as our various governmental and business entities are seeking to establish more and better relations and trade with our Latin American neighbors, it is most heartening to note that one of your good friends and constituents is putting into practice those principles of which so many talk but do nothing.

That his efforts are bringing goodwill to the United States is attested to by the news release quoted herewith:

LIMA, PERU, February 2, 1966.—Dallas businessman Edward Marcus was awarded the Order of the Sun of Peru Wednesday night for his work in the Texas Partners of the Alliance.

The award, Peru's highest honor, was established by Jose San Martin, 19th century liberator.

Marcus accepted the award at a dinner with President Fernando Belaunde Terry. Marcus is chairman of the Texas Alliance for Progress. It works with Peru in the exchange of educational and technical assistance.

The Texas business leader arrived in Lima Tuesday, accompanied by his wife. He told a reporter he also was exploring business possibilities in Peru. "I want to be in touch

with prospects. It is good for our countries and investors." He said he plans to return to Dallas next Wednesday.

I join with many others in commending the outstanding efforts of Mr. Marcus.

### PERSONAL ANNOUNCEMENT

Mr. DEVINE. Mr. Speaker, on Monday, February 7, I was unavoidably detained in my district. I missed rollcall No. 11 on the bill (H.R. 12410) to enhance the benefits of service in the Armed Forces of the United States and further extend the benefits of higher education by providing a broad program of educational benefits for veterans of service after January 31, 1955, and certain members of the Armed Forces, and for other purposes, as amended.

Had I been present, I would have voted "yea." I wish the RECORD would so indicate.

### SCHOOL MILK PROGRAM

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. STALBAUM. Mr. Speaker, I wish to voice my objection to the Bureau of the Budget's action in reducing the special school milk program for America's boys and girls for 1967 from \$103 million to \$21 million.

If schools desire to now continue the program, they must replace Federal funds by moneys obtained from local tax sources. Thus, we merely transfer the cost rather than reduce it.

The school milk program has been one of the most successful projects initiated to benefit our country's boys and girls in schools and in special centers for underprivileged youngsters. Therefore, many voices are being heard in opposition to this cut. Some of these views are being expressed by my colleagues in Congress from all over the United States. Other expressions of this nature have been voiced by other reputable observers such as the Washington Post, top school officials in the Nation, and others who are interested in the diets of America's schoolchildren.

The Washington Post, in supporting school lunch and school milk programs, summarized by saying:

The milk and the lunches served a better purpose all these years than merely keeping up farm prices. They were good for children and the children continue to need them \* \* \*. This country can afford to encourage nourishing diets for its schoolchildren even in a year when dairy prices no longer require that support.

As indicated, many others do not believe that this is a program where budget cuts should be made. In order that these viewpoints, as well as the administration's, can be given proper analysis, the gentleman from Minnesota, ALEC OLSON, my colleague on the Dairy Subcommittee of the House Agriculture Committee, and I have asked our chairman, the gentleman from California, HARLAN HAGEN, to call public hearings on these subjects.