SENATE

FRIDAY, JUNE 12, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

O God, whose rule is law, but whose name is love, Thou hast given us this wide and wonderful earth where Thou hast housed us as royal children.

Help us never to grow dull to all its wonders, nor lose the mystic luster of the changing pageant of earth and sky and sea.

Join us, we pray, to the seers and prophets of the past who have ever gone ahead of the crowd, to climb the beckoning hilltops of humanity's highest hopes. Keep us, we beseech Thee, from absorption in our own selves and from irritable haste as we face the tasks Thou hast set before us, for us to accomplish. Deliver us, and especially those who stand above their fellows in posts of public office, from the arrogance and corruption which lurk in earthly power and pedestals. Help us to know that when we forget Thee, whatever we build is labor lost; that only in Thy life is our enduring life, and only in Thy will is our peace.

In the name of Christ, our Redeemer, we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 11, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am sending for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1963, in accordance with the provisions of Section 13, Public Law 806, Eightieth Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 12, 1964.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

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 a bill (H.R. 11049) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes, in which is requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11049) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for 15 minutes, with statements therein not to exceed 3 minutes.

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

MONTANA DISASTER

Mr. MANSFIELD. Mr. President, in yesterday's RECORD, I am quoted as saying, last evening, "We have lost 135 Montanans, who cannot be found."

What I said was that we have lost 28 Montanans; 135 are missing; some of them very likely will not be found; and a good many of the dead and a good many of the missing are members of the Blackfeet Nation. This disaster is the worst Montana has ever suffered; and I say now, and say it sadly, that when the dead are counted, the number will exceed the number of those who died recently in the Alaska quake.

At this time I wish to express, on behalf of my distinguished junior colleague from Montana, the Acting President pro tempore of the Senate [Mr. METCALF], and myself, our gratitude and thanks to the officers and men at the Malmstrom Air Force Base, at Great Falls, who performed magnificently; also to the Air Force and other personnel who came from the Hamilton Air Force Base, in California; also to the members of the Montana National Guard, all of whom have performed in exemplary fashion in carrying out their duties; and also to all the Federal officials and others who have come to the assistance of our State, at the request of its congressional delegation, Gov. Tim Babcock and Acting Gov. Dave Manning.

Mr. RUSSELL. Mr. President, on behalf of the people of Georgia, I extend the people of Montana our profound sympathy and regret because of the great tragedy they have suffered. The people of Georgia have experienced great difficulty with tornadoes, which have cost more lives in Georgia than the total number of lives lost in any floods which any State has experienced.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF EXPORT-IMPORT BANK OF WASHINGTON ON GUARANTEES OF CERTAIN TRANSACTIONS

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance by that bank on June 4, 1964, of guarantees with respect to certain transactions; to the Committee on Appropriations.

REPORT ON ACTIVITIES UNDER MERCHANT SHIP SALES ACT OF 1946

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Maritime Administration of the Department of Commerce on the activities and transactions of the Administration under the Merchant Ship Sales Act of 1946, for the period January 1 through March 31, 1964 (with an accompanying report); to the Committee on Commerce.

REPORT ON UNNECESSARY COSTS IN THE LEASING OF ELECTRONIC DATA PROCESSING SYSTEMS BY GENERAL DYNAMICS CORP.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unnecessary costs to the Government in the leasing of electronic data processing systems by General Dynamics Corp., Fort Worth Division, Fort Worth, Tex., Department of Defense, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ERRONEOUS PAYMENTS MADE FOR MILITARY PAY, LEAVE, AND TRAVEL AT BIGGS AIR FORCE BASE, TEX.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on erroneous payments made for military pay, leave, and travel, at Biggs Air Force Base, Tex., Department of the Air Force, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate the petition of Felicula Castaneda Vda de Palis, of Santa Fe, Nueva Vizcaya, the Philippines, praying for the enactment of legislation to provide pension benefits to surviving widows and children of native scouts employed by the U.S. Army Expeditionary Force to the Philippine Islands before October 1, 1901, which was referred to the Committee on Armed Services.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MONRONEY, from the Committee on Commerce, with an amendment:

S. 1719. A bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employee from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence (Rept. No. 1076).

BILLS INTRODUCED

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

By Mr. AIKEN (for himself, Mr. MANSFIELD, Mr. MUNDT, Mr. MORSE, Mr. SYMINGTON, and Mr. DODD):

S. 2905. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOLLAND:

S. 2906. A bill for the relief of Branko (Bronco) Balic; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 2907. A bill for the relief of Jean Chen Pan (Pan Chu Jean-Chen); to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 2908. A bill for the relief of Simon Der Simonian, his wife, Hossannah Der Simonian, and their children, Knel Sebouh Der Simonian, Rebecca Der Simonian, Haroutune Der Simonian, and Nishan Der Simonian; to the Committee on the Judiciary.

INCOME TAX RELIEF FOR CERTAIN DISABLED PERSONS—ADDITIONAL COSPONSORS OF BILL

Mr. SPARKMAN. Mr. President, recently I introduced a bill which was given the number S. 1325, relating to income tax relief for certain disabled persons. I offered it as an amendment to the tax bill when it was pending before the Senate earlier.

The Senator from New York [Mr. KEATING] was a cosponsor of the amendment and should be on this bill as a cosponsor.

I ask unanimous consent that he be listed as a cosponsor at the next printing of the bill.

I also ask unanimous consent that the name of the Senator from South Carolina [Mr. JOHNSTON] be added as a cosponsor.

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

Mr. KEATING subsequently said: Mr. President, I appreciate the courtesy of the distinguished Senator from Alabama [Mr. SPARKMAN]. He and I, along with the able senior Senator from South Carolina [Mr. JOHNSTON] collaborated on this measure when it was last before the Senate in the form of an amendment to the tax reduction bill of this year. At that time, it was approved by the Senate and sent to conference but unfortunately was deleted from the bill by the committee. In light of that history, I have no hesitation in predicting its ready approval again in the Senate the next time an appropriate revenue measure reaches us, and I will be happy to join with the Senator from Alabama [Mr. SPARKMAN] in that effort.

It is deeply regretted, of course, that this bill did not find its way into the Revenue Act of 1964. I should think that in a tax reduction bill in the neighborhood of $12 billion or more, there would have been room for modest relief for the physically handicapped and disabled. For many of them, this measure can spell the difference between enforced idleness and the ability to pursue gainful employment opportunities. There is no question that the latter goal is most deserving of Congress support, and I am hopeful it will finally be attained soon.

PROHIBITION OF USE OF MAIL COVERS—ADDITIONAL COSPONSOR OF BILL

Mr. LONG of Missouri. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from Nevada [Mr. CANNON] may be added as a cosponsor of the bill (S. 2627) to prohibit the use of mail covers, introduced by me, on March 11, 1964.

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

DISCRIMINATION AND 1973

Mr. RUSSELL. Mr. President, in the National Review magazine for October 1958, appeared what I assumed at the time to be a parody on controversial decisions of the Supreme Court of the United States uprooting existing law and changing time-honored constitutional constructions by great jurists. This parody is set out in the form of a supposed decision by the Supreme Court of the United States, ostensibly dated May 20, 1974, in an imaginary case entitled "Rippling Creek Club, Inc., et al., petitioners, against United States of America." The alleged case deals with the subject of the use of Federal power against a social organization to enforce social intermingling of the races and to end forever the right of men to choose their own associates.

I do not know who wrote this satire or parody; but I will say that it goes beyond satire, and shows that whoever wrote it was endowed with a gift of prophecy such as has not been known since biblical times. The only error the prophet made was in failing to realize that apparently we are going to reach much earlier than 1974 the social order and police state methods set forth in the suggested decision.

Mr. President, I ask unanimous consent that this satire or prophecy—it may more properly be called a prophecy—be printed in the RECORD.

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

RIPPLING CREEK CLUB, INC., ET AL., PETITIONERS *v.* UNITED STATES OF AMERICA

[A satire from National Review magazine, October 1958]

(Supreme Court of the United States, No. 367, October term, 1973, on writ of certiorari to the U.S. Court of Appeals for the Fifth Circuit, May 20, 1974)

Mr. Justice Smith delivered the opinion of the Court.

This case involves the construction and constitutionality of certain provisions of the Federal Discrimination Commission Act, 42 U.S.C., 9001 et seq., empowering the Federal Discrimination Commission to issue cease-and-desist orders against "any individual, firm, corporation, unincorporated association, or other entity whatsoever," whenever in the Commission's opinion such entity "is engaging, or is about to engage, in any discriminatory action, practice, or course of conduct" (42 U.S.C. 9004(b)).

The corporate petitioner is a nonprofit corporation organized under the laws of the State of Alabama. Its organization and functions are those usual in country clubs. It maintains a clubhouse in which bar and dining facilities are provided, and it operates a golf course, tennis courts, swimming pool, and other customary amenities. It has, and at all times relevant to this litigation had, a membership of less than the full complement of 500 authorized by its constitution. New members are admitted upon the nomination of five regular members and the approval of the individual petitioners, an election committee of seven members appointed by the board of governors. An initiation fee and annual dues are charged. No so-called Negro is or has ever been a member.

On this state of facts the Commission instituted an investigation into petitioners' discriminatory practices, and, finding such to exist, issued on March 27, 1970, an order requiring petitioner to cease discriminating in its selection of membership (13 F.D.C. 398). This order was duly affirmed, and an injunction issued, by the Court of Appeals for the Fifth Circuit (58 F. 3d 119). We denied certiorari (391 U.S. 917). More than a year having passed, and there still being no Negroes among petitioner's membership, the Commission initiated contempt proceedings. Petitioners were adjudged in contempt, and the statutory punishment of fine and imprisonment was imposed. We granted certiorari to reaffirm basic principles in the administration of the act (402 U.S. 933).

Petitioners' primary contention is that the act can have no application to, and the Commission no jurisdiction over, purely social organizations. Stripped of irrelevancies, in one aspect this argument is in essence that the 14th amendment, under which the act was passed, applies only to State action, and that the actions neither of the corporate petitioner nor of the individuals composing its election committee come within the scope of that amendment's prohibitions. It is true that only State action is inhibited by the amendment; but to contend that action of the kind here involved is not State action is to revive the exploded fallacy of the *Civil Rights Cases*, 109 U.S. 3. As we said in *Saffold* v. *Holder*, 364 U.S. 221, 224, where the ghost of those cases was laid to rest forever:

"To say that action of a corporation is not 'State action' in the instant context is to fly in the face of juristic reality. No corporation has or can have existence of any legally significant kind without the active consent of the State. While its activities may in no sense be governmental, the life which enables it to carry on those activities was breathed into its nostrils by the State. What the State's creatures do, the State does."

The similar argument of the individual petitioners can fare no better. In the first case under the act to reach this Court, *Harrison* v. *United States*, 380 U.S. 11, 19, we said:

"Petitioner contends that even if the repeated pronunciation in public of this word as 'Nigra' amounts to discrimination within the meaning of the statute, the statute cannot be applied to him, since this conduct is not 'State action.' The true bounds of the concept of 'State action' have only recently emerged. It is plain that, under the unitary conditions of modern life, to limit the notion of 'State action' to those activities carried on by the legislature's express command or implied permission is to empty it of all significant content. The true teaching of *Marsh* v. *Alabama*, 336 U.S. 501, *Terry* v. *Adams*, 345 U.S. 461, and *Edgerton* v. *Shockley*, 361 U.S. 366, should by now be plain. It is that 'the State' cannot be dissociated from the community; that action which meets the approval of the community and expresses its mood is as surely 'State action' as is the most explicit statute."

We have frequently reaffirmed, and indeed broadened, this holding. *Firemen's Benevolent Society* v. *United States*, 397 U.S. 225; *McCracken* v. *United States*, 388 U.S. 409.

Compare *United States* v. *One Book Called "Tales of Uncle Remus,"* 31 F. 3d 922.

But the corporate petitioner's constitutional argument goes further than this; it raises the question left open in the *Firemen's Benevolent* case, supra, whether the right of assembly guaranteed by the first amendment ousts the application of the act to purely social organizations, whose sole raison d'etre is the gathering together of congenial persons. We did not reach this question in *Firemen's Benevolent*. There we held that the Commission had undoubted power to prevent the production of the "minstrel show" complained of, since the society functioned as an insurer as well as a social organization; but we intimated that this question would be ruled by our decision in *States Rights Democratic Party* v. *United States*, 393 U.S. 1. In the latter case we held that political associations could not hide from the act behind the shield of the first amendment, since such associations are by their nature concerned with government, and discriminatory action "is not reasonably related to any proper governmental objective," *Bolling* v. *Sharpe*, 347 U.S. 497, 500. Petitioners seek to avoid the impact of the States rights decision by arguing that its rationale is limited to political associations; that it holds only that the protection accorded political associations is restricted to their governmental, or would-be governmental, activities. But States rights cannot be so restricted. Whether or not the first amendment right is limited to the right of political assembly, see *Yamaguchi* v. *Weinberg*, 370 U.S. 93, 99, we hold that the amendment does not shield a mere social organization from the Discrimination Act. It would indeed be strange if it were otherwise. No discriminations leave deeper or more lasting scars than do social ones, and it was Congress' particular intention in creating the Commission "to forge a weapon capable of dealing with this threat to our democratic society" (S. Rept. No. 316, 89 Cong., 1st sess. 26).

Petitioner's other contentions are equally devoid of merit. It is settled that "the content of the term 'discriminatory' is sufficiently rooted in the common conscience of the American people to constitute a valid standard with ascertainable criteria" (*Harrison* v. *United States, supra*, at 16). Thus, the Commission's condemnation of offensive pronunciations of group names, *Harrison* v. *United States, supra;* of printing the word "Negro" without a capital initial, *United States* v. *377 Copies of the London Times*, 236 F. Supp. 346; of advertising a musical instrument as a "Jew's harp," *Apex Piano Co.* v. *United States* (44 F. 3d 619, certiorari denied, 399 U.S. 924); and of employing the phrase "dirty Irish trick" (*Ng Yang Toy* v. *United States*, 399 U.S. 772), have all been upheld. We have approved, in *Northfield Aircraft Co.* v. *United States*, decided this day, Commission regulations forbidding prospective employers to inquire as to the names of job applicants, since this might reveal the applicants' ancestry or national origin. At any rate, we are not here concerned with the borderlines of the discrimination concept. The flagrantly exclusionary conduct of the petitioners is sufficiently extreme to satisfy any definition.

Petitioners contend, finally, that the fact that no so-called Negroes applied for admission to membership absolves them of any responsibility for discrimination. This contention is likewise without merit. Ever since *Barrett* v. *United States*, 380 U.S. 585—in one sense, indeed, ever since the New York schools case, *Hunt* v. *Board of Education*, 355 U.S. 116—it has been clear that it is no defense to a charge of exclusionary discrimination that no members of the group discriminated against have sought admission. As we pointed out in Barrett, "the lack of applications tends to show not apathy but repression; to demonstrate good faith it is necessary that the party charged actively seek out members of other groups." It is urged that this confers irrebuttability on the statutory presumption of discrimination when no member of the minority group is found in the group or organization involved; but that this is not so should be obvious from *Northern Vermont Driving School, Inc.* v. *United States*, 400 U.S. 33.

We hold, therefore, that the act is constitutional as applied to petitioner; that social organizations cannot discriminate against members of minority groups. There are limits, of course, to the extent to which social alinements can be regulated (see *Gotlieb* v. *New York*, decided this day, holding invalid the New York compulsory intermarriage law). But those limits were not reached in this case. They were not even approached.

Affirmed.

TRIBUTE TO SENATOR RANDOLPH

Mr. DOUGLAS. Mr. President, I call attention to the fact that our well liked and highly regarded colleague, the Senator from West Virginia, JENNINGS RANDOLPH, led the ticket in West Virginia in the selection of delegates at large to the Democratic National Convention. Senator RANDOLPH led the ticket of 50 candidates, with an unofficial total of 128,777 votes. I am sure this will please all Members of the Senate; and it is of especial significance in view of the fact that Senator RANDOLPH has been a consistent supporter of civil rights and civil rights legislation.

ANTI-SEMITISM IN SOVIET EDUCATION

Mr. KEATING. Mr. President, there is increasing concern throughout the free world over mounting anti-Semitism in the Soviet Union. Not only does the new wave of action reflect anti-Jewish sentiments among the Soviet peoples, sentiments which contributed to the brutal pogroms of the last century, but also, Mr. President, it reflects deliberate discrimination by the Soviet Government against members of the Jewish religion.

We are familiar with the conspicuous Communist actions against religious observances—the closing of synagogues, banning of religious writings and publications, and the denial of rights to prepare matzoth. We are also familiar with the economic persecution of members of the Jewish faith who frequently become scapegoats for the economic failures of communism. When harsh penalties, including the death sentence, are imposed on Soviet Jews for so-called private enterprise activities, then it is evident to all the world that this is not justice but persecution, tyranny, and brutality.

Fewer Americans, however, are aware that even in more insidious ways, government discrimination against Jews is a part of modern Soviet life. In the field of education, for instance, a study recently completed by Prof. Nicholas DeWitt, of Indiana University, indicates the unfortunate situation in Soviet universities. Under Soviet rule today only 3.22 percent of the student population is Jewish. This compares with about 10 percent in 1918 within the Pale of Settlement, 5 percent outside the Pale, and 3 percent in St. Petersburg and Moscow. Dr. DeWitt sees strong evidence of the operation of a quota system that has increased the extent of discrimination against Jewish students. He points out, for instance, that between 1935 and 1960 the total number of Soviet students increased by 248 percent whereas the number of Jewish students declined 39 percent.

Mr. President, this study leads, as Will Maslow, executive director of the American Jewish Congress, points out, to a most depressing conclusion—greater education prejudice in the Soviet Union today than in the czarist days of pogroms and open violence.

Mr. President, in order that this outrageous state of affairs be fully revealed, I ask unanimous consent to include, following my remarks in the RECORD, the text of this remarkable and scholarly work that documents for all the world the latest evidence of the Soviet double standard and of the campaign against the Jewish religion being waged from the Kremlin.

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

THE STATUS OF JEWS IN SOVIET EDUCATION

(By Nicholas DeWitt[1])

FOREWORD

(By Will Maslow, executive director, American Jewish Congress)

A higher percentage of Jewish students was permitted to attend universities in czarist Russia than is enrolled in the U.S.S.R. today.

This is perhaps the most depressing conclusion to be drawn from the study of Jews in Soviet education by this country's outstanding authority on the subject, Prof. Nicholas DeWitt, of Indiana University.

Professor DeWitt notes that approximately 3.22 percent of the student population in Soviet universities is Jewish. Comparing this figure with the official quotas imposed on Jews in 1887 by the czarist Minister of Education, we find that according to the "History of the Jews in Russia and Poland," by the Jewish Historian Simon Dubnow, published in 1918, the Jewish university quota was 10 percent of the Christian university population within the Pale of Settlement, 5 percent outside the Pale and 3 percent in St. Petersburg and Moscow.

The Soviet Government's own statistics on the enrollment of Jewish and other nationality groups in universities give the lie to Soviet claims that no discrimination exists against Jews in Soviet education. The study by Professor DeWitt, combined with other extensive evidence of religious and cultural discrimination against the Jews of the U.S.S.R., deepens our concern for the future of Soviet Jewry.

MAY 1964.

INTRODUCTION

Over the last 10 years one of the persistent features of Soviet propaganda efforts has been an attempt to convince the world that the U.S.S.R.'s policies toward all national groups and especially toward Jews have been equitable and just. The Soviet claim has

[1] Formerly research associate of the National Academy of Sciences and of the Russian Research Center, Harvard University; currently associate professor, Russian and East European Institute, Indiana University; chairman, Department of International and Comparative Education, School of Education; director, Foreign Area Studies for the State of Indiana; director, International Survey of Educational Development and Planning; and consultant to the National Science Foundation.

been that no discrimination, no Russification, and no restrictions whatsoever existed in the past or presently exist which would impede the equal cultural development of all national groups and all social strata in the Soviet Union. The Soviet Government claims that equality of educational opportunity is fully guaranteed by the laws and the constitution of the U.S.S.R. Any and all statements to the contrary are denounced simply as malicious lies and sinister fabrications.

In order to support the pretention that the problem of discrimination against Jews in education does not even exist, Soviet propaganda agencies in recent years—through broadcasts, periodicals, embassy releases, etc.—have issued a flood of statements containing official facts and figures. These statements, released piecemeal, are intended more to confuse than to clarify the basic issue: Is there or is there not discrimination against Jews so far as the equal right of access to education is concerned?

QUOTA SYSTEMS

When put together and examined in orderly fashion, the official statistics do permit clarification of this basic issue. Since 1955, there have been persistent reports on a "numerus clausus"—more simply, a quota system—for determining the admission to Soviet universities and other institutions of higher learning of all nationalities, and of Jews in particular.

In my earlier studies of Soviet education, particularly in "Education and Professional Employment in the U.S.S.R." (especially pp. 353–360 and 420–421), I dwelt at some length on the operational features of the so-called equivalent balances. These are admission quotas by nationality, which stipulate that the composition of students by nationality should optimally be such as to give a proportionate representation among students approximately equivalent to the proportion which a given nationality has in the total population. This is a major policy directive, but how this numerus clausus is used as a direct discriminatory device against the admission of Jews to institutions of higher learning in the U.S.S.R. can be easily seen: If the share of Jewish applicants is high, the admissions are cut back and preferences are given to other nationals, though on strictly competitive and nondiscriminatory grounds most of the qualified Jewish applicants should have been admitted.

I feel deeply honored that, by calling attention to this policy directive, and especially for interpreting its operational features, I have recently been denounced by the Soviet Government for the "lunatic hallucinations of an American professor." I was pleased indeed to see that the researchers of the Institute of Economics of the Academy of Sciences of the U.S.S.R., a member of the state planning committee, and a member of the Ministry of Higher and Secondary Specialized Education all joined forces in their recent review of my book (in "Vestnik Vysshei Shkoly," December 1963, pp. 75–79). Their greatest vehemence was directed against my statements that such a quota system exists. For though it is guarded as a state secret in the Soviet Union, it is common knowledge in the West. In my judgment, and I think the factual evidence presented later will corroborate it, this device is deliberately used in the U.S.S.R. as a means of discrimination against Jews in education by the tacit exclusion or limitation of Jewish applicants from admission to institutions of higher learning in the light of intensified competition for places.

I would not have focused attention on this item were it not for the fact that in the very same review the Soviet officials explicitly admit that the "Soviet national republics, furthermore, have a special right to assign to the central major higher educational establishments a certain number of nationals for preferential admissions without competitive entrance requirements. * * * These preferential quotas * * * expand the educational opportunities. * * * These annually planned preferential admission quotas are not a hindrance and discrimination (as claimed by the author), but measures of direct benefit for the national development."

It is worth rereading statements of this sort in order to grasp their full meaning. The quotation above raises other questions. First, is there or is there not a nationality quota? There is, and it is annually planned for all key institutions. As a student of educational development, I would say that any quota system is bad, but racial or national quotas in education are utter folly.

The second question then becomes one of mere logic. If someone is admitted to an institution of higher learning on the basis of a preferential nationality quota, there must, be definition, be someone else who is excluded from admission either because he does not fall within such a quota or because there are only a limited number of admission places left after the preferential quota has been filled. Who, then, is excluded?

The final question which must be raised in regard to the equality of educational opportunity for Jews in Soviet education is this: Which of the Soviet national republics could nominate Jews for preferential admission quotas? I do not know of any.

THE STATISTICAL JIGSAW PUZZLE

I hope that this brief diversion to these questions may have served as a supplementary example of what I like to think of as Soviet tactics of deliberate confusion. Not infrequently the Soviet Government denies something merely in order to admit it. Such tactics of confusion are equally applicable to recent statistics which the Soviet information services have released as proof that something does not exist.

It is common knowledge that for almost 20 years, beginning with the late 1930's, the word "Jews" as a statistical category in the U.S.S.R. did not exist in any type of current reporting of national composition, be it of population, students, language of newsprint, native tongue, etc.

Not until the late 1950's did figures identifying Jews as Jews begin to appear in official sources. In the statistical breakdowns by nationality prior to that time, Jews were relegated either to the other nationalities category or to a residual category; that is, after all identified nationalities in a given tabulation were counted, there was invariably some officially unexplained remainder. Since 1956, however, piecemeal figures or tabulations specifically identifying Jews as Jews have appeared from time to time, although the reporting practice of using the word "other" or "remainder" is still quite common. From these piecemeal releases, facts on Jews are quoted in Soviet information sources. Usually these are used as illustrations, such as: 36,173 Jews were working in 1962 among research and academic workers; or 290,707 Jews had completed higher education as of December 1, 1960; or 143,146 Jews had completed secondary specialized education as of December 1, 1961; or 77,177 Jews were enrolled in Soviet institutions of higher learning as of October 15, 1960.

Many other isolated figures can be cited. However, the problems cannot be meaningfully understood without an analysis of the trends rather than statistical quotations in isolation. This paper, accordingly, will devote itself to an analysis of trends on the status of education of Jews as they can be ascertained from official Soviet statistics released since the mid-1950's and particularly in conjunction with the 1959 census of population.

POPULATION

It is well nigh impossible to discuss the question of educational opportunity without reference to some base, such as population, the degree of its linguistic identity, or the degree of urbanization.

First consideration for our purposes must be given to the overall size of the Jewish population in the Soviet Union.[2] Over the years, this Jewish population has been as follows: 1926 census, 2,646,000; 1937 census, no data published, declared not valid; 1939 census, data not released; 1939 estimates (in prewar U.S.S.R. boundaries), 3,021,000; 1940 (in postwar U.S.S.R. boundaries absorbing Jews from annexed territories), about 5 million; 1959 census, 2,268,000.

Largely because of the calamities of the Second World War, the Jewish population in the Soviet Union was some 17 percent smaller in 1959 than three decades earlier. Obviously, the change in the size of the population is relevant to the numerical trends in education.

LINGUISTIC IDENTITY AND URBANIZATION

Table 1 summarizes 1959 census data on the linguistic identity of the total Soviet population and of Jews within it. Two important observations become evident from these data in regard to the status of Jews in Soviet education:

1. No other national group shows a higher level of urban concentration than the Jewish population (95.3 percent were urban residents as compared with an average of only 47.9 percent for the total population).

2. Except for the Russians proper as a national group, no other national group in the Soviet Union declared Russian as its native language to the extent so declared by the Jewish population—76.4 percent. In other words, while for the total population 93.4 percent declared the language of their nationality as their native language, only 21.5 percent of the Jewish population declared the language of their nationality as their native language.

These two major observations call for further comment. One is that the meaning of the census question—"Which language do you consider your native language?"—is obviously liable to a great many subjective interpretations. This is not a mere exercise in semantics; aside from the potentially biased phraseology of the census question, the major fact remains that the Jews, either by choice or by compulsion, appear linguistically the most Russified nationality in the U.S.S.R.

The implication of this trend is particularly significant in historical perspective. While in the 1926 census about 75 percent of Jews declared Yiddish as their native language, less than 20 percent (about 400,000) probably made such a declaration in 1959. This linguistic shift has a direct bearing upon the education of Jews, particularly when it is coupled with their high degree of urbanization.

Putting the two together—linguistic homogeneity and urban concentration—we can reasonably assume that the levels of educational attainment among Jews, and thus their potential suitability for higher education (postulating random intellectual ability), must be substantially higher than that of the population at large.

EDUCATIONAL ATTAINMENT

This assumption is indeed reflected in the demographic data. The substantially higher levels of educational attainment for the Jewish population are clearly evidenced by partial data from the 1959 Soviet census of population. Table 2 presents data on the number of persons with 7 or more years of education per 1,000 population. In 1939 there were 3 to 4 times as many Jews per 1,000 population with 7 or more years of education as there were among the population at large. In 1959, although this difference narrowed, the Jewish population still had 1.5 to 2.5 times more persons per

[2] Source 3.

1,000 population with 7 or more years of education. Unfortunately, the 1959 Soviet census failed to release these data for the U.S.S.R. at large and for most republics, which would permit comprehensive comparisons.

Parenthetically, it might be noted that the educational attainment level (7 or more years of education) over the 20-year period 1939–59 improved for the Soviet population at large by a factor of 3 to 3.5, while for the Jewish population by a factor of only 1.5 to 2.5. The implications of this are obvious: The expansion of educational opportunities for the population at large proceeded at a more rapid rate than for the Jewish population. In fact, the rates of completion of secondary schooling (i.e., 7 or more years of education) probably went down for Jews during these two decades, while for the population at large they rose.

Nevertheless, the generally higher level of educational attainment of the Jewish population is important for judging their rates of access to higher education. The general rate of completion of secondary education in urban schools of the U.S.S.R. (which most Jews attend) is about twice as high as that for rural schools. Further, most instruction (about 80 percent) in higher education is conducted in the Russian language. Both these factors are obviously relevant to the problem of continuing studies in higher education if there was merely a random selection, based on ability, for such studies.

HIGHER EDUCATION ENROLLMENTS

In the postwar period the only comprehensive set of figures for the enrollment of Jews in higher education was released by the Soviet Government for the fall of 1960. A summary tabulation, by type of program and union republic, is presented in table 3.

The data in table 3 indicate that there was substantial variation in the distribution of students by type of program for the different republics. On the average, the proportion of Jewish students enrolled in full-time day programs was slightly lower (44.5 percent) than the proportion of all students enrolled in such day programs (48.2 percent). On the other hand, there was a slightly higher proportion of Jewish students enrolled in evening programs than the proportion of all students enrolled in such programs.

The data in table 3 are of particular interest, however, when subjected to further analysis. Table 4 presents data on the Jewish population in relation to the total population and on Jewish higher education enrollment in relation to total higher education enrollment for all nationalities. On the basis of these two sets of data, the index of Jewish representation in higher education has been calculated for the different republics (column G). This index shows the relationship between the number of Jewish students to the Jewish population as compared with the number of students of all nationalities in relation to the total population. This index is simply indicative of the differential rates of access to higher education for the Jewish population and for the population at large. The very peculiar behavior of this index by republic must be noted.

While the proportion of Jewish population (col. C) in the total population varies substantially, and while the share of Jewish students (col. F) among all students also shows a strong variation, the index of representation (col. G) shows less variation. Generally speaking, depending upon republic, there is a deviation of about one-third from the national average. A further peculiarity of this index is that in the republics with a high proportion of Jewish population, the index of representation of Jewish students in higher education is below the national average. Conversely, in some republics with a smaller proportion of Jews in the total population, the index of higher education attendance is above the national average.

Such behavior of the index of representation is conceivable only in the presence of normative regulations concerning admissions of Jews to higher education. If there were no restrictive regulations, a far greater geographic variation in the index would be observed. Furthermore, those republics with a greater proportion of Jews in the population would obviously have higher rates of Jewish representation among higher education students.

An examination of the data along similar lines can be carried further if the urban population is related to higher education attendance. These data are presented in table 5. Since the Jewish population is almost exclusively urban, it is obvious that the meaning of the index of representation (in this case, the ratio of Jewish students per Jewish urban population to students of all nationalities per total population) is that in a number of republics—Byelorussia, Uzbekistan, Georgia, Lithuania and Moldavia—the access of Jews to higher education is far below the proportionate representation of Jews in the urban population of these republics. Again, note that there is a converse relationship between the proportion of Jews in the urban population and the index of representation of Jews in higher education.

To sum up, the examination of regional data relating higher education enrollments to the population for all nationalities and for Jews indicates:

1. There is a pattern strongly suggesting the presence of normative regulations (i.e., a quota system);

2. The Jewish representation among all students in relationship to the Jewish population as a whole is about three times higher than the rate of higher education attendance in relation to the total population; and

3. If, however, the ratio of Jews in the U.S.S.R.'s urban population is compared with the Jewish representation among all students, it is evident that in those republics where Jews constitute an above-average proportion of the urban population, their representation among university students is well below the rate of the general population's access to higher education. In only three of the Soviet Union's 15 republics is the Jewish university representation significantly above average.

HISTORICAL DATA ON HIGHER EDUCATION ENROLLMENTS

During the last three decades Soviet higher education enrollments have multiplied about five times. What happened to the enrollment of Jewish students during this period?

Table 6 presents data on enrollments in Soviet higher education in full-time day and evening programs (i.e., excluding extension-correspondence students). For recent years the only available data specifically identifying Jewish students were released for 1960 only. For all other years Jewish students have been included in the "unaccounted" residual.

The full implications of these data are obvious. In the late 1950's and the early 1960's there were actually fewer Jewish students in Soviet higher education than there had been in the early 1930's. The historical trend in a nutshell is as follows:

	1935	1960	Trend (percent up (+) or down (−))
Day and evening students:			
Total	563,500	1,400,000	+248
Jews	74,900	45,800	−39

Figures for residual enrollments in the late 1950's indicate that there has been hardly any change and thus the number of Jewish students has not changed either. In the early 1960's the maximum increment possible (allowing enrollment increases for other nationalities) would be 10,000 to 15,000 Jewish students. This is an exaggeratedly optimistic figure. But even if it were true, the enrollment of Jewish students in day and evening programs in 1960 would still be substantially below that of 1935.

Soviet censorship has prevented the release of data for the late 1930's, when the number of Jewish students was probably even higher than in 1935. But if we take 1935 as a base and compare that year's figures with the total enrollment of 77,177 Jews in 1960 in Soviet higher education (including extension-correspondence students), it is evident that the current total figure is just about the same as the 1935 figure for Jewish student day and evening enrollment only.

PROFESSIONAL HIGHER EDUCATION GRADUATES

Table 7 presents figures on the total number of higher education graduates and the number of Jews among them. It is to be noted particularly that these data refer to the current stock of employed graduates and thus reflect past trends in training. These data are highly revealing if we compare them with the present situation in higher education—i.e., the current percentages of Jewish students to total enrollment. This is done in table 8.

It is obvious that the proportion of Jewish students currently enrolled in higher education is substantially smaller than the proportion of Jews who enjoyed higher education in the past.

Table 9 presents data on the number of higher education graduates employed in the national economy, the total for all nationalities, for "accounted" nationalities and for the "residiual." Again, the only year for which Jews are identified properly is 1960. On the basis of these data, however, estimates (approximate through reasonably reliable) as to the total number of Jews among professional higher education graduates for other years are possible, as follows:

Number of Jews among professional higher education graduates (approximate)

Year:	
1941	170,000.
1954	250,000 to 270,000.
1960	290,000.
1962	310,000.

The implication to be drawn from these figures is that, on the average, Soviet institutions of higher education in the late 1950's were graduating annually about 10,000 Jews, which is about the same as annual output of Jewish graduates in the late 1930's. It must be recalled, however, that in the meantime the number of graduates for all nationalities combined had increased from about 100,000 annually in 1940 to about 330,000 in the early 1960's.[3]

As a result of this trend, the proportion of Jews who had completed higher education among all Soviet professionals declined from about 18 or 19 percent in 1941 to 8.2 percent in 1960.

RESEARCH AND ACADEMIC PERSONNEL

Among the figures cited most frequently by the Soviet Government in its denials of discrimination against Jews in education are those for so-called scientists. In reality, these figures do not refer to scientists as we understand the term, but rather to personnel employed as teachers in higher education and as researchers in various institutions conducting research (academies, as well as industrial, agricultural, medical and other institutes). Usually, the Soviet sources state

[3] See source 6 for a discussion of general trends in education.

the latest available figure, but if one takes care to consider the trend, the current situation regarding Jewish representation among Soviet academic and research professionals is markedly different from that two decades ago. Table 10 summarizes this trend.

While it is true that their absolute number increased (in fact, about doubled in 20 years), the proportion of Jewish professionals in the research community declined drastically. It was, in truth, cut in half. It does not seem unreasonable to conclude, therefore, that even at this high level of professional certification there were outside forces in operation responsible for this drastic change.

SUMMARY

In accordance with their heritage and history, Jews living in the lands now comprising the Soviet Union have traditionally sought opportunities for education, including university training, in numbers far exceeding their proportionate representation in the total population. This holds equally true today. Official government statistics, however, demonstrate clearly that Soviet authorities are now employing a quota system to reduce the proportion of Jews enjoying opportunities for higher education—this despite the high degree of urbanization of the Jews of the U.S.S.R. and the high percentage of Jews who speak Russian, the language used in most Soviet universities.

While Soviet Jews still attend universities in the U.S.S.R. in a proportion exceeding their statistical representation in the country at large, the evidence shows that this proportion is steadily and rapidly decreasing. According to all available figures, the Soviet Government is succeeding in its effort to limit the number of Jews in higher education.

TABLE 1.—*Total population and Jewish population in the U.S.S.R. as of 1959, by language, sex, and rural-urban composition*

	Total Soviet population (millions)			Jewish population (thousands)		
	Total	Males	Females	Total	Males	Females
Declared their native language as that of their nationality:						
Total	196.9	88.2	108.7	[1] 487.8	214.9	273.8
Urban	91.7	41.2	50.5	454.7	198.3	256.5
Rural	105.2	47.0	58.2	33.0	15.7	17.3
Declared Russian as their native language:						
Total	10.2	5.0	5.2	1,733.2	793.1	940.1
Urban	7.8	3.8	4.0	1,671.4	760.9	910.5
Rural	2.4	1.2	1.2	61.8	32.2	29.6
Declared other language as their native language:						
Total	1.7	.8	.9	[2] 46.8	23.5	23.3
Urban	.5	.2	.3	35.6	17.9	17.7
Rural	1.2	.6	.6	11.2	5.6	5.6
Total population:						
Total	208.8	94.0	114.8	2,267.8	1,030.6	1,237.2
Urban	100.0	45.2	54.8	2,161.7	977.0	1,184.7
Rural	108.8	48.8	60.0	106.1	53.6	52.5

[1] Including Jews who speak as a native language Georgian (35,700), Tadzhik (20,800), and Tatar (25,400). (Apparently, "other languages," including Yiddish, accounted for the "residual"—some 400,000.)

[2] Including Jews who use as a native language Ukrainian (24,800) and Tadzhik (5,200).

Source: Source 1, pp. 184–202.

TABLE 2.—*Number of persons with 7 or more years of education per 1,000 in the total population of the Soviet Union, and among Jews, 1939 and 1959*

[Persons with such education per 1,000 population]

	Total				Urban				Rural			
	Population		Jews		Population		Jews		Population		Jews	
	1939	1959	1939	1959	1939	1959	1939	1959	1939	1959	1939	1959
Russian S.F.S.R. (p. 416ff.)	83	282	462	690	174	369	469	694	38	168	389	615
Ukrainian S.S.R. (p. 194)	103	319	280	591	183	308	299	594	56	299	172	484
Byelorussian S.S.R. (p. 134)	83	271	206	510	204	416	211	508	43	187	166	564
Azerbaidzhan S.S.R. (p. 148)	80	282	299	478	164	355	306	484	32	216	185	285
Lithuanian S.S.R. (p. 166)	----------	188	----------	464	----------	333	----------	464	----------	99	----------	487
Moldavian S.S.R. (p. 96)	----------	196	----------	438	----------	362	----------	436	----------	148	----------	462
Latvian S.S.R. (p. 98)	----------	365	----------	597	----------	459	----------	597	----------	247	----------	623

Source: Source 2 (page number indicated in parentheses).

TABLE 3.—*Enrollment in Soviet institutions of higher education, total enrollment and Jewish enrollment, by type of program, distributed by Union Republic, fall 1960*

Union Republic	Total students of all nationalities (thousands)				Jewish students (units)			
	Total	By type of program			Total	By type of program		
		Full-time day	Evening	Extension-correspondence		Full-time day	Evening	Extension correspondence
Russian S.F.S.R.	1,496.1	699.2	167.1	629.8	46,555	21,483	6,268	18,804
Ukrainian S.S.R.	417.8	199.0	44.1	174.7	18,673	7,007	3,545	8,121
Byelorussian S.S.R.	59.3	32.3	5.5	21.5	3,020	1,416	669	935
Uzbek S.S.R.	101.3	51.3	7.1	42.9	2,902	1,238	317	1,347
Kazakh S.S.R.	77.1	42.7	3.4	31.0	837	495	84	258
Georgian S.S.R.	56.3	25.2	4.9	26.2	910	372	105	433
Azerbaidzhan S.S.R.	36.0	18.5	3.4	14.1	906	417	148	341
Lithuanian S.S.R.	26.7	15.6	1.9	9.2	413	270	77	66
Moldavian S.S.R.	19.2	10.4	.5	8.3	1,225	570	113	542
Latvian S.S.R.	21.6	12.6	1.9	7.1	800	513	61	226
Kirgiz S.S.R.	17.4	10.8	.9	5.6	263	180	33	50
Tadzhik S.S.R.	19.9	11.4	1.1	7.4	391	219	69	103
Armenian S.S.R.	20.2	10.9	1.8	7.5	52	28	12	12
Turkmen S.S.R.	13.2	8.0	.7	4.5	104	53	6	45
Estonian S.S.R.	13.5	7.6	.5	5.4	126	71	13	42
U.S.S.R. total	2,395.5	1,155.5	244.9	995.1	77,177	34,332	11,520	31,325
Distribution by program (in percent)	100.0	48.2	10.3	41.5	100.0	44.5	14.9	40.6

Source: Source 4, pp. 128–157.

TABLE 4.—*Soviet population and higher education enrollments for all nationalities and for Jews, and index of representation*

Union Republic	Population as of 1959			Higher education enrollments as of 1960			Index of representation
	All nationalities (thousands) (A)	Jews (thousands) (B)	Percent (C)	All nationalities (thousands) (D)	Jews (thousands) (E)	Percent (F)	(G)
Russian S.F.S.R.	117,534.3	875.3	0.745	1,496,074	46,555	3.11	417
Ukrainian S.S.R.	41,869.0	840.3	2.007	417,748	18,673	4.47	223
Byelorussian S.S.R.	8,054.6	150.1	1.863	59,296	3,020	5.09	273
Uzbek S.S.R.	8,105.7	94.3	1.163	101,271	2,902	2.86	246
Kazakh S.S.R.	9,309.8	28.1	.301	77,135	837	1.08	359
Georgian S.S.R.	4,044.0	51.6	1.276	56,322	910	1.62	127
Azerbaidzhan S.S.R.	3,697.7	40.2	1.087	36,017	906	2.52	232
Lithuanian S.S.R.	2,711.4	24.7	.911	26,713	413	1.55	170
Moldavian S.S.R.	2,884.5	95.1	3.297	19,217	1,225	6.37	193
Latvian S.S.R.	2,093.5	36.6	1.748	21,568	800	3.71	212
Kirgiz S.S.R.	2,065.8	8.6	.416	17,379	263	1.51	363
Tadzhik S.S.R.	1,979.9	12.4	.626	19,959	391	1.96	313
Armenian S.S.R.	1,763.0	1.0	.056	20,165	52	.26	458
Turkmen S.S.R.	1,516.4	4.1	.270	13,151	104	.79	292
Estonian S.S.R.	1,196.8	5.4	.451	13,507	126	.93	206
U.S.S.R. total	208,826.4	2,267.8	1.086	2,395,545	77,177	3.22	297

Sources: Table 3 above and source 1, pp. 184–185.

TABLE 5.—*Jewish population in the Soviet urban population and Jewish students in relation to total higher education enrollment, and index of representation*

Union Republic	Urban population, 1959			Higher education enrollments as of 1960			Index representation
	All nationalities (thousands) (A)	Jews (thousands) (B)	Percent (C)	All nationalities (thousands) (D)	Jews (thousands) (E)	Percent (F)	(G)
Russian S.F.S.R.	61,611.1	875.3	1.42	1,496,074	46,555	3.11	219
Ukrainian S.S.R.	19,147.4	840.3	4.39	417,748	18,673	4.47	102
Byelorussian S.S.R.	2,480.5	150.1	6.05	59,296	3,020	5.09	84
Uzbek S.S.R.	2,728.6	94.3	3.46	101,271	2,902	2.86	83
Kazakh S.S.R.	4,067.2	28.1	.69	77,135	837	1.08	156
Georgian S.S.R.	1,712.9	51.6	3.01	56,322	910	1.62	54
Azerbaidzhan S.S.R.	1,767.3	40.2	2.27	36,017	906	2.52	111
Lithuanian S.S.R.	1,046.0	24.7	2.36	26,713	413	1.55	66
Moldavian S.S.R.	642.2	95.1	14.81	19,217	1,225	6.37	43
Latvian S.S.R.	1,173.9	36.6	3.12	21,568	800	3.71	119
Kirgiz S.S.R.	696.2	8.6	1.24	17,379	263	1.51	121
Tadzhik S.S.R.	646.2	12.4	1.92	19,959	391	1.96	102
Armenian S.S.R.	881.8	1.0	.11	20,165	52	.26	236
Turkmen S.S.R.	700.8	4.1	.58	13,151	104	.79	136
Estonian S.S.R.	675.5	5.4	.80	13,507	126	.93	116
U.S.S.R. total	99,977.7	2,267.8	2.27	2,395,545	77,177	3.22	142

Sources: Table 3 above and source 1, pp. 184, 185.

TABLE 6.—*Soviet higher education—enrollments in full-time day and evening programs (excluding extension-correspondence students), total, by nationality, and Jewish students*

[In thousands]

Year	Total of full-time (day) and evening students	Number of students accounted in major nationality groups	Unaccounted residual	Jews (specifically identified)	Year	Total of full-time (day) and evening students	Number of students accounted in major nationality groups	Unaccounted residual	Jews (specifically identified)
1929	204.2			27.6	1958	1,333.0	1,211.8	121.2	(1)
1931	405.9			45.9	1959	1,341.6	1,221.7	119.9	(1)
1933	458.3			58.7	1960 (usual statistical releases)	1,400.9	1,279.0	121.9	(1)
1934	527.3			64.3	1960 (special tabulation identifying all nationalities)	1,400.9	1,279.0	(76.1)	45.8
1935	563.5			74.9	1961	1,511.0	1,381.2	129.8	(1)
1950	845.1	747.8	97.3	(1)	1962	1,661.0	1,518.9	142.1	(1)
1956	1,279.9	1,159.1	118.8	(1)					
1957	1,320.3	1,200.1	120.2	(1)					

[1] Not identified.

Sources: Source 5, appendix table A–5, p. 316, and sources thereto; source 6, p. 657 and sources thereto; source 7, p. 573; and table 3 above.

TABLE 7.—*Soviet professional higher education graduates employed in the national economy, total and Jews, by Union Republic as of December 1960*

Union Republic	Total, all nationalities	Number of Jews	Percent	Union Republic	Total, all nationalities	Number of Jews	Percent
Russian S.F.S.R.	2,083,306	160,732	7.68	Latvian SSR	40,807	3,611	8.85
Ukrainian SSR	685,851	83,689	12.20	Kirgiz SSR	29,776	1,073	3.60
Byelorussian SSR	110.177	12,636	11.47	Tadzhik SSR	23,356	1,169	5.00
Uzbek SSR	108,936	8,161	7.49	Armenian SSR	41,093	204	0.50
Kazakh SSR	124,818	4,148	3.32	Turkmen SSR	22,506	486	2.16
Georgian SSR	106,670	1,818	1.70	Estonian SSR	24,211	868	3.58
Azerbaidzhan SSR	73.213	4,110	5.61				
Lithuanian SSR	37,230	1,800	5.41	U.S.S.R. total	3,545,234	290,707	8.20
Moldavian SSR	33,284	6,206	18.62				

Source: Source 4, pp. 70–71.

TABLE 8.—*Comparison of the proportion of Jews in the Soviet urban population, in total number of higher education graduates, and among students in higher education, by Union Republic*

[In percent]

Union Republic	Proportion of Jews in urban population, 1959	Proportion of Jews in total number of higher education graduates, 1960	Proportion of Jews among students in higher education, 1960	Union Republic	Proportion of Jews in urban population, 1959	Proportion of Jews in total number of higher education graduates, 1960	Proportion of Jews among students in higher education, 1960
Russian S.F.S.R.	1.42	7.68	3.11	Latvian S.S.R.	3.12	8.85	3.71
Ukrainian S.S.R.	4.39	12.20	4.47	Kirgiz S.S.R.	1.24	3.60	1.51
Byelorussian S.S.R.	6.05	11.47	5.09	Tadzhik S.S.R.	1.92	5.00	1.96
Uzbek S.S.R.	3.46	7.49	2.86	Armenian S.S.R.	.11	.50	.26
Kazakh S.S.R.	.69	3.32	1.08	Turkmen S.S.R.	.58	2.16	.79
Georgian S.S.R.	3.01	1.70	1.62	Estonian S.S.R.	.80	3.58	.93
Azerbaidzhan S.S.R.	2.27	5.61	2.52				
Lithuanian S.S.R.	2.36	5.41	1.55	U.S.S.R. total	2.27	8.20	3.22
Moldavian S.S.R.	14.81	18.62	6.37				

Sources: Tables 4, 5, and 7 above.

TABLE 9.—*Number of higher education graduates employed in the national economy of the U.S.S.R., 1941–62, total, accounted nationalities, and Jewish professionals*

[In thousands]

Year	Total	Accounted major nationalities [1]	Residual of other nationalities	Jews properly identified	Source
1941	909.0	718.6	190.4	[2]	No. 4, p. 69.
1954	2,008.5	1,700.0	300.5	[2]	No. 9, p. 261, 1959.
1959	3,235.7	2,809.7	[3] 426.0	[2]	No. 10, p. 617.
1960 (usual statistical releases)	3,545.2	3,091.2	[4] 454.0	[2]	No. 10, 1960, p. 663.
1960 (special tabulation identifying all nationalities)	3,545.2	3,091.2	(163.3)	[5] 290.7	No. 4, p. 67.
1961	3,824.0	3,346.4	[6] 477.6	[2]	No. 10, 1961, p. 586.
1962	4,049.7	3,552.2	[7] 497.5	[2]	No. 7, p. 473.

[1] Those of Union republic nationality (Russian, Ukranian, etc.).
[2] Not identified.
[3] Among which another 19 minor nationalities (totaling 110,200) are identified, though Jews are still censored out by this reference. The residual, net of identified minor nationalities, is 315,800, and of these the majority are obviously Jews.
[4] Again 19 other nationalities are listed totaling 122,500; the remainder, including Jews, is 331,500.
[5] Since the number of Jewish professionals is given as 291,000 other than Jews in the remainder accounted for 40,000.
[6] Again 20 other nationalities are listed accounting for 129,400; the remainder, including Jews, is 348,200.
[7] Again 20 other nationalities are listed totaling 139,600; the remainder, which included Jews, is 357,900.

TABLE 10.—*Soviet research and academic personnel, total and Jewish representation therein, 1939–61*

	1939	1947	1955	1958	1959	1960	1961
Total (thousands)	95.9	145.6	223.9	284.0	310.0	354.2	404.1
Jews (thousands)	20.0	24.4	24.6	28.9	30.6	33.5	36.2
Proportion of Jews (percent)	21.2	16.8	11.0	10.2	9.8	9.5	8.9

Source: Source 5, p. 769 and sources listed therein; and source 7, p. 584.

SOURCES

Source 1: Tsentral'noe Statisticheskoe Upravlenie pri Sovete Ministrov SSSR "Itogi vsesoiuznoi perepisi naseleniia 1959 goda: SSSR," Moscow, 1962.

Source 2: Tsentral'noe Statisticheskoe Upravlenie pri Sovete Ministrov SSSR, "Itogi vsesoiuznoi perepisi naseleniia 1959 goda" (for the 15 Soviet republics): Armenian, Azerbaidzhan, Belorussian, Estonian, Georgian, Kazakh, Kirgiz, Latvian, Lithuanian, Moldavian, Russian, Tadzhik, Turkmen, Ukrainian, Uzbek (Moscow 1962).

Source 3: M. Abramovich, "Jews in the 1959 Soviet Population Census," reprinted from Jews in Eastern Europe, n.d.; and F. Lorimer, "The Population of the Soviet Union," Geneva: League of Nations, 1946.

Source 4: Tsentral'noe Statisticheskoe Upravlenie pri Sovete Ministrov SSSR, "Vysshee obrazovanie v SSSR," Moscow, 1961.

Source 5: Nicholas DeWitt, "Soviet Professional Manpower—Its Education, Training, and Supply," Washington, D.C.: National Science Foundation, 1955.

Source 6: Nicholas DeWitt, "Education and Professional Employment in the U.S.S.R.," Washington, D.C.: National Science Foundation, 1961.

Source 7: Tsentral'noe Statisticheskoe Upravlenie pri Sovete Ministrov SSSR, "Narodnoe khoziaistvo SSSR v 1962 gody," Moscow, 1963.

Source 8: Tsentral'noe Statisticheskoe Upravlenie pri Sovete Ministrov SSSR, "Srednee spetsial'noe obrazovanie v SSSR," Moscow, 1962.

Source 9: Tsentral'noe Statisticheskoe Upravlenie pri Sovete Ministrov SSSR, "Dostizheniia sovetskoi vlasti za sorok let v tsifrakh; statisticheskii sbornik," Moscow, 1957.

Source 10: Tsentral'noe Statisticheskoe Upravlenie pri Sovete Ministrov SSSR, "Narodnoe khoziaistvo SSSR v 1959 gody," Moscow, 1960; "Narodnoe khoziaistvo SSSR v 1960 gody," Moscow, 1961; "Narodnoe khoziaistvo SSSR v 1961 gody," Moscow, 1962.

Mr. JAVITS subsequently said: Mr. President, I should like to add to what my colleague from New York has said about anti-Jewish activities in the Soviet Union by calling attention to the barbaric execution just reported of nine people, most of them Jews, according to the report in the New York Times, for so-called economic crimes in the Soviet Union—something that no other civilized nation on earth would think of doing, indicating the bald-faced hypocrisy of pretending that there is no anti-Jewish campaign in the Soviet Union, when, notwithstanding the tiny fraction of the population they represent, such barbaric punishments are imposed upon them as shown in the record. I ask unanimous consent that the report be printed at this point in the RECORD.

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

SOVIET EXECUTION OF NINE ON MAY 4 IS REPORTED

Moscow, June 11.—Nine men convicted of "economic crimes" were executed by shooting here last May 4, reliable sources said today.

All those executed were said to have had Jewish names. One was identified as Roifman, who was tried last February together with other alleged members of a large ring of speculators. A man called Shakerman had been named as leader of the ring.

At the end of the trial it was unofficially reported that the verdict called for nine death sentences. Today's report was the first indication that the sentences had been carried out.

However, one of the men reported shot May 4 had not been involved in the Shakerman case. He was identified unofficially as Klempert, a man whose trial and death sentence was reported by a Moscow newspaper last month.

RESOLUTION IN SUPPORT OF CIVIL RIGHTS BILL

Mr. KEATING. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Council of the Second Province of the

Protestant Episcopal Church. It is another indication of the strong support of church groups and religious leaders for this moral cause.

There being no objection, the resolution was order to be printed in the RECORD, as follows:

RESOLUTION ON FEDERAL CIVIL RIGHTS BILL (H.R. 7152)

Whereas other religious leaders and church people of all political persuasions have united in support of this measure, identifying it as a moral issue transcending any political considerations: Be it therefore

Resolved, That the members of the Council of the Second Province record their support of this legislation and urge the Senate of the United States to adopt the measure without further delay; and be it further

Resolved, That this resolution be communicated to all Members of the U.S. Senate.

TRIBUTE TO SENATOR DODD

Mr. RIBICOFF. Mr. President, the past weekend, our good friend and my senior colleague from Connecticut [Mr. DODD], was unanimously renominated for a second term as a U.S. Senator. The delegates to the Democratic State convention in Connecticut fully recognized the outstanding record of TOM DODD, and honored him with their nomination.

Senator DODD was nominated by the great Governor of our State, John N. Dempsey, who delivered a richly deserved tribute detailing our senior Senator's record. Accepting the nomination, Senator DODD gave a most eloquent statement, outlining the philosophy he will carry into the coming campaign. I ask unanimous consent that the speeches of Governor Dempsey and Senator DODD be inserted in the RECORD.

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

REMARKS OF GOV. JOHN DEMPSEY IN NOMINATION OF THOMAS J. DODD FOR REELECTION AS U.S. SENATOR FROM CONNECTICUT, DEMOCRATIC STATE CONVENTION, HARTFORD, JUNE 6, 1964

The spirit in this great hall today is the spirit of victory, and this convention will make an important contribution toward that victory.

Once again we are moving into an election campaign of great significance to the future of the United States and the State of Connecticut.

We meet today while the terrible memory of the assassination of a beloved President haunts our national conscience. The inspiration and the high purpose which John F. Kennedy brought to public office will serve as a model for freemen everywhere.

Our standard bearer in this campaign is a leader who with courage and responsibility met the awesome challenges imposed on him by grave national tragedy—a great leader, a great Democrat, and a great American—Lyndon B. Johnson.

President Johnson's leadership carries forward the Democratic tradition of Franklin Roosevelt, Harry Truman, and John Kennedy—the tradition in which we as Democrates are proud to share.

It was my high honor this week to welcome President Johnson to Connecticut, and to hear his inspiring report to the Nation on America's strength and America's greatness. And let me tell you that President Johnson knows the Democratic Party of Connecticut is ready and eager for this year's campaign.

Strong bonds unite the Democrats of Connecticut. We are united in a common goal of service to our people. We are united in respect for our leadership. We are united by pride in the great Democratic record of achievement, both on the national level and right here in the State of Connecticut.

Every Democratic candidate in our State will carry proudly into this year's election campaign the great record of Democratic accomplishment. This pride is reflected in the platform which this convention has adopted—a platform which commits us to the continuing fulfillment of the Democratic tradition.

The Democratic Party cares about people. Our concern for people is reflected in every section of our fine platform. Together we have done much to create a fuller life for all the citizens of Connecticut. Together we have built educational and job opportunities for our young people. We have devoted the full resources of government to the care of the sick, the mentally ill, the mentally retarded, and those in need of rehabilitation. We have worked to bring a greater measure of dignity into the lives of all our older citizens.

We have dedicated ourselves to create here in Connecticut the great society of which President Johnson has so eloquently spoken. Together we are determined to press forward on this path of progress and to enlist the support of the people of Connecticut in the great national effort which President Johnson has mobilized.

It will be the privilege of this convention to give the President of the United States an ally in the campaign battles ahead—a man who has stood shoulder to shoulder with Lyndon Johnson since the early days of the New Deal—a man on whom the President looks as a valued friend and trusted adviser.

This man has established a public record of unsurpassed distinction in a career of Government service which began more than 30 years ago. The breadth of his experience and the depth of his unique preparation for high elective office is unmatched.

As director of the national youth administration program in Connecticut, he established programs here to provide education and job opportunities for youth which became the model for action in other States.

Tireless in his zeal for justice, he has benefited by his experience as special agent for the FBI and his service as assistant to the U.S. Attorney General. In this capacity, he helped to establish, and was appointed assistant chief of the Justice Department's first civil rights section, and pioneered in the Federal prosecution of civil rights violations.

In World War II he was a keyman in the Justice Department's counterespionage and countersabotage operations.

He represented the Government of the United States as executive trial counsel, at the direct request of Supreme Court Justice Robert H. Jackson, in the Nazi war crimes trials at Nuremberg in 1945–46.

In this capacity he made a lasting contribution to world law by demonstrating beyond reasonable dispute the legal enforcibility of internationally accepted moral standards.

The qualities of leadership which he demonstrated in two terms as a Congressman won national respect; and these same qualities have been richly developed during his first term of service as U.S. Senator.

He has strongly supported and effectively advocated, in committee and on the floor of the Senate, the entire range of domestic programs which Presidents Kennedy and Johnson have sponsored.

He is a recognized leader in the battle for the civil rights bill, for medicare, for increased Federal aid to education, and for the several measures which make up President Johnson's antipoverty program.

His personal battle for progressive measures to combat juvenile delinquency and to establish more effective Federal regulation of traffic in narcotics and deadly weapons has won for him the acclaim of the entire Nation. And in the field of foreign affairs, he has coupled enthusiastic support for U.S. assistance to the free nations with unremitting vigilance against Communist aggression and subversion.

He has shown in countless actions that he recognizes the war for expanded freedom and opportunity at home, like the war in defense of freedom abroad, is a basically moral question.

He has proven himself a true champion of freedom and a determined foe of tyranny.

His inspired vision and unceasing efforts in defense of liberty and justice at home and throughout the world have richly justified the confidence of the people of the State of Connecticut.

All of you who know this man as I do, know him as a man of warmth, a man of heart, a man of compassion, a man dedicated to his country—a man of courage.

I have the high honor to place before this convention for nomination and reelection as U.S. Senator from Connecticut, the name of the Honorable THOMAS J. DODD.

REMARKS OF SENATOR THOMAS J. DODD IN ACCEPTING RENOMINATION AS DEMOCRATIC CANDIDATE FOR U.S. SENATOR, BUSHNELL MEMORIAL HALL, HARTFORD, CONN., JUNE 6, 1964

My friends, this is the third time I have spoken to you from this rostrum following nomination by our party as Democratic candidate for the U.S. Senate, and my heart is filled, not only with thoughts of today, but of the yesterdays that we have been through together.

Such an occasion presents a challenge, an opportunity, and a responsibility that no man can experience without mingled feelings of pride and humility, joy and anxiety.

I accept your nomination. I thank you for the chance you have given me to serve you once more.

I pledge to do my best to make the coming campaign not a sham battle of personalities and epithets, but a real contest of ideas and ideals, a contest that will end in victory—victory for our party and for the causes we uphold.

An election campaign provides an opportunity, if we will but take it, for defining and redefining our policies and the philosophy which underlies them. This we have done today, and will continue to do in the weeks and months ahead.

Politics necessarily reflects a view of life and an attitude toward people. Our views and attitudes have been on the public record for a very long time.

For the Democratic Party is our oldest political party. It goes back to the earliest days of our country. It has had many opponents, and it has prevailed over them all.

Some of those opponents have held a rather dim view of the average man and have taken up as their mission the narrow task of protecting the privileges and advancing the well-being of an exclusive group. They have tried to draw a protective line around the special interests of this group, but for the great mass of men their message has been "No trespassing."

Other opponents of the Democratic Party historically have taken a negative, hostile attitude toward the problems of people. From the earliest days they have looked upon men as too backward to be allowed to vote; too irresponsible to be allowed to band together in labor unions; too lazy to be trusted with Government benefits; too greedy to be given a voice in the management of our natural resources. They have opposed practically every program which aimed at helping people with problems too big for them

to solve by themselves. They have been completely unmoved by the crushing burdens borne by humble souls, and totally impervious to the currents of change. To them, life has appeared, not as a quest for personal fulfillment, but as some sort of endurance contest.

To most men and women their message has been, "Sink or swim."

Other opponents of our party have taken a negative attitude about Government itself. They have always professed to be full of sympathy about the dilemmas facing our people, but they have claimed that government, and especially the Federal Government, is helpless to do anything about them.

Child labor? "Oh, it's a shame," they said, "But we can't do anything about it. That's the responsibility of the family."

Sweatshops? "Well, that is the employers' business," they said.

Breadlines? "That is the concern of private charities."

Slums? "That is purely a local matter."

Civil rights? "Why, that is up to the States."

Medical care for the aged? "There is no real need for it. Most of these old people own houses or property they can sell to pay their hospitals bills," they said.

And so it goes. All that this group has ever had to say to the people is, "Let George do it."

This negative, hostile, helpless attitude is still very much with us today, and it is a major factor in the coming campaign. If you doubt this, just read what our friend from our neighboring State of New York, Governor Rockefeller, has to say about the group that has just taken control of the Republican Party.

We of the Democratic Party, of course, have made mistakes but they have been the mistakes of those who were fighting to solve our Nation's problems, not to sweep them under the rug.

From its first campaign under Thomas Jefferson in the year 1800 to its latest campaign under John F. Kennedy, in 1960, our party has been optimistic about the nature of men, compassionate toward their problems, and confident that we can solve those problems if only we try.

The message of our party to our fellow Americans is today what it has always been, "Give a man freedom, give him a fair chance in life, give him a leg up in time of trouble, and he will make a go of it and build a better life for himself and for his country."

The proof of this is written for all to see in the record of our party from Jefferson and Jackson to Kennedy and Johnson.

Our past record is not our campaign document for this year. It is only our credentials, a pledge of good faith which we present to the American people as we ask for the chance to lead them into the future.

Today, our programs are new, because our problems are new, but our goal is the same—greater freedom, greater opportunity, greater progress, a better life for all the American people.

We of the Democratic Party have now set our sights on what President Johnson calls "the great society."

We seek a nation from which poverty and unemployment have been banished. When Franklin Roosevelt took up this cause 30 years ago, one-third of the Nation was ill housed, ill clad, ill nourished. We have reduced that percentage to one-fifth. This Nation has the wealth and the know-how to completely eliminate grinding poverty and to bring 9 million American families out of the shadows and into the sunlight of prosperity. And we are going to do it.

We seek a decent home, in pleasant, wholesome surroundings, for every family, and we are moving steadily toward that goal.

We seek a better education for every boy and girl, an education that will prepare them, not only for the demanding careers of the future, but also for enjoyment of the higher things of life in all of their fullness. The present Congress has done more to aid education than any in our history. The next Congress must do even better.

We seek to reverse the disintegration and decay of our cities, and what has been accomplished in Hartford and New Haven and 27 other Connecticut cities under the Federal urban renewal program shows us that it can be done.

We seek a transportation policy that will put an end to the nightmare of traffic jams and delays and inconveniences and poor commuter rail service that blight the daily existence of so many.

We seek a more beautiful America, where our rivers and streams and air are clean, where our places of natural beauty are preserved and enhanced, where the great potential of outdoor recreation and the enjoyment of wildlife and nature are made available to everyone.

We seek an America with a constantly improving cultural level, where television and radio provide education as well as entertainment, where music, art, and literature become a part of every life, and where the creative talents of our people are encouraged and rewarded as never before.

We seek an America where constitutional rights and a fair chance for all the good things of life are guaranteed to every citizen—and I say to you we stand today on the very threshold of the greatest achievement in civil rights in a century—the passage of the Civil Rights Act of 1963.

We seek an America where rapid economic growth makes it possible to reduce the tax burden of every citizen. We have given two tax cuts in the last 4 years, and we plan two more during the next 4 years.

We seek a unified America where sectionalism and factionalism and North versus South and labor versus management and white versus black are banished from our national life—and we have today in the White House the leader who can accomplish this.

We seek to maintain a strong America, the kind of Nation the President described to us 3 days ago in New London, a Nation whose unequaled might is used not to win wars but to guarantee peace.

We seek the great society in our time, for our people, and we ask our fellow citizens for their help and for their trust.

History supports us. The fate of a hundred good causes rests upon us. The faith of free nations is in us. The human heart is with us.

How, then, can we fail? We can fail only if we do not try hard enough. We can be defeated only if we defeat ourselves.

You have given me the opportunity to carry the Democratic standard in Connecticut. I will do my best to carry our message to every town and village and our message will be well received—because it is an honest message, a message of hope, a message of idealism, a message of confidence in our people and in our country.

I have taken an active part in every campaign since coming of voting age; never have I been more convinced of the rightness of our cause.

I ask for your help. I ask you to work as never before.

We must feel as though we deserve to win by 400,000 votes and work as though we will be lucky to win by 1,000 votes.

And we can rightly be inspired by the achievement and by the dedication of two men who have given us an image which we can battle for with good hearts and with high purpose: Our fallen leader, John F. Kennedy, who gave his life for the ideals for which he strived; and our new leader, Lyndon B. Johnson, who is giving every great quality of mind and body and spirit that is in him to the hour-by-hour crusade to make those ideals prevail.

Let us prepare, then, to do battle. I will meet you all soon on the campaign trail.

ALASKA HYDROELECTRIC POWER WINS HONORS FOR DAVID B. GALLOWAY OF FAIRBANKS, ALASKA

Mr. GRUENING. Mr. President, it is a source of great satisfaction to me and other Alaskans to note that the 1963 Thomas L. Stokes Resources Writing Award has resulted in special honors to Mr. David B. Galloway, executive editor of the Daily News-Miner of Fairbanks, Alaska. Mr. Galloway won first honorable mention in the contest for a distinguished presentation of hydroelectric power projects proposed in the State of Alaska.

The articles which won Mr. Galloway the award appeared in a special progress edition of the News-Miner on Wednesday, November 13, 1963, which contained a special supplement on "Power for Progress."

In this special section, it was pointed out that, although Alaska possesses a hydroelectric power potential of an estimated 19 million kilowatts, less than one-fourth of 1 percent has been utilized. Alaskans are fully aware that progressive development of these vast power resources represents the key to establishment of a sound economic base for our State.

It is of first importance that authorization be approved as soon as possible for the great Rampart Canyon Dam on the Yukon River which would supply the free world with 5 million kilowatts of power at the very low cost of 2 to 3 mills per kilowatt hour. This is the power project that will give America a hydropower facility equivalent to the giant Russian dams on the Angara and Yenisey Rivers. It will attract valuable industrial development, provide employment for thousands of people and give the great region of Alaska the economic prosperity it deserves. I recommend Rampart to President Johnson as one of the most promising contributions to victory in his valiant war on poverty.

In south-central Alaska, the Bradley Lake project, which has been authorized by Congress, will make available low-cost energy for rapidly developing industries in this region of Alaska. Bradley Lake, located in the mountains of the Kenai Peninsula, is in the area that was so badly damaged by the disastrous earthquake of March 27. The construction of this project is vital to the rehabilitation of the economy of the Anchorage-Kenai area, and I hope it will not be long before necessary funds are appropriated to make it a reality.

In southeastern Alaska, the Snettisham project, near Juneau, is badly needed to supply power for increasing development in that area and to attract new industries that will require large supplies of low-cost electric power. This project has, also, been authorized and $225,000 was appropriated at the last session of Congress for preconstruction planning of this project.

I ask unanimous consent that at the close of these remarks there be printed excerpts from the special edition of the Fairbanks Daily News-Miner describing the projects I have mentioned above, and presenting the case for hydroelectric power as a source of energy to be developed in preference to other power resources.

I join other Alaskans in offering congratulations to Mr. Galloway for his enterprise in presenting this excellent description of Alaska's hydroelectric power potential and on his receipt of a Thomas L. Stokes Award.

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

[From the Fairbanks (Alaska) News Miner, Nov. 13, 1963]

WHAT, WHERE, AND WHEN?

The Rampart damsight is located in Alaska's interior on the Yukon River about 750 river miles from the mouth of the Yukon. The dam proposed would form a great lake slightly larger than Lake Erie. By controlling impoundments of water, the reservoir will require about 20 years to fill, with power available in 7 years.

General:	
Damsite, Yukon river mile	756
Drainage area, square miles	200,000
Annual runoff, estimated acre feet:	
Maximum	118,000,000
Minimum	60,300,000
Mean annual discharge, cubic feet per second	113,000
Reservoir:	
Pool elevation, feet	660
Pool fluctuation, average feet	4
Length air miles, estimated	280
Maximum width, miles, estimated	80
Storage, acre-feet	1,265,000,000
Area, full pool, acres	6,800,000
Dam:	
Elevation, top of dam, feet	680
Height, maximum section, feet	530
Power and energy:	
Average head, feet (height above turbines)	450
Prime power, kilowatts	3,910,000
Installed capacity, kilowatts	5,040,000
Firm energy estimated (kilowatt hours per year)	34,200,000,000

[From the Fairbanks (Alaska) Daily News-Miner, Nov. 13, 1963]

POWER TO AID STATE AND NATION

Alaska's hydroelectric power potential is estimated at 19 million kilowatts but less than one-fourth of 1 percent has been harnessed.

The purpose of this section of the 1963 Daily News-Miner progress edition is to describe and illustrate projects that will develop half of this potential.

Once harnessed, this low-cost energy will enable Alaska to utilize a number of known raw material resources now lying idle. These include additional forest resources, iron and copper ores, and others of which the exploration and exploitation will be stimulated and accelerated.

The projects will also bring about benefits in flood control, navigation, fresh water fisheries and recreation.

In addition, the bulk of this energy can flow into a Pacific coast power pool to meet tremendously increasing demands for electricity. Indeed, the Alaska power will represent only 1 percent of the total electric power capacity which the Nation will need by the 1970's, and no other source of electric power will be available at such low cost.

And as a vital consideration, since this power will be able to be marketed at a lower cost than now prevails in the United States, these projects carry with them the ability to pay for themselves while still retaining a margin to amortize costs of construction and operation over a period of years.

The power picture in Alaska today is ironical. Diesel plants are generating electricity at costs that prohibit resource utilization while all around us big rivers flow and high lakes perch invitingly. Only one federally financed hydro project exists in the State at this time, the 30,000-kilowatt Eklutna project near Anchorage. Although two other projects described in this section, Snettisham near Juneau and Bradley Lake near Homer, have received congressional authorization, the great long-range potential lies in the Yukon-Kuskokwim Basin.

For centuries, the mighty Yukon has just been rolling along. Its work has been to form a delta over 100 miles square in area. Flat and featureless, boggy, silty, the delta is practically uninhabited. It is composed of all debris of banks eroded by the Yukon and the trenches it has dug.

There is something better for it to do.

The big river could turn wheels, instead of eroding banks, it could help supply the Nation's fast-growing need for low-cost power. The river could serve navigation, recreation, conservation, and development of our great State—if the river is developed.

With the United States having no other immediate prospect for large amounts of low-cost power, the Yukon is rolling along, ready and able to produce up to 8 million kilowatts of firm power, sufficient for the needs of more than 20 million homes.

First and foremost among four damsites of the Yukon-Kuskokwim is Rampart Canyon, located about 100 miles northwest of Fairbanks. Here, according to the Army Corps of Engineers, a 530-foot dam would produce 5 million kilowatts of power at the incredibly low cost of 2 to 4 mills per kilowatt-hour.

Although the other damsites offer good opportunities for development, major attention is being focused on Rampart Dam now in an effort to secure congressional authorization during the 1964 session.

The Army Corps of Engineers has declared the project feasible and is now ready to deliver its affirmative report to the U.S. Congress.

The Department of the Interior, whose bureaus are responsible for helping villagers to relocate, protecting the salmon run and habitat for waterfowl, exploring resource effects and recreational benefits—not to mention the marketing of the power—is compiling reports and recommendations of these many agencies.

Since these reports have not yet been released, it has not been possible to include their plans and recommendations in this section of the progress edition.

It is known and required by law, however, that villagers now living where the lake will fill behind the dam will be fully compensated for the lands. Because of this and because of assurance that these residents of a now economically depressed area will find employment in the construction of the dam and the logging of the Rampart Basin, most of the inhabitants are not opposing the hydro project.

"As a whole, the people favor Rampart," reports State Representative Grant Pearson, whose 137,000-square-mile Yukon area district takes in only 6,326 people but is bigger than each of 46 other States of the Union. Pearson is in favor of the project too, and he identifies himself as a conservationist.

As for fish and wildlife, the Interior Department reports when submitted are expected to make recommendations for protection of the salmon run and explore the prospects of alternate habitat for migrating waterfowl. Other aspects of the project ranging from geology to recreation will receive comment.

Although these various recommendations still remain within the Department of the Interior, enough specific and documented information has become available this year to spark a statewide campaign to construct Rampart Dam and thus help put Alaska more squarely on its feet economically with the entire Nation reaping the benefits.

Spearheading this united effort is Yukon Power for America, Inc., a nonprofit group of leaders from throughout the 49th State who are convinced—and who will convince others—that Rampart's benefits will far overshadow its drawbacks.

As genuine promoters of Alaska, they recognize the power benefits, acknowledge the need for mitigation of damage, and also realize that the dam will produce important subsidiary benefits in terms of flood control and recreation, and in creating a lake that can serve as a fresh-water fishery and facilitate the transports of hitherto untapped mineral resources.

From this total view of the Yukon-Kuskokwim hydroelectric program as a multiple-use concept emerges the inevitable conclusion that Rampart will be built to serve Alaska and the Nation.

[From the Fairbanks (Alaska) Daily News-Miner, Nov. 13, 1963]

TWO- TO FOUR-MILL POWER: CHEAPEST ON THE CONTINENT—WILL ACCELERATE GROWTH, HALT DESTRUCTIVE FLOODS

The ultimate effects of Rampart Canyon Dam cannot be judiciously weighed except from some distant historical vantage point, but it is not visionary to say that the project will accelerate the development of Alaska by 50 years.

Development of Alaska has been slow as a glacier, jerky as tidal changes in the 230 years of its recorded history. It has been a difficult country to settle, a remote and inclement place. There have been floodtides of developments, rushes of exploitation, always followed by ebbs of depression.

Rampart could iron out the way to a stable economy. It is posed on a threshold between a pioneer past that will disappear inevitably, and the future whose prospects in terms of human betterment are bright. Rampart is like a sleek prairie schooner that can reach a now distant horizon much faster than by plodding trial and error. History may say Rampart permitted the telescoping of 100 years. It's safe to say 50 years.

CHEAPEST POWER

Rampart, however, is not a slicked up prairie schooner, nor is it a science fiction time machine. It is a proposed dam. The dam proposed is of conventional design to do conventional chores by using or controlling the natural flow of water. One thing the water will do is generate electricity on a surpassing scale, exceeding the capacity of any generation plant in the United States, both in amount of energy and in efficiency.

Thus, its cost of power production will be reduced to between 2 and 4 mills, delivered wholesale in Alaska; 3 and 5 mills, delivered wholesale beyond Alaska's boundaries in Canada and the U.S. Pacific Northwest. Two to four mill power is cheaper than any power available in North America today. It nears the point of being virtually free. This kind of cost rate is not susceptible of being underpriced by anything short of

a visionary breakthrough in generation, making power available at no cost.

Rampart's ultimate power capacity will be reached when the reservoir is filled, about 20 years after its impoundment starts. Five million kilowatts will be generated then. This amount is more than is needed in Alaska now, or for many future years, if developments here adhere to a pioneer pace.

CONSERVATION NECESSARY

But there is need for a faster pace to meet the needs and measures of the Nation's growing population. The pace will not be furious, cutting a swath of brutal proportions across the land from Ketchikan to Barter, from Cold Bay to Tok Junction. It cannot mean that our parks will be violated, our fish poisoned, our game destroyed. It cannot mean that Americans will plunder and destroy like a marauding army. Rampart's development means conservation and growth, if it means anything. It would preserve and use a vital resource—the water resource. It will help to conserve wildlife and fish that are dependent on water. It would halt destructive flooding that now sweeps mountains of soil into the sea and annually threatens the safety and property of people who live by its banks.

The enormous amount of low-cost power will stimulate the growth of a basic industry in this State. Basic industry unlike secondary industries uses electric energy for its lifeblood. It uses enormous quantities of power to refine ores and process pulp for manufacturing. The power must be available in large quantities at low cost, if these industries are to remain competitive. In Rampart is the potential for the largest quantity of power from a single plant at the lowest cost in North America. That industry will utilize these advantages is as near to being certain as anything future can be.

SOLID PROSPECT

The time approaches, we are told, when technology will undersell Rampart power. Technology cannot be denied. Costs will be reduced by it. Many existing plants may become uneconomical. Yet no one, short of visionaries, sees the near approach of free power, when it will be available like air to all users. Yet Rampart power, selling at 2 to 4 mills delivered in Alaska and 3 to 5 mills in Canada and the Pacific Northwest, is the closest prospect on the continent to power at virtually no cost.

Speculating on the time and place of industrial developments will become a popular pastime in Alaska as time goes by. Where will they locate? There will be no surethings in this guessing game, but there will be clues available. Electric power is man's most adaptable servant. It can be sent where it is needed and the fare is low—it is getting lower. So this factor increases the chances, instead of lowering the odds. However, the industries will undoubtedly locate in the vicinity of existing communities where there are roads, supply centers, residences and other facilities of modern life.

There are sound economic reasons for this conclusion. Roads, cities cannot be stretched or transferred as readily as electric power.

But the clue is a tricky one if for no other reason, because the construction of Rampart will probably mean the building of many new roads, railroads, airports, and towns to back up the mammoth project. Where will these be located? Let's say they will be where they can do the most good and leave the rest to you.

Another interesting speculation will center on the size of the to-be industry. Again, there will not be any sure bets. It's probably safe to say that the size will not exceed the amount of low-cost power available to run it.

GETTING STARTED

How big is that? If only Rampart is considered, then the industry will not be any industrial giant like Pittsburgh or the Ruhr Valley in Europe. The Rampart energy contribution is said to be less than 1 percent of the total needed for industry in 1990. Thus the size is within the realm of speculation. There are other variables concerned, however.

A person shouldn't forget that Alaska has many other potential sources of low-cost power that may be on the line by 1990. If they develop, the size of the industry in Alaska can be tripled. Will that make it an industrial giant?

Not very likely, because 15 million kilowatts of power is said to be somewhat less than 1 percent of the total required by industry in 1990.

NUCLEAR POWER WOULD BE COSTLIER; DANGERS CITED

Concerned over the size of Rampart Lake and wildlife displacement, some conservationists have suggested that nuclear energy would be preferable to the Yukon hydroelectric plant to generate power, but other conservationists have expressed concern over the potential threat of nuclear radioactive wastes to all forms of life.

From the viewpoint of cost, Rampart power would be cheaper than that from a nuclear reactor. Net energy costs of nuclear electricity between now and 1978 range from 6.17 to 8.60 mills.

Looking ahead, the Atomic Energy Commission reports that "potential" types of reactors might produce electric power from 4.24 to 5.57 mills power kilowatt-hour.

Rampart power would cost from 2 to 4 mills.

Danger from radioactive wastes is another factor. In last month's issue of Harper's magazine, David E. Lilienthal, first chairman of the AEC, indicated this danger has been minimized and that any accident involving disposal of the "furiously radioactive" wastes could have terrifying consequences.

[From the Fairbanks (Alaska) Daily News-Miner, Nov. 13, 1963]

WHERE POWER COSTS COULD BE CUT IN HALF

Growth on the Kenai Peninsula of Alaska has radiated from a 200-mile modern highway, surfaced in the 1950's. The peninsula population has more than doubled since the road was improved.

The road was a first long step taken toward development of the underslung jaw of land forming the southeastern shore of Cook Inlet. Homesteads now form checkerboard clusters along the shiny black-topped path.

In the era of the road, a new town was born at Soldotna. Older towns have acquired young ideas about growth.

Discovery of oil and gas is the second growth factor on the peninsula. The economy has soared, as a result on the peninsula and elsewhere in Alaska. The pioneer pathlessness of the Kenai is now rapidly disappearing.

Farming is out of its infancy, taking a few strides forward. The farmland there is as productive as any in Alaska for dairy and truck farming. Full scale development of farming awaits more adequate markets. Some day the peninsula population may grow into a major market for the luscious homegrown vegetables and dairy products.

The oil industry, meantime, has developed from the test well stage to the refinery stage. Thus in 6 years gas is pumped from Kenai fields to Anchorage. Plans are afoot to build a gas liquifying plant on the peninsula to supply a Tokyo utility.

Meantime, the long-established commercial fishing industry has expanded operations. For many years salmon and halibut were the cash catches. The shrimp, crab, and bottom fishing resources were left untouched. Within 5 years this has changed. Crab and shrimp fishing has become a mainstay of commercial fishing at Seldovia, Seward, and Homer. Commercial use of clams and bottom fish is being explored.

There is plenty cooking on the peninsula today. More has come in 15 years than in the preceding 150 years of settlement.

"It's a start," concedes Businessman Homer Thompson, of Homer.

He readily admits there is a soft spot for growth in the immediate future. The cost of power today is the obstacle. Fifteen mill power at wholesale price makes many developments uneconomical. He hopes the price can be reduced to a reasonable level buttoning up the future.

For lower cost power the peninsula looks to a hydroelectric project with delivered cost rates reduced to half what they are now. The Bradley Lake project would do this. It is a scrawny-necked perched lake. Its clammy gray waters look like an acid bath in a pit of its own making.

The lake is formed in a mountain terrace overlooking Kachemak Bay, about 25 miles southwest of Homer. It drains a 75-square-mile area of ragged peaks and icefields. The glacial till—granite ground fine as face powder—colors the water gray.

From the outlet of the 7-mile lake, the water pitches down a steep incline to the bay.

SIXTY-FOUR THOUSAND KILOWATTS BY 1969

Bradley is in a remote place, inaccessible except by floatplane. It offers little in the way of fishing, hunting, or scenery. Its main opportunity is in the unused muscle of its falling water. Army Engineers propose to harness this 1,100-foot head of water to turbines located at tidelands.

In a project that has been authorized by Congress, the lake's outlet would be plugged by a small concrete dam. The lake would become a reservoir. A tunnel will be poked through the bronzed mountains, channeling the lake discharge to a powerhouse site.

The project can be generating 64,000 kilowatts by 1969, and not a minute too soon, if the Kenai's rapid development pace is to be maintained.

Initially an access road would be built scaling the mountainside, about 7 miles long, to the damsite. Supplies will be delivered by barge to a tideland staging area and relayed via the mountain road to the dam.

Shortly after project work begins, the 2¾-mile tunnel will be drilled through. The 11-foot tunnel will link the lake discharge to a surface laid steel penstock, 8 feet in diameter, eight-tenths of a mile long, connecting with the turbines at Battle Creek.

Engineers plan to install three 21,300 kilowatt generators at the river plant. They will roll out a total of 280 million kilowatt-hours of energy annually.

This amount of 7- to 8-mill power is what the peninsula needs to keep its bandwagon moving along.

Most of the transmission lines to deliver the power beyond Homer are already built. When the power gets to Homer, it can be delivered as far away as Anchorage, if needed, by the flick of a switch.

[From the Fairbanks (Alaska) Daily News-Miner, Nov. 13, 1963]

PERCHED LAKES PROVIDE NATURAL STORAGE—SNETTISHAM NEAR JUNEAU, BRADLEY LAKE NEAR HOMER

Perched alpine lakes and long tunnels will provide early-term low-cost power to meet soaring Alaskan power demands.

These are hydroelectric projects—without dams at Snettisham—and with very small dam structures at Bradley Lake.

The two are nearing the construction stage. Snettisham has a $225,000 appropriation request in this year's Federal budget. Studies are complete on the Bradley Lake project. It has been authorized by Congress.

The power can be produced and sold to prime markets in Juneau and the Kenai Peninsula for lower rates than power from existing generation plants. The project plants will produce power for as low as 7.5 mills delivered. Bradley has a 64,000 kilowatt capacity; Snettisham, 60,000 kilowatts.

NATURAL FACTORS

A combination of natural factors makes for economical generation. The high lakes located in summit areas provide natural storage and "head"—both essentials to hydropower.

The head or height above the turbines at Bradley is 1,100 feet, and 1,000 feet at Snettisham. This means each cubic foot of water multiples its potential generation capacity three times over what it would be at a typical hydro project.

The water will be channeled through tunnels to the two powerplants located near tidewater. Access for construction and operation of the plants will be by ocean commerce, reducing development and operational costs.

The three lakes are located in steep glaciated terrain, difficult to reach. Tunnels will link the lakes with the shoreside plants.

The tunneling work will be interesting since it will be on a large scale. Snettisham tunneling will extend over 2½ miles. One tunnel to Crater Lake will be over a mile long and 7 feet in diameter. The second tunnel connecting Long Lake will be a mile and a half long and nine and a half feet in diameter.

REFILLING NO PROBLEM

At Crater Lake, the tap will be under 200 feet of water when the lake is at its normal level. Building the intake structure will pose a difficult construction problem. Since underwater construction at that depth isn't practical, a tunnel will probably be dug to the lake to drain it for construction. Refilling the lake is not a problem. It is abundantly fed by snow, rain, and runoff from blanketing glaciers. The same draining procedure probably will be followed at Long Lake at a later date when the additional generative capacity is needed. Pulling the plug on the tunnel will be tricky.

This may be done remotely. A demolition crew will set up the charge and clear the tunnel to fire it. They will be hoping that the plug holds until they are clear and then they will pray for the dynamite to break the rock seal so they won't have to reset the charge on a weakened face being pressed by tons of glacier water.

Bradley Lake project calls for 4 miles of tunnels and penstock channeling the 1,100-foot head to a tidewater powerplant. It will also involve construction of a dam raising the natural lake level about 100 feet, providing a total usable storage for 311,000 acre-feet of water. The reservoir is fed by glaciers and seasonal runoff—water that now tumbles unharnessed to Kachemak Bay.

The projects' construction cost is $84,500,000 total—$47,700,000 for Bradley Lake and $36,800,000 for Snettisham.

Engineering feasibility studies were conducted by the Bureau of Reclamation at Snettisham and the U.S. Army Engineer District, Alaska, at Bradley Lake. The engineers noting the marked similarities of the two Alaska projects using alpine lakes for storage—point to many other perched lakes in Alaska having characteristics suitable for hydro developments. These may be developed if power markets grow within feasible transmission range.

The construction and design of the two lake projects will be supervised by the Alaska District, Corps of Engineers.

[From the Fairbanks (Alaska) Daily News-Miner, Nov. 13, 1963]

THE CASE FOR HYDROPOWER: FOUR REASONS

(EDITOR'S NOTE.—The following address, entitled "The Case for Hydropower," was presented last year by Charles Sargent, dean of the College of Mathematics, Physical Sciences and Engineering, and professor of civil engineering at the University of Alaska.)

The position of the United States as a world power was achieved through the exploitation of our industrial ability. This ability was created through our economic and political system and through the development of our abundant resources. It does not appear likely that we can maintain our position by any other method than continuing to exploit the same industrial ability.

If our country's economy is based upon industry, then power, from whatever source, is the key to our continued prosperity; as industry lives on power and can thrive only if new supplies are developed.

During 1960 (referring to the 1961 statistical abstracts of the Bureau of Census), the United States was using power at an annual rate of 44.8 by 1,015 B.t.u. This is an electrical equivalent of 13.14 trillion kilowatt-hours. Of the total power used, 23 percent was produced from coal, 42 percent was produced from petroleum, 31 percent was produced from natural gas, and 4 percent was produced from nonexhaustible sources such as hydropower.

Since numbers expressed in tens of thousands of trillions of B.t.u. may be relatively meaningless to you, a breakdown into quantities of fuel may be more meaningful: Coal—430 million tons; petroleum—157 billion gallons; gas—4.6 trillion cubic feet.

If all this fuel were petroleum of average heat value, it would have required a pipe 60 inches in diameter, with oil flowing constantly at 55 miles per hour to supply the U.S. power requirement during 1960.

No one actually knows how much fossil fuel exists in the earth's crust and, indeed, known resources seem, for the present, to increase at approximately the rate of consumption. But, every thinking person realizes that the supply is not inexhaustible. Continued use of fossil fuels for power purposes will entail greater cost—soon it will no longer be economically possible to supply our power needs by this means.

To conserve the fossil fuels as a valuable raw material for industry, to conserve fossil fuels primarily for transport power, and to conserve for future generations some of the earth's resources which are their heritage as well as ours, becomes a necessary goal when considering new power development.

Today we are existing upon the amount of power available, but what about tomorrow? We have all heard about the population explosion, the explosion of knowledge, and the relative "pop" of the nuclear bomb. Do these portend a need for more or less power? What may we expect as the power requirement for the United States during the next few decades?

A forecast, based upon our past experience, can be used as an estimate for the future:

The 1960 population of the United States was 178 million people, and the rate of increase shown over the previous decade was 1.65 percent annually—an annual increase of 1.44 percent over the decade preceding 1950. Using average increases since 1920 and the average increase in rate since that time, the increases for the next four decades would portend populations of 213 million in 1970, 258 million in 1980, 319 million in 1990, and 398 million in the year 2000. This estimate, if valid, means a 2¼-fold increase in population by the end of the century.

Technical knowledge has been showing a 100-percent increase every 15 years, based upon the amount of published information; new industry tends to follow closely the increase in technology. Past experience also shows a per capita increase in the use of power.

Using coefficients calculated from past per capita power requirements applied to estimated future population, the power requirements for the following four decades from fossil fuels will be approximately as follows: 1970, 64 by 1,015 B.t.u.; 1980, 99 by 1,015 B.t.u.; 1990, 165 by 1,015 B.t.u.; 2000, 296 by 1,015 B.t.u.

Using the pipeline analogy again, the above is equivalent to the heat produced from oil flowing at a rate of 363 miles per hour in a 5-foot pipe, or 10,480 cubic feet per second. This is much more than the estimated minimum rate of flow of the Yukon River.

My purpose in presenting these figures is not to confound you with large numbers, but to point out that it is essential that we change our method of producing power. One of the nonexpendable power sources is hydroelectric power; other practical methods are yet to be developed.

Nuclear energy is not a nonexpendable source and still involves many waste disposal problems—use of the fusion, rather than fission, process may be the answer but technology has yet to come up with a method of harnessing such energy for peaceful use. Direct solar energy may be another possibility.

Alaska, with its great hydroelectric potential, is one of North America's hopes for future power, as is Canada.

The estimated potential hydroelectric power which can be developed in Alaska is probably in the region of 25 million kilowatts; of this amount about 14.4 million kilowatts could be produced from the 10 largest projects now proposed; 14.4 million kilowatt-years is equivalent to about 0.11 times 10 (to the 15th power) B.t.u.'s per year; this is a bit less than one-fourth percent of the amount of the total power used in 1960 in the United States and may seem insignificant when compared to the requirements for the year 2000. It is not insignificant when compared to present values of fossil fuels. This power, converted to quantities of fuel, would save 4.6 million tons of coal, or 917 million gallons of oil, or 37 billion cubic feet of natural gas.

Oil is our most valuable portable fuel, particularly for use as motive power—the present value of crude oil is about 10 cents per gallon. Full development of the 10 dams and proper distribution of the output could mean a conservation of $917 million worth of oil per year for other uses.

If we consider Rampart Dam by itself, the annual savings in oil would amount to $286 million per year. This is about one-fifth of the estimated total cost of the proposed project.

For the conclusion of this statement, I would like to summarize:

1. The growth of industry in our country will demand more power.

2. The use of fossil fuels for stationary power is robbing future generations of their raw material sources.

3. Hydropower more than pays its way in conservation of fuels and the reduction of air pollution.

4. Finally, these structures are needed now.

ALASKA'S HOMESTEADERS AND THE GOOD FRIDAY EARTHQUAKE

Mr. GRUENING. Mr. President, one of the conspicuous and heartening aspects of the great disaster which struck

central Alaska on Good Friday is the courage and tenacity of its people. Theirs is the pioneer spirit.

An excellent article which throws light on this subject, entitled "They're Still Homesteading in Alaska," by Christine McClain of Anchorage, appears in the July issue of Coronet magazine.

I ask unanimous consent that this article be printed at the conclusion of my remarks.

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

THEY'RE STILL HOMESTEADING IN ALASKA

(By Christine McClain)

The earthquake that smashed the bustling city of Anchorage, Alaska, on Good Friday, March 27, proved one thing about the Alaskan temperament. It's as tough and tenacious as the frozen acres that make up Alaska's homesteads—last outposts of the restless pioneers who pushed America's frontier from the Appalachians to the Pacific.

Anchorage is the gateway to the last frontier, the only Federal lands still available under the century-old Homestead Act. And when Q-day concentrated its violence on Anchorage, it also created havoc among the log cabins and crude shacks of the Kenai Peninsula and Susitna Valley, where homesteaders have struggled to free the virgin land of stumps and rocks to take advantage of the brief summer growing season.

For many of the homesteaders, Alaska is a bleak and hostile expanse, thousands of miles from their former homes and friends. Its climate is cruel, its prices are high, its opportunities are limited. But like his ancestors, who tamed the deserts and prairies of the Old West, the Alaskan homesteader grumbles but refuses to quit. In most cases, his first reaction to one of the worst earthquakes ever recorded was to minimize its effects and then to make necessary repairs before resuming his familiar battle with the elements.

Homesteading, with the exception of Alaska, vanished from the American scene 70 years ago. Homesteading had a meaningful purpose for our forefathers—to establish a home, cultivate the land and rear a family. Any modern Alaskan homesteader will tell you the hardships haven't lessened. What has drastically changed is the pace, method—and the motivation.

A survey by the Bureau of Land Management shows that of all the homesteads patented in Alaska, only about 12 percent (400 homesteads or 80,000 acres) are being used for farming. An estimated 1,000 homesteads, or 130,000 acres, are being used solely for residences.

If not farmers, who are the homesteaders in the 49th State? And what is their purpose?

Max Pierce, a Government employee in Anchorage, and his wife, Ruth, a substitute teacher, are typical of today's Alaskan homesteaders. They include professional men and laborers, retired servicemen and Federal employees. Most have a common goal—a home away from the city, yet within commuting distance. Elsewhere it might be a suburban home or summer cottage. In Alaska it's a homestead.

Max and Ruth are in the age group of the majority of homesteaders—between 30 and 45 years of age. Max admits to being in his forties. He's 6 feet tall and his crewcut is graying.

Max has no fantasies about his undertaking. The memory of his boyhood days in Roy, Mont., was not a pleasant one. In his early youth, he had soured on country life. But in Alaska, he found a challenge.

"When I decided to homestead," said Max, "I knew Ruth would go along with the idea. Now she's the one who doesn't want to come back to town. She'd stay the winter, if she could."

But Ruth has firsthand knowledge of homesteading. She comes from a family of sturdy pioneers. Nearly a hundred years ago, her grandfather, Samuel Moon, received his homestead patent signed by President Ulysses S. Grant. Today, back in Villard, Minn., her mother still owns the original farm.

The Homestead Act dates back to 1862, 5 years before Alaska was purchased from Russia for $7,200,000. It authorized free settlement on public land, provided settlers cultivated the land, made improvements, farmed it for 6 months and took no more than 160 acres. After 6 months a settler could purchase the land for $1.25 an acre. Or after 5 continuous years, for a filing fee of $15, he could receive a patent or title to the 160 acres.

Today's basic requirements are the same. One must be 21 years of age, a citizen or an applicant for citizenship, and only the head of the family can file for a homestead. But some of the law's provisions have been modified.

In 1953, for example, under the then existing law, 40-year-old Fred Kimbrell filed for a homestead in the Little Susitna River area. He had to clear and cultivate 10 acres, then construct a habitable dwelling. For 14 consecutive months, he commuted 160 miles to and from work by plane. By 1956, he'd met the requirements to purchase the land and obtain his title. Today, he grows hay and produce, and has several head of cattle. When he retires as a Government courier and truck driver, his farm will be self-supporting.

A veteran can obtain his patent with less restrictions. For one thing, a veteran is given credit for his number of years in service, up to a maximum credit of 2 years, against the required period of residence and cultivation on the homestead. Further, he is not bound by law to have one-eighth of his acreage under cultivation at the end of the third year, as is normally the case.

A good example is John R. Nichols, a Government field engineer approaching 60. In 1959, he filed for a homestead in the Wasilla area. Nichols obtained a patent in a year's time. Cost: $16.

"It was my wife's idea," explained Nichols. "Dorrie had retired from teaching, the children are grown and it was something to do. She tramped about the country, waded through streams and had soil tested before selecting the site."

Nichols quickly put up a comfortable 20- by 36-foot cabin for less than $3,000. His major expenses were plumbing, which cost him $700; digging a well was $10 a foot (water was reached at 159 feet) and the pump cost $500. The cabin is electrically equipped, including a dishwasher. The kitchen and shower are finished in ceramic tile.

"It's real nice," said Nichols, "but it took a lot of hard work, especially clearing the land. But it gave me something to do. A job like mine doesn't give me much exercise or fresh air."

Despite lack of homestead land elsewhere in the Nation, Alaska's 365 million acres have not attracted many settlers. Back in 1916, there were 400 homesteaders in the coalfields of the Matanuska Valley, but by 1934 there were only 50 left.

Then, in 1935, the Government assisted 200 new families in establishing their farms and homes in the Matanuska Valley. But it took World War II for the colonists to realize any revenue from their hard efforts. The military forces stationed in Alaska suddenly created a demand for fresh produce and dairy products. The continuing demand brought about an Alaskan population explosion, as a cross section of Americans grabbed the "free and suitable" farmland to establish a home after hostilities ceased. Homesteading reached a new high.

Choice land was quickly taken. As recently as 1959, when 42 homesteaders left their Michigan homes in trailers, trucks, and buses with all their possessions, they were bitterly disappointed to find no available land on the desirable Kenai Peninsula, south of Anchorage, warmed by winds blowing over the Japan Current. Finally, they settled on unsurveyed land in the Susitna Valley, 6 miles west of Talkeetna and about 75 miles north of Anchorage.

Today only about a third of would-be homesteaders will be able to fulfill the requirements for eventual title. But there are 2,000 applicants ready to try.

Distance is a major obstacle. From Anchorage to Butterfly Lake, where the Pierces have their homestead, is 25 minutes by plane. Driving is possible only in the winter, and it's a 2½-hour trip one way. Since Max had to commute to and from his work in Anchorage to comply with the 7 months' residency requirement, he took flying lessons. Today he owns his own plane.

While it's roadless in summer, Max and Ruth can drive a bulldozed "cat trail" through the timber to their homestead in the winter. Where roads end, frozen rivers or lakes make ideal highways. Still, it's always hazardous driving in temperatures rarely above freezing.

Ruth vividly recalled one occasion. Bravely, they loaded a rented military-type truck with supplies, including 16 barrels of fuel oil and aviation gas, and started out. Between 8 and 10 inches of crusted snow covered the ice and ground beneath it. The rear wheels went through the ice at the first crossing of the Little Susitna River. They used the truck's winch to haul themselves out. Max handled the cable, Ruth operated the winch gears and drove the truck. At 11 p.m. they ran out of gas.

"We had to walk the last mile to a neighbor's," Ruth said. "We were wet and hungry."

Furthermore, they'd used 49 gallons of gas for a trip of less than 100 miles—at the Alaskan rate of 48 cents a gallon.

The next morning they started out again, winching over hills and digging out of drifts. Finally, 50 hours later, they parked the truck beside their cabin on the lake.

Homesteading by air creates problems that early settlers never knew existed in the days of the covered wagon or ox-driven team.

The Pierces have found the homestead costly, because most of their supplies and household goods are airlifted by helicopter or plane. Fortunately, their combined income, between $12,000 to $17,000, allows for many extras.

"We don't live on beans," said Max, "but it takes a good, steady income to homestead."

In the opinion of Jack Linton, a bank official and homesteader himself, one should have an income of at least $8,500, but it depends largely on the size of the family.

"When money runs out," he said, "it's rough—banks are reluctant to loan to homesteaders, and rarely do."

The reason is logical. Homesteaders cannot mortgage land that does not belong to them.

Linton and his wife, Kay, are homesteading in the Matanuska Valley. Kay has plenty to do caring for their two small children. From May to December, Linton commutes to Anchorage, driving 120 miles a day.

He, too, encounters driving problems, especially in the spring when the roads are soft. The bottom goes out, or a river may rise and wash out a bridge. He's carried furniture and groceries on his back across a river and even rolled a 50-gallon oil drum across the ice to the homestead.

The largest single expense for homesteaders is clearing the land of roots and burning out stump rows from felled trees. Few,

if any, have the necessary experience or equipment, and hired labor must be employed. Max Pierce spent well over $1,000 for 46 hours of clearing, excluding 6 hours of travel time each way for the operator. Cost of clearing depends largely on the density of timber and location—from $100 to $150 an acre. Max saved some money by clearing the trail to the cabin and the lake front of brush and trees.

No self-respecting architect would approve the hodgepodge designs of homesteaders' dwellings—but they are habitable in accordance with Bureau of Land Management regulations. One may prefer a trailer with a lean-to, another a prefab structure, still others a log cabin.

Eventually, Max and Ruth will construct a log cabin from the native timber on their land. Today, their temporary home is a 380-square-foot domed structure, similar in appearance to an igloo. Max had to dig the footings, then put in the floor, doors and windows and protect the roof with a plastic covering.

Max and Ruth find summer months ideal for homesteading. One reason, more work can be accomplished during long daylight hours, when it's still daylight at midnight. And flying weather is more favorable for a commuting homesteader. Temperatures range from 45° to 57° for about 4 months.

Ruth doesn't leave the homestead until they move back to Anchorage for the winter. Isolation doesn't bother her, and she always has something to do.

"Without pushbutton conveniences," she said, "everything takes longer."

Washing involves bending over an old-fashioned tub and then rinsing the laundry at the lake. Usually Ruth sends the sheets and shirts out.

Shopping must be carefully planned, but Ruth is more fortunate than most homestead wives. Should she forget something important, Max can make the trip in an hour or less. He does all the shopping.

Max's birthday present to her, a three-burner propane gas stove, lessened cooking and baking time considerably. She now bakes bread every other day. Before, she had to use a Coleman stove.

A permanent newcomer to the homestead last year was a dog named Herman von Schmidt II, later shortened to Bark-Bark. His barking warns Ruth of animal intruders—bear, moose, or porcupine. Before Bark-Bark, a porcupine chewed the end of the davenport arm and the front of one of the beds.

Mosquitoes are another problem, but they do not stop Ruth from berrypicking or puttering in her small garden. She raises enough vegetables for their summer use, including lettuce, green onions, cabbage, radishes, and broccoli.

When November comes, Max and Ruth make their home in a small, modern Anchorage apartment. But they check the homestead during the winter and sometimes spend weekends there.

Last January, they stared unbelievingly at the mess caused by a dead tree that had caved in the roof. Snow was now piled on the floor, covering furniture. Worst yet, a midwinter Chinook thaw was slowly melting the snow.

It's taken less to make people leave a homestead. Undaunted, Max and Ruth cleared the debris and put the water-soaked furniture and bedding outside to dry.

On Q-day, bad flying weather kept the Pierces from spending the weekend at the homestead, and the earthquake's tremors caught them in the Anchorage apartment.

"I got a gashed nose when a mixing bowl bounced out of a cupboard," Ruth said. "Otherwise, we didn't suffer much damage."

With so much work to be done in Anchorage, Max wasn't able to get to the homestead for 2 weeks. Then he landed his ski-equipped plane on the cracked and mud-splattered ice of Butterfly Lake. An inspection of the property showed only some broken glass.

Like most other homesteaders, the Pierces feel they are safer from earthquakes on their land than in the city. As proof, Max Pierce pointed out that some of the severe aftershocks that rocked Anchorage after Q-day were not even felt at the homestead.

Most of the other homesteaders agreed that they would carry on as before, even though the quake had hurt them economically. Jack Linton, who was cut off from the rest of the world for 24 hours when the shock knocked out the road and telephone and powerlines, is going to stick it out.

"I've done too much hard work to give up," he said.

John Nichols, who had still not been able to visit his homestead some 3 weeks after the quake, added: "I'm not giving up either. It's too good a thing."

Obviously it will take more than an earthquake to stop Alaska's newest and toughest generation of homesteaders.

AMERICAN LEGION IN ALASKA SUPPORTS FOREIGN INTEREST RATE FOR ALASKA'S DISASTER LOANS

Mr. GRUENING. Mr. President, this morning I received a statement of policy adopted by the executive committee of the American Legion, Department of Alaska, concerning disaster loans which will, I believe, be of interest to my colleagues and to all readers of the RECORD.

Here is the heart of the statement:

The construction season in Alaska is of short duration and long term, low interest mortgage money must be made available now if many of our businessmen are to survive. Loans to qualified Alaskans at a rate of interest and on terms comparable to loans made under the foreign aid program will do much to bolster the economy of the stricken State.

The American Legion, Department of Alaska, quite properly urges the Small Business Administration to make disaster loans available to Alaskans at the lowest possible rate of interest.

In its statement of policy the State executive committee terms as inconceivable the unalterable fact that loans are made under the foreign aid program to countries in which there has been no disaster at more favorable terms and at a rate of interest lower than the rate charged to citizens of this country.

The American Legion, Department of Alaska, opposes what it describes as "the double standard now in effect" and urges "our Government to act with dispatch to do for our own people what we are doing for foreigners abroad."

I ask unanimous consent that the full text of this statement of policy, adopted in Anchorage on June 7, 1964, be printed in the RECORD.

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

STATEMENT OF POLICY

On April 30, 1964, the American Legion National Executive Committee unanimously adopted a resolution urging, inter alia, that all Federal agencies facilitate the reconstruction of Alaska with a minimum of redtape and delay and with compassion for the victims of the recent disaster.

Since the Good Friday earthquake and seismic sea wave destruction Alaskans have received repeated assurances from the Federal agencies of immediate assistance to the private sector of their economy. Due to redtape and delay, however, we fear that such assistance will be too little and too late. The construction season in Alaska is of short duration and long term, low interest mortgage money must be made available now if many of our businessmen are to survive. Loans to qualified Alaskans at a rate of interest and on terms comparable to loans made under the foreign aid program will do much to bolster the economy of the stricken State.

The American Legion urges that the Small Business Administration make available disaster loans to Alaskans at the lowest possible rate of interest. We recognize there are administrative problems involved, but it is inconceivable to us that loans made under the foreign aid program are made on more favorable terms and at a rate of interest lower than the rate charged to American citizens who are victims of a disaster of this magnitude. We believe Senator GRUENING is right in his insistence that American citizens be treated as generously as borrowers under our foreign aid program where there has been no disaster. We are opposed to the double standard now in effect and urge our Government to act with dispatch to do for our own people what we are doing for foreigners abroad.

I hereby certify that the above and foregoing statement of policy was duly adopted at a meeting of the Executive Committee of the American Legion, Department of Alaska, convened and held at Anchorage, Alaska, in accordance with the bylaws of said organization on the 7th day of June, 1964, at which a quorum was present, and that such statement is duly recorded in the minutes of said meeting.

———, *Department Commander.*

SIX-STEP PROGRAM TO REVISE BUDGET FEATURES—THE REPUBLICAN CRITICAL ISSUES COUNCIL

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point an important statement on fiscal policy for national strength and prosperity issued by the Republican Critical Issues Council of the Republican Citizens Committee.

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

WASHINGTON, D.C.—The Republican Critical Issues Council made a frontal attack today on the Kennedy-Johnson "expenditure explosion" and proposed a six-step program to revise budget procedures, reduce expenditures, cut taxes, reduce unemployment, and boost prospects for national economic growth.

The key recommendation of the council, which is headed by Dr. Milton S. Eisenhower and sponsored by the Republican Citizens Committee of the United States, is for the creation of "an independent, bipartisan citizens advisory budget committee. The committee would have a fourfold function:

1. To recomend cuts in Federal Government spending.

2. To recommend assignment of expenditures to Federal programs that represents the "citizen's concept of what our spending priorities should be."

3. To suggest a better form for the budget that would abolish "dressing up the budget accounts for image purposes."

4. To improve the budget-making process so Congress could look at the budget "as a whole rather than merely on a piecemeal basis."

The council report, the ninth in a series on major national and international problems, was drafted by Dr. Raymond J. Saulnier, Chairman of the President's Council of Economic Advisers, 1957–61, and now a professor of economics at Columbia University.

It warned that the administration has posed the risk of "creating potentially troublesome imbalances in the economy" by concentrating tax reductions this year. The council favors spreading tax cuts over a longer period.

The paper said that the concentration of the tax cut in 1964 may have "gravely impaired the revenue-gathering capability of the Federal Government * * * and limited the availability of fiscal measures for helping to offset any economic downturn that may develop in the near run."

In an examination of unemployment problems, the Republican group charged that "the administration places undue reliance on across-the-board tax reduction." It said greater emphasis should be given individual job training, counseling, and placement to fill vacancies already existing.

"The danger in the administration's approach to the unemployment problem is that it will produce harmful side effects in the form of cost and price increases and economic imbalance without providing any appreciable and lasting solution," the council declared.

If the tax system produces additional revenues every year it should be possible to reduce tax rates if, as the council recommends, "the Federal budget is kept reasonably close to balance, and if the tendency for Federal spending to increase is restrained." Such additional revenues should be systematically divided among tax reduction, increased support for essential programs, and debt retirement.

Furthermore, the council asserted, "as we move into the next phase of tax reduction, top priority should be given to changes in the tax laws that will enhance the enterprise economy's capability for creating jobs and increasing incomes."

The Government should be planning now for regular annual reductions in the general level of individual and corporate tax rates said the council, adding:

"In addition, steps to eliminate those excise taxes that were introduced as emergency measures should be taken as promptly as possible, along with steps to remove the inequities and needless complexities that remain in the tax law."

Finally, the Republican group said that a good rate of economic growth would speed progress along these lines. "But no rate of economic growth will suffice as a basis for constructive, noninflationary tax reduction if efforts are not made to eliminate unnecessary Federal spending and to prevent unwarranted expenditure increases."

Members of the Critical Issues Council are: Dr. Milton S. Eisenhower, chairman; Elliott V. Bell; Adm. Arleigh A. Burke, U.S. Navy (retired); Arthur F. Burns; Albert L. Cole; James H. Douglas; Marion B. Folsom; Thomas S. Gates; T. Keith Glennan; Oveta Culp Hobby; Walter H. Judd; Mary P. Lord; Clare Boothe Luce; Deane W. Malott; James P. Mitchell; Gen. Lauris Norstad, U.S. Air Force (retired); Don Paarlberg; C. Wrede Petersmeyer; Samuel R. Pierce, Jr.; Charles S. Rhyne; Raymond J. Saulnier; Lewis L. Strauss; Walter N. Thayer; Henry C. Wallich.

Full text of the council's statement on tax and fiscal policy is attached.

Fiscal Policy for National Strength and Prosperity

Fiscal policy and the citizen

Few economic policy issues affect the citizen more deeply than those with which this paper is concerned: the amount of personal and business income that governments—Federal, State and local—take in taxes, and how taxes are levied; the amount that Government spends, and what it spends on; whether spending is matched by taxes, and how Government deficits are financed.

How Government handles these matters affects the prosperity of every American and of the Nation as a whole by its impact on jobs and incomes. It also affects the welfare and security of the citizen through its impact on prices and thus on the value of the dollar. More than that, fiscal policies are crucial to the Nation's basic strength through their impact on the relationship between government and the individual and on the vitality of the enterprise system on which our national economic strength depends. In short, how fiscal problems are handled is the keystone of the whole structure of public policy.

Fiscal issues are considered in this paper, first, by reviewing the history of spending and of tax policy during the Kennedy-Johnson administration to date; then by pointing out the major risks involved in the administration's handling of fiscal problems; and, finally, by a discussion of the leading fiscal policy questions that remain unsettled. The object is to put forward a constructive point of view, in the Republican tradition, on economic problems that are among the most important facing Americans today.

Fiscal history of the Kennedy-Johnson administration, 1961–64

A 4-year expenditure upsurge

The fiscal history of the Kennedy-Johnson administration, from its start to this date, has been marked by very large and uninterrupted annual increases in spending. In January 1961, the outgoing administration had estimated that budget expenditures in the fiscal year 1961, a fiscal period at that time half completed, would total $78.9 billion. When the fiscal year was over, however, less than 6 months after the new administration had taken office, the spending total had reached $81.5 billion. Part of this $2.6 billion increase was attributed to an underestimation of expenditures by the outgoing administration; but the new administration's capacity for accelerating expenditures was decisively demonstrated when spending in the fiscal year 1962 increased by $6.3 billion, reaching a total of $87.8 billion. This was a 1-year increase 4½ times larger than the average annual increase of expenditures in the 8 years of the Eisenhower administration. What is more, it set a rate of annual increments to spending that has been maintained to date. From fiscal 1961 through fiscal 1964, inclusive, annual increases in administrative budget spending averaged four times as large as in the previous 8 fiscal years. Using the most recent (May 22, 1964) estimates of administrative budget expenditures, spending will have risen by the end of the current fiscal year to $98.3 from $76.5 billion in fiscal 1960, an increase of $21.8 billion. Over the same period, requests for new obligational authority (NOA), which are requests made by the Executive branch to the Congress for authority to spend in a given fiscal year or later, will have risen, as reported in the January 1964 budget, from $79.6 to $102.6 billion, an increase of $23 billion. In the process, deficits of $25.4 billion will have been incurred in the administrative budget. As of May 1, 1964, the public debt was $308 billion, up from $290 billion at the end of 1960, and by the end of May 1964 steps were being taken at the administration's request to raise the statutory public debt ceiling to $324 billion.

Tax measures in 1961–62; the investment tax credit and liberalization of depreciation rules

During the early period of the Kennedy-Johnson administration it was repeatedly asserted that the precarious position of the U.S. balance of international payments, which had deteriorated rapidly toward the end of 1961 following an improvement earlier in the year, limited the use of monetary policy as a means of spurring the economy and dictated that reliance be placed largely on fiscal measures. Whatever the implication of this point of view regarding the use of monetary policy to influence the course of the economy, and it must be noted that it did not prevent the money supply from being expanded in 1961 and later at exceptionally high rates, there was little use of tax policy in this early period as a means of stimulating the economy.

Reliance was placed on increases in spending. An opportunity to make proposals for tax adjustments was passed up on February 2, 1961, when the administration submitted to the Congress a list of proposals to help promote recovery from the short-lived 1960–61 recession, by that time virtually ended. All that the message said on tax policy was that "reform" suggestions would be submitted later and that they would involve no net revenue loss. The one specific reform mentioned, and a pertinent one in the situation, was an investment tax incentive to encourage businesses to increase their expenditures for the expansion and modernization of productive facilities. It was not until April 20, 1961, that an actual proposal for the investment tax incentive was put forward. This was accompanied by proposals for so-called loophole closing, calculated to raise enough revenue to offset what would be lost through the investment tax incentive. Even then, no draft of legislation was submitted by the administration.

In the absence of a draft of legislation, the language of a highly complex and controversial piece of tax law had to be worked out in committee. Final action on the measure was not taken until October 16, 1962, a year and a half after the proposal had first been made. Furthermore, the investment tax incentive that Congress adopted was more sensible than what the administration had suggested; the administration's proposals for structural reforms, which had been widely viewed from the beginning as of dubious merit, were either altered basically or rejected by the Congress; and the whole package as enacted involved a substantial net revenue loss, whereas the administration had made a particular point of stressing that there should be none. All the same, the measure was warmly accepted by the administration and is repeatedly referred to nowadays as one of its outstanding legislative successes.

Simultaneously with the administration's 1962 efforts to obtain an investment tax incentive, two additional steps were taken in the fiscal policy area: one proved out in practice; the other came to nothing. The step that proved out carried forward the initiative begun under the Eisenhower administration to bring the rules of the Internal Revenue Service regarding the tax treatment of depreciation into line with the practices of tax examiners and, further, to liberalize these rules where desirable. This was particularly useful in the 1962 environment in restoring the confidence of business, which had been badly shaken early in the year by the steel price episode.

The step that came to nothing was a Presidential request for standby discretionary authority to make temporary cuts in taxes, subject to later congressional veto, as antirecessionary measures. This proposal was ignored by the Congress and appears now to have been abandoned as part of the administration's legislative agenda.

Mid-1962: Concern over a lagging economy

Questions concerning the effectiveness of the administration's economic policies began to multiply in mid-1962 as the economy failed to register satisfactory advances. Al-

though the administration had taken a distinctly cheerful view of the economic outlook as the year began, not many months passed before the recovery threatened as the late President Kennedy put it, to "run out of steam." Despite large annual increases in expenditures, large budgetary deficits and expansive monetary and credit policies, the unemployment rate had failed to fall below 5.5 percent, a level significantly higher than had prevailed in 1959–60. Doubtless, the economy was adversely affected at the time—we need only recall the sharp decline of stock prices—by the offensive launched by the President and practically the entire executive branch against what was officially regarded as an unwarranted increase in the price of steel. In any case, activity lagged and serious thought was given by the administration to the advisability of requesting an emergency tax cut. However, congressional reservations regarding such a move and an improvement in the economic indicators in the late summer of 1962 caused the administration to defer any proposals for tax changes until the following year. In lieu of an emergency tax cut, a comprehensive program of longer-term tax reduction and reform was promised for the next (January 1963) session of Congress.

The January 1963 proposals: large-scale tax reductions paralleled by continued large spending increases

The next phase of the Kennedy-Johnson administration's fiscal history can be summarized as an attempt, unsuccessful as it turned out, to persuade Congress simultaneously to (1) authorize tax reductions and an assortment of structural tax reforms spread over 3 years which, when fully effective, were estimated to involve a net revenue loss of $10.3 billion annually; and (2) increase administrative budget expenditures in the upcoming fiscal year by $4.5 billion.

Two factors seem to have been important to the administration in making these policy proposals. First, its thinking on budgetary policy underwent a critically important change from what it had been in 1961. Evidence of the change appeared first in the Economic Report of January 1962 when the concept of a "full-employment budget" was introduced. This replaced the view that the budget should be balanced over the cycle, that up until that time had been prominent in President Kennedy's messages. According to the new concept, a budget balance should be achieved only when the economy had reached full employment. Indeed, a surplus achieved before that point would, according to this view, impose a drag on the economy. Considering that the unemployment rate in early 1962 was 5.5 percent or over and that there was, according to administration statements, a gap of $30 billion or more between the economy's actual production and its potential output, a tax reduction or an expenditure increase, or some combination of the two aggregating to a substantial sum, was clearly indicated by the new fiscal theory, even though there was already a deficit in the budget of well over $5 billion. The year 1962 passed, however, without any determined attempt on the part of the administration to give effect to their new concept of budget planning, though it must have been important in shaping the budgetary plan of "tax cut plus expenditure increase" which was put forward in January 1963.

The second factor that appears to have led the administration to propose a combination of large-scale tax reduction and large-scale expenditure increase was that the cheerful view of the economy that it had taken a year earlier had been transformed by January 1963 into a gloomy forecast. The economy was described in the January 1963 economic report as affected by persistent sluggishness. Failing altogether to observe the economic upsurge that was underway at the time, the economic report asserted that "nowhere are there visible spontaneous forces of sufficient strength to put an end to the period of slow growth." Also, failing to acknowledge that the administration was recommending a very large increase in Federal expenditures, the report expressed the view that the one way out was through large-scale tax reduction and reform and that for this there was no time to lose.

As it turned out, the administration misjudged both the receptivity of the Congress and the country to its fiscal policy proposals and the outlook for the economy. Opposition developed at once to the suggestion that taxes be cut and expenditures increased simultaneously. Doubts as to the wisdom of such a policy were based in large part on the fact that the budget was already in deficit and the U.S. dollar was under increasing pressure from abroad. Questions were raised in Congress about a fiscal plan that seemed to hold out no prospect of budgetary balance until 1970 or later, even on the assumption that the economy would operate uninterruptedly at a good rate. Stanch but responsible supporters of tax reduction coupled their advocacy of lower rates with pleas for, or insistence upon, expenditure control. And there was no mistaking the fact that, warnings against mythological thinking and puritanical prejudices to the contrary, popular support for a program of simultaneous cuts in taxes and increases in spending was entirely lacking.

Nor was the administration's plan to administer a massive fiscal stimulus to the economy in 1963 aided by the fact that business activity, rather than proving to be sluggish as had been officially forecast, moved up briskly. The administration had projected a GNP of $578 billion in calendar 1963 on the assumption that the tax cut would be enacted promptly. Actually, GNP reached $585 billion without benefit of tax reduction and even though administrative budget expenditures in fiscal 1963 fell short of original official plans by $1.7 billion.

The decision to concentrate the tax cut stimulus in 1964 and the move to restrain expenditures

The major impact of the congressional and public reservations concerning the 1963 fiscal plan was to force the administration to make certain moves in the direction of expenditure restraint. The first such move was taken in an August 19, 1963, letter, from President Kennedy to the chairman of the Committee on Ways and Means of the House of Representatives. The letter stated that "tax reduction must * * * be accompanied by the exercise of an even tighter rein on Federal expenditures, limiting outlays to only those expenditures which meet strict criteria of national need." Congressional concern over a policy of increasing expenditures simultaneously with the reduction of taxes was expressed in the declaration section of the House-passed tax bill and ultimately in the Revenue Act of 1964. It was stated there that it was the sense of Congress that increased revenues, resulting from such economic stimulus as the tax cut provided, should be used first to balance the Government's administrative budget and then to reduce the national debt. It was also stated that all reasonable means should be taken to restrain spending.

Following the President's tragic death in November 1963, and before the tax reduction measure was passed by Congress, another move was made, one that is widely regarded as having been the key to the tax bill's final passage. It consisted of President Johnson's putting forward a budget for the fiscal year 1965 which suggested that the 4-year upsurge in expenditures had been ended and that expenditures in fiscal 1965 would be reduced below spending in fiscal 1964. The new budget called for expenditures in fiscal 1965 of $97.9 billion—$500 million below the amount at that time estimated for fiscal 1964. Subsequently, on May 22, 1964, these budget expenditure estimates were revised, projecting spending for fiscal 1965 at $97.3 billion—a full $1 billion below a revised spending estimate of $98.3 billion for fiscal 1964.

Whether spending will in fact be restrained is crucial in the present circumstances, for two reasons. First, the Johnson administration decided early in 1964 on a cirtically important change in its handling of tax reduction. Briefly, what had started out in January 1963 as a three-stage tax reduction aggregating when fully effective to $10.3 billion a year became, through the Revenue Act enacted February 26, 1964, virtually a one-stage tax reduction (as far as its stimulus is concerned) involving a net revenue loss currently estimated officially to come to $11.6 billion. In other words, a massive tax reduction stimulus that first was planned to be spread over 3 years was concentrated, at the administration's insistence, almost entirely in calendar 1964. A tax reduction of this size, concentrated so heavily at a time when the economy was already advancing of its own momentum, involves a risk of "overheating" the economy and this risk must not be intensified by further increases in Government spending.

Second, we shall see at a later point in this paper that effective expenditure restraint by the Federal Government is crucial to the prospect for additional tax reduction in the years ahead, a prospect on which Americans have every right to count and on which they should insist.

What then is the evidence on the outlook for expenditure restraint?

HOW MUCH RESTRAINT IS THERE?

Evidence on this question is found in four different sets of budgetary and financial accounts: The conventional budget, on which the administration currently focuses most attention but which the late President Kennedy explicitly downgraded; the cash consolidated statement, which encompasses trust fund operations as well as conventional budget outlays; the Federal sector of the income and product accounts, which President Kennedy rated highest in significance and properly described as a measure of the Federal Government's drain on the economy's resources; and, finally, requests for new obligational authority (NOA), which include requests to spend in the current and subsequent fiscal years.

Figures for all of these accounts are given every year in the January budget message but they may be revised subsequently, and usually are. The situation is confusing this year, however. A revision of the administrative budget for the fiscal years 1964 and 1965 was issued by the White House on May 22, 1964, but to this date (June 6, 1964) no revisions have been issued for the other accounts despite the fact that one set cannot be revised without at least suggesting that changes are needed in the others, as well. Unsatisfactory as this is in the present case, there is no alternative but to use the figures that are available.

In the January 1964 budget message it was estimated that administrative budget expenditures would be $500 million lower in fiscal 1965 than in fiscal 1964. In the May 22, 1964, White House statement, on the other hand, this estimate of expenditure reduction was raised to $1 billion. Using the unrevised January 1964 figures for the other accounts, total cash payments to the public (cash consolidated statement) will remain unchanged and Government purchases of goods and services (Federal sector of the income and product accounts) will rise by $2.4 billion. Requests for new obligational authority (NOA) were reported in January 1964 to be $1.3 billion higher in fiscal 1965 than

in fiscal 1964 but what is even more significant as an indication of likely future increases in Federal spending is the fact that they exceeded the expenditures projected for that year by nearly $6 billion.

In view of the makeup and character of the administrative budget as compared with the other accounts, it is not surprising that such expenditure restraint as is suggested by the figures is greatest in its case. But this suggestion of restraint can be misleading. Like all budgets, the administrative budget for fiscal 1965 is a mixture: it contains projected increases in spending and projected reductions. To make a realistic judgment on the chances of achieving an overall reduction, one must compare the reality and character of the projected reductions with the reality of the projected increases.

There can be little doubt about the reality of the recommended increases in spending. As detailed in the January 1964 budget message, these included the following: pay raises of over $680 million for military and civilian personnel under legislation already enacted; $250 million for the "attack on poverty," a figure already raised substantially; $286 million of additional aid for education under new and existing programs; an additional $86 million for the youth employment program; an increase of $189 million for the manpower development and training program; an increase of close to $360 million for urban renewal, public housing and other home financing and related programs; $55 million for additional Corps of Engineers construction; an additional $408 million for the operation and maintenance section of the Defense Department's budget and another $198 million for its revolving and management funds; an additional $590 million for space activities; and $400 million for increased interest payments on the public debt. These and all of the other projected increases, taken together, totaled to just over $4.5 billion.

In contrast to these projected expenditure increases, which seem certain to be fully realized if not exceeded, many of the projected spending reductions are either of doubtful practicability or are produced by what appear to be merely bookkeeping devices. Thus, a $1 billion reduction in the cost of agricultural programs is based partly on the assumption that new legislation will greatly reduce Federal outlays in this area—a dubious prospect even in January 1964—and partly on the expectation that a decline in wheat prices will make it possible to administer such programs as Public Law 480 at greatly reduced costs.

Other savings would be accomplished by offsetting against expenditures moneys which formerly were taken directly into Treasury receipts, which improves the look of the expenditure side of the budget but only at the expense of the receipts side; by transferring certain expenditures to special trust accounts, which improves the look of the conventional administrative budget but only at the expense of the cash consolidated statement; and by placing in fiscal 1964 certain outlays that might well have been placed in fiscal 1965, which improves the look of the fiscal 1965 accounts but only at the expense of fiscal 1964.

Finally—and quantitatively most important of all—the fiscal 1965 budget becomes an "economy" budget by projecting sales of Government-held loans in the amount of $2.3 billion, an increase of $700 million over the sales anticipated in fiscal 1964. Since the proceeds of such sales are treated as an offset to amounts disbursed in new lending, the result of the increase is to reduce the figure of net budget expenditures for the fiscal year 1965, relative to the figure for 1964, by $700 million. It should be said at once that this way of handling sales of governmental assets is not a departure from previous budgetary accounting practice. However, in view of the rapidly increasing importance of Federal credit programs in the budget, existing practice might well be changed to count sales proceeds as receipts. But quite apart from this, there is ground for doubting the likelihood of selling loans in the volume projected.

Three conclusions are suggested by the above. The first is that such expenditure restraint as there is in the fiscal 1965 budget may well prove temporary. This is the unmistakable evidence of the figures on requests for new spending authority (NOA). The second is that such restraint as is accomplished in the near run will probably prove to be appreciably less than the accounts suggest. Administrative budget expenditures may well rise by $2 billion in fiscal 1965 rather than fall by $1 billion. These conclusions underline the importance of continuing vigilance by citizens with regard to the level of Federal spending.

The third conclusion derives from the first two. It is that a halt should be called to the dressing up of Federal budget accounts for "image" purposes. The only defense that has been made of these practices is that every administration has used them. Whatever the merits of this assertion, the fiscal 1965 budget is in a class by itself as regards "budgeteering." What it suggests more than anything else is the need for a code of Federal accounting to be adhered to by all.

Retrospect

Three features stand out in this history. The first is the radical shift in the administration's approach to fiscal policy problems. Starting from a more or less traditional point of view, it has made its way to a budget concept which, no matter how high the rate of economic growth may be, calls for large-scale tax reduction or large-scale expenditure increases, or some combination of the two, so long as full employment has not been reached. This budget concept rests on a particular theory of the causes of the unemployment that persists in the American economy even after prolonged expansion. The theory is that the residual unemployment is due to an inadequacy of aggregate demand and the proposal is that it can be cured, and cured on more than just a temporary basis, by a fiscally produced expansion of demand. Clearly, the outcome of the fiscal policy is unlikely to be any better than the theory of unemployment on which it is based. A good improvement in the unemployment rate was registered for May 1964 but there is no assurance that this will last and, in any case, the rate continues well above the levels reached in 1955–57.

The second feature that stands out in the history is the rather loose connection between the administration's legislative program and the course of economic events. As it happens, the administration's views of the economic outlook have been, at least until 1964, more or less out of phase with the economy. Thus, in 1961 a gloomy view was being taken precisely as the economy was turning into recovery. Actually, the natural recuperative forces of the economy rather than anything done by the administration produced the recovery. In early 1962 enthusiasm was the rule, but by midsummer a case for an emergency tax cut was being developed. Again, the economy picked up before any special fiscal policy actions were taken. In January 1963 the administration's views turned to the blue side again, missing the notable economic upsurge that marked that year. Official exhortation to hasten tax reduction was ineffective, but the economy expanded all the same. Finally, 1964 presents a combination of official optimism and a policy which concentrates the stimulative impact of tax reduction just when the economy is showing unusual upward momentum. Whatever this means for 1964 it does raise questions about 1965.

The third feature that is salient in the administration's fiscal history is the lack of consistency and absence of any sign of a guiding principle in its fiscal program. At one time it was enthusiastic about tax reforms, bent on accomplishing them without net revenue loss. At another time it was enthusiastic for large, across-the-board tax reduction, with no patience for tax reform. At one time it espoused a balanced budget. At all times, until this election year, there was enthusiasm for ever-larger spending. And there is the contest just now coming to the surface which involves enthusiasts within the administration for large-scale spending increases who see the recent tax reduction as an obstacle in their path. The entire performance, typically described as a "pragmatic" approach, appears to have been heavily affected by a concern for political considerations.

RISKS IN THE ADMINISTRATION'S FISCAL POLICY

Ultimately, the administration's fiscal program will have to be judged on its success, or lack of success, in accomplishing what is its primary purpose; namely, to achieve full employment. The administration has been quite explicit in setting unemployment reduction as the standard by which its fiscal measures will stand or fall; and by this must be meant, of course, a lasting, not merely a temporary, improvement. A 5-percent unemployment rate has been set for achievement by the end of 1964, but no date has been specified for reaching the 4-percent level which must be attained and held if significant improvement is to be made over, say, the 1957 level of 4.3 percent.

The merit of vigorous economic growth as a generator of additional job opportunities is unquestionable; nevertheless, it has become increasingly clear that large amounts of unemployment in the American economy are due not so much to a sluggishness in economic growth as to inadequate productive capabilities, relative to employment costs, on the part of those who have most difficulty finding jobs. Inadequate school background and lack of skills and work experience are increasingly being recognized as major causes of the unemployment that remains to plague our economy even during good times. Besides, we need to face up to the problem of discrimination as it affects unemployment and to the reluctance of unemployed workers in depressed areas to move where jobs are more plentiful.

The cost of large selective programs of job training, counseling, and placement designed to correct structural unemployment would be high, without a doubt. But these costs would be low compared with the cost of a tax reduction program which is estimated to involve a revenue loss of $11.6 billion. What is more, the administration's fiscal policy exposes the economy to grave risks while giving little real assurance of solving, on a lasting basis, the unemployment problem to which it is principally, if not exclusively, directed.

What, more specifically, are these risks?

The acceleration of cost and price increases

The first is that the stimulative effect of the tax cut, which is being combined with an easy money policy, will accelerate cost and price increases.

On this the administration has taken a consistently complacent point of view. It has argued that the economy is operating far below its full potential and that the increase in demand which the tax cut is expected to entail will produce no significant danger of general cost and price increases. Evidence is mounting, however, to the contrary. Both governmental and private surveys have shown that large parts of the American economy are operating at what

is, for all practical purposes, a full utilization of productive capacity. And the fact that the unemployment rate for married men, which has been declining since early 1961, was under 3 percent when the tax bill was enacted suggests that the economy is a good deal closer to practical full employment than the administration believes. Clearly, the evidence suggests that large-scale tax reduction under circumstances such as currently prevail does, indeed, risk starting another upward spiral of costs and prices.

The extension of direct controls over wages and prices

Related to this risk is a second; namely, that an acceleration of cost and price increases would trigger off a whole battery of hastily improvised direct controls over wages and prices. The 1962 steel price episode and the recent announcement that an "early warning system" has been established to watch for "unwarranted" price and wage increases point in this direction. Obviously, what is at risk here is free collective bargaining and free market pricing.

Creating imbalances in the economy by a spurt of expansionism

The administration's decision to concentrate the tax cut stimulus in calendar 1964, at the expense of calendar 1965, also risks creating imbalances in the economy. Unsustainable surges of business investment expenditures and of consumer durable goods purchases are the most likely possibilities. In either of these cases, the correction which would inevitably follow could result in a general downturn of the economy.

It was repeatedly stated by the administration that a tax cut would be "insurance against recession." To extend the analogy, the risk is that the insurance may prove to be a term policy. The economy can be made to expand by forced draft methods, either by spending or by tax reduction, or by both; but there is no assurance that an expansion created in this manner will be sustained. The danger of a downturn remains. Moreover, the more sudden and jerky the impact of an expansionist policy, as in the concentration of the tax cut's stimulus in calendar 1964, the greater the danger of a subsequent downturn.

Impairing our revenue-gathering capability and our capacity to use fiscal measures against recession

Finally, by using the tax system as a means for attempting to correct an unemployment situation which may, on any lasting basis, be largely indifferent to this remedy, the administration—unless truly effective restraint is exercised on expenditure—has seriously undermined the Federal Government's capability to match spending with tax revenues. Further, the recent sharp tax cut has lessened the availability of fiscal measures for use in a constructive counterattack against recession, when they may be sorely needed.

The threat which large revenue losses would have on the Federal Government's ability to carry needed expenditure programs on a noninflationary basis cannot be dismissed. Neither can one dismiss its threat to the availability of our antirecession weaponry. In present circumstances we would enter a recession, if one were to occur in the near term, with a very large deficit in being and a larger one in prospect. It is doubtful that Congress would enact an emergency-type tax reduction under such conditions and so soon after a massive tax cut had failed to fulfill the administration's fiscal theories. And no one can place much reliance on the effectiveness of attempting to counter recession by speeding up expenditures on public works.

Hopefully the fiscal experiment will turn out favorably. But it need not have been conducted as it was. A more prudent timing of the tax cut and a more selective approach to the unemployment problem would almost certainly have yielded more lasting results without equivalent risks.

AFTER THE TAX CUT: REMAINING QUESTIONS OF FISCAL POLICY

What about fiscal policies in the months and years ahead? What are the problems and the opportunities?

Answers to these questions will depend in large part on whether the 1964 tax reduction succeeds or fails. The criteria of success are clear: Growth sustained at a high rate, with reasonable stability of prices; appreciable and lasting reductions in unemployment; and the Federal budget balanced, or moved to some close approximation of balance, as full employment is approached.

As noted, failure would involve serious problems. Although hopefully the experiment will succeed there will be important questions of fiscal policy to be faced even in the happy eventuality that all goes well. Among these, three stand out prominently: (1) Can taxes be further reduced? (2) What kind of tax reduction would serve the Nation best? (3) Do we have the right distribution of expenditures?

Can taxes be further reduced?

The answer to this question is "Yes." In the first place, when the economy is advancing at a good rate, and the budget is in balance or reasonably close to balance, taxes can be cut at any time, and safely, if comparable reductions are made in expenditures. More than that, with the budget balanced and with national income growing steadily, tax rates can be cut every year as the economy's expansion produces additional tax receipts, provided that spending increases are kept within allowable limits.

Consider the first of these two possibilities; namely, tax cuts made possible by expenditure reduction. Are these really feasible?

The answer to this question is "Yes," too, despite the defeatism commonly expressed on the subject. There is an impressive body of informed, responsible opinion, based on line-by-line analyses of the budget, to the effect that large cuts are feasible without sacrificing essential national purposes. Furthermore, the feasibility of budget cuts was proven by the fact that new obligational authority for fiscal 1964 was reduced, primarily by congressional action, by $5.3 billion below the request submitted by the President in January 1963. It should go without saying that the possibilities for expenditure reduction are not inexhaustible; all the same, there is much that could be done.

It is no refutation of this point of view to argue that there are important public needs still unfilled. This is true. But that is not to say that everything Government is currently doing needs to be done above everything else. Yet it is the assumption of almost every attempt to defeat economy moves in Government that whatever Government is already doing is by that fact alone an essential activity and removable from the budget only at national peril. The Republican position has absolutely no place for this point of view, which is uninformed and essentially nonrational.

The second of the two possibilities for tax reduction derives from the fact that tax receipts grow as the economy grows. Indeed, collections may increase more than proportionately with national income.

How large an annual increase in revenues can be expected is not easy to say. The administration has placed the figure at $5 to $6 billion. Even higher estimates have been made privately. These added Government revenues are a kind of "growth dividend" that comes with vigorous, sustained expansion. The question is: How should they be used, if they are achieved?

There are three options: (1) Cut taxes every year by the amount of the revenue increase; (2) increase expenditures by the amount of the increase in tax collections; (3) let added revenues accrue as a surplus in the budget, thus reducing the public debt and releasing funds for private investment.

It is possible, of course, to use combinations of these three, but no combination adding to more than the increase in revenues can be adopted without creating a deficit or enlarging one that already exists. And if the economy is operating at or close to full employment, a deficit would be unacceptable even under the administration's concept of a full employment budget. Consistent with this limitation, some part of the increase in revenues should be allotted to tax reduction.

What kind of tax reduction would serve the Nation best?

It is possible, of course, that economic circumstances in the years ahead may at some time require emergency-type tax reduction to prevent the onset of economic recession or to reverse a downturn already underway. Hopefully, this will not be the case. If it should be, it is to be hoped also that the needed measures can be taken without harmful side effects. Obviously, everyone wishes to avoid recession.

But beyond that, emergency tax changes made under the pressure of recession would not necessarily improve the tax structure. Certainly the taxes added to raise revenues during war emergencies have not done so. What we should strive for are changes that will improve the tax structure and give promise of lasting benefit.

Top priority in such a program of tax reduction and reform should be given to cuts that will enhance the enterprise economy's capacity for creating jobs and improving incomes. As we have seen, a good rate of growth sustained over an extended period itself creates opportunities for further tax reduction. Tax reduction of this kind provides an opportunity to build success on success.

Clearly, the tax changes that would be most effective in promoting growth are those that would strengthen incentives and promote larger savings and capital formation. To this end, we should work toward a generally lower level of rates for the individual income tax and toward a less steeply graduated schedule of rates. We should also lower further the rates at which corporate earnings are taxed. Tax reduction along these lines would enhance the vigor and job-creating ability of our whole enterprise system. They would give an especially powerful boost to new and small businesses, whose ability to grow and create jobs depends mainly on their capacity to earn and to retain income, and on the availability to them of capital supplied directly by individuals.

Another self-imposed shackle on growth, and thus a deterrent to the creation of jobs, is the double taxation of distributed corporate income. Repeal of the 4 percent dividend tax credit as one of the so-called reforms of the Revenue Act of 1964 was a backward step, only partially corrected by raising the dividend exclusion to $100. Actually, more allowance should be given to the individual for taxes already paid at the corporate level, not less.

Additional goals should be kept in mind as opportunities for tax reduction are found. We should strive to eliminate at least those excise taxes that were introduced years ago as emergency measures. The taxation of capital gains deserves to be restudied, too, with an eye to encouraging thrift and investment. At the same time, possible abuses of present opportunities for converting income into capital gains should be reexamined. Further, there are elements of inequity and complexity in the tax system that should be removed. Agreement on what constitutes an inequity, like agreement on what constitutes an undesirable complication in the tax

laws or a loophole, is not easily reached; but one thing is sure: a general lowering of tax rates and a less steeply graduated schedule of rates would help materially in meeting all of these problems.

To the extent that progress is made in these directions we will also have moved forward toward another objective; namely, a Federal tax system which gives greater scope to the revenue-collecting activities of State and local governments and which leaves as much income as possible in the hands of individuals and business concerns for investment or consumption as they see best.

Achieving tax reduction objectives, however, will depend on continuing attention by citizens to Federal spending policies. Ultimately, more government means more taxes and any effort to keep the Federal tax burden from rising above its present high level, or to reduce it appreciably, is essentially a problem of controlling the tendency of Federal spending to increase.

Spending priorities: Do we have the right distribution of expenditures?

Entirely apart from the question whether Federal spending is too high or too low, and apart also from the question of how the increment to tax receipts that comes with economic growth should be used, is the question whether we have the right distribution of expenditures in the Federal budget as it stands.

This question is bound to excite controversy but it is nevertheless vitally important that it be opened up for discussion. For example, is the present heavy accent on "space" warranted? Would not the Nation benefit by a shift to education or related earthbound programs of some of the $5.3 billion requested for space research and technology in fiscal 1965? To cite a second example, should the budget provide for as much as $8.5 billion of loan disbursements and $1 billion of administrative budget expenditures under Federal credit programs, a number of which are serving credit needs in open competition with private lending institutions? Would not some part of these funds be better spent if directed to programs designed to improve the skills of individuals finding it difficult to obtain employment, or to help finance a more vigorous attack on such problems as crime and juvenile delinquency? Questions may well be posed about other programs—about agriculture, for example. What is needed is a means by which the system of priorities reflected in the budget can be regularly put under scrutiny by all parties at interest.

The executive branch has ample opportunity to study spending priorities every time it puts the budget together. Whether the budget as enacted represents the views of the legislative branch on the relative importance of different programs is another matter. Congressional action on the budget is taken piecemeal and without explicit study of its structure as a whole. Consideration should be given by Congress to adopting means for correcting this situation. But beyond this, a systematic effort should be made, outside the pressures surrounding governmental activities, to obtain a citizen's evaluation of spending priorities. To obtain such an evaluation should be one of the tasks of an independent, bipartisan citizens advisory budget committee. The committee should be charged also with responsibility for preparing recommendations for expenditure reduction, for ways to improve the Federal Government's budgetmaking process, and for ways to present the budget so as to meet the citizen's need for a meaningful and understandable account of where his Federal Government stands, fiscally, and where it is heading.

SUMMARY AND CONCLUSIONS

I

More intensive interest by citizens in Federal expenditure policy is imperative in view of the present volume of Federal spending, the rate at which it has been growing recently, and indications that the current interest in economy may prove to be temporary. A constructive move toward making this interest effective would be the creation of an independent, bipartisan citizens' advisory budget committee. Its tasks should include the following:

1. To make recommendations for expenditure reductions and for a distribution of expenditures among various Federal programs which would better represent the citizen's concept of what our spending priorities should be.

2. To make recommendations for improving the Federal Government's budget-making process, in particular for enabling Congress to look at the budget as a whole rather than merely on a piecemeal basis.

3. To recommend methods of budget presentation which would put an end to the dressing up of budget accounts for "image" purposes.

II

The administration's decision to concentrate the stimulative effect of the tax reduction in 1964 and to do this when the economy was already advancing at a good rate runs the risk of having the tax cut's stimulus dissipated in cost and price increases and of creating potentially troublesome imbalances in the economy. Moreover, by this decision the administration may have gravely impaired the revenue-gathering capability of the Federal Government, which capability is essential to the noninflationary conduct of needed Government programs—defense and nondefense. The concentration of the tax cut in 1964 has also limited the availability of fiscal measures for helping to offset any economic downturn that may develop in the near run.

III

The administration has placed undue reliance on across-the-board tax reduction as a means of eliminating the unemployment that remains in the American economy even during periods of generally good times. Vigorous economic growth is, of course, essential to the creation of new job opportunities, but there is an urgent need, also, for greater emphasis on selective measures of job training, counseling, and placement to match those who are unemployed with job opportunities that already exist and which will be created in increasing numbers as our economy grows. The danger in the administration's approach to the unemployment problem is that it will produce harmful side effects in the form of cost and price increases and economic imbalance without providing any appreciable and lasting solution to the unemployment problem to which it is mainly if not exclusively directed.

IV

If the Federal budget were kept reasonably close to balance and if the tendency for Federal spending to increase were restrained, it would be possible to reduce tax rates every year out of the capacity of the tax system to produce additional revenues—a kind of "growth dividend"—as the economy grows. Systematic provision should be made now for the regular, year-by-year division of these additional revenues among tax reduction, increased support for essential Federal programs, and debt retirement.

V

As we move into the next phase of tax reduction, top priority should be given to changes in the tax laws that will enhance the enterprise economy's capability for creating jobs and increasing incomes. To this end we should be planning now for regular annual reductions in the general level and progressivity of the individual income tax and for a lowering of the tax rates applicable to corporate earnings. In addition, steps to eliminate those excise taxes that were introduced as emergency measures should be taken as promptly as possible, along with steps to remove the inequities and needless complexities that remain in the tax law.

VI

Progress along these lines would, of course, be vastly facilitated and speeded by the maintenance of a good rate of economic growth. But no rate of economic growth will suffice as a basis for constructive, noninflationary tax reduction if efforts are not made to eliminate unnecessary Federal spending and to prevent unwarranted expenditure increases.

(NOTE.—Not every member of the Critical Issues Council or Republican Citizens Committee necessarily subscribes in every detail to all the views expressed. The council endorses its papers as a substantial contribution to public awareness of current critical issues and to the presentation of positive solutions.)

RESOLUTIONS ON CIVIL RIGHTS

Mr. JAVITS. Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD two resolutions on civil rights, one by the Syracuse Law College Association and the other by the Young Men's and Young Women's Hebrew Association of Washington Heights and Inwood.

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

SYRACUSE LAW COLLEGE ASSOCIATION,
Syracuse, N.Y.

The Honorable JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR JAVITS: At the suggestion of the executive committee of the Rutgers Law School Alumni Association, a resolution prepared by that committee and aimed at giving impetus to the passage of meaningful civil rights legislation during the current session of Congress was submitted to the executive committee of the Syracuse Law College Association. Every member of that executive committee replied. Of the 40 members of the committtee, 36 voted to approve the resolution, 1 refrained from voting, 1 voted "no," and 2 voted "no" on the ground that the resolution was too vague.

Pursuant to the will of the executive committee thus expressed, the following resolution is submitted for your consideration:

Whereas it is our considered judgment as lawyers, teachers, and students of the law that the continued viability and vitality of the Constitution of the United States demand that all citizens of the United States receive all necessary guarantees of equal rights under the law and equal protection of the law; and

Whereas it is both morally just and legally imperative that all citizens of these United States be accorded the opportunity to exercise their rights and discharge their duties without regard to race, color, creed, or national origin: Be it therefore

Resolved, That we, the executive committee of the Syracuse Law College Association, as a declaration of conscience, do hereby petition the Senate of the United States to join with the House of Representatives in enact-

ing such meaningful legislation as will enable all citizens of the United States to live in dignity and work in harmony in the true spirit of the American ideal.

Very truly yours,

JAMES M. FLAVIN,
President, Syracuse Law College Association.

YOUNG MEN'S AND WOMEN'S HEBREW ASSOCIATION OF WASHINGTON HEIGHTS AND INWOOD,
New York, N.Y., May 27, 1964.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: This is to inform you that the board of directors of this agency went on record to urge you to vote for cloture and then for the passage of the civil rights bill in its present form, unweakened by omissions, compromises, or crippling amendments.

Very sincerely yours,

SIDNEY OFFERMAN,
President.

NATIONAL FINANCIAL RESERVE

Mr. JAVITS. Mr. President, Joseph W. Barr, Chairman of the Federal Deposit Insurance Corporation, in a speech delivered at the seventh annual Loeb awards presentation luncheon in New York City on May 20, proposed that a select group of highly trained and exceptionally able men and women comprising a national financial reserve be created with the financial support of the FDIC and in close cooperation with the Council of Economic Advisers, the Treasury, the Federal Reserve System, the Bureau of the Budget, the Department of State and appropriate committees of the Congress. He envisages the training of a small group of individuals, expert in the field of political economy, trained and able to blend the economic needs of the Nation with political realities, prepared to serve the Nation in areas of high national and international economic and financial policy.

I believe Mr. Barr has come forth with an extraordinarily good idea which would make available to this Nation talented individuals in an increasingly complex field at a very small cost, and which I herewith highly commend for the consideration of the Senate.

I ask unanimous consent to have printed in the RECORD at this point in my remarks Mr. Barr's speech of May 20.

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

POLITICAL ECONOMY—THE NEED FOR A NEW LOOK

Last year about this time a group of young men working toward the doctoral degree in political science came to visit with me in the U.S. Treasury. The purpose of their visit was to discuss the administration's plans for getting the tax bill passed. I launched into an enthusiastic analysis of the bill and described its potential impact on the Nation. I told them what we hoped to achieve with this legislation in the areas of employment and investment, its effect on fiscal policy, and finally how it fitted into our continuing battle with balance of payments problems.

When I got to balance of payments, one of the group interrupted to say that he and his colleagues were having difficulties understanding my arguments because they had no background in economics, and would I please confine myself to a description of the political and legislative devices we planned to employ with the Congress.

I must say I was outraged at this suggestion—for no one can work an $11 billion tax cut through the Congress of the United States by political or legislative chicanery. Admittedly, we in the Treasury and the legislative people in the White House had our plans and techniques, but they were relatively uncomplicated and singularly lacking in drama. They consisted primarily of methods of mobilizing the support then latent in the labor movement, in the industrial and financial communities, and in academic circles—and then translating this support into votes in the Congress. The translation process involved a slow, methodical discussion of the issues with virtually every Member of Congress. Of course, the powerful support of two Presidents, John F. Kennedy and Lyndon B. Johnson, was also indispensable.

None of this detracts, however, from the fundamental premise that it was not stratagems but rather the solid intellectual argument which functioned as our most powerful weapon.

To turn the coin slightly, my experience has indicated that economists generally show no more perception with regard to the legislative process than did the visiting political science students. Time and time again over the past 5 years in the Congress and in the Treasury, I have met with groups of economists who seemed to delight in advancing ideas that had absolutely no basis in political reality.

I would certainly not deny either to the political scientist or to the economist the privilege of exploring freely every aspect of his subject matter. Pure research in these disciplines is at least as valuable as in the physical sciences. But I do suggest that both studies—political science and economics—seem to be out of touch with the working politicians.

In developing my theme today, I plan to pick and choose from the storehouse of economic history. Many of my comments may prove debatable. Perhaps some of you will even find my treatment of this history a bit cavalier, but then imagine for a moment what history will do to us.

In any event, I want to focus your attention on what I deem to be an important current problem, and to suggest one part of a possible solution.

Basically, I want to ask: "What happened to the study of Political Economy?" From the early 18th century to the beginning of the 20th century—a span of about 200 years—there was a study known as political economy. What has happened to it?

A simple answer is that this study was born to fulfill the need of the times and died when the need ceased to exist. I think this answer is too pat. In my own opinion, the need has continued to exist, but it has been sorely neglected.

This seems to me a particularly appropriate subject to discuss with you. For example, I do not see how complicated financial matters can be presented intelligently to readers without an awareness of the political trends that are running in this Nation and in the world. Conversely, I cannot see how your colleagues who write of politics can do so intelligently without an awareness of economic trends and developments.

In this context, let us take a brief look at relevant history and the subject of political economy.

POLITICAL ECONOMY

The end of the Middle Ages in Europe brought about new social, economic, and political states replacing the old feudal-ecclesiastical political orders. The resulting problems, economic and political, were new and solutions were sought by many. Mercantilism flourished and was exemplified in countless writings and in the restrictive and regulative policies of statesmen such as Colbert of France.

The doctrine of "laissez faire" arose naturally as a protest against the excessive regulation of commerce by government action. Adam Smith and his contemporaries and followers are to be credited with their attempt to see and analyze a national economy as a whole. In doing so, they asked what kinds of governmental policies would best promote national wealth and prosperity. Their answers reinforced the fundamental principles of the doctrine of "laissez faire," and turned this economic doctrine into a political slogan: "That government is best which governs least." The political economists made themselves felt in the world of practical affairs and, indeed, Adam Smith and his followers had a profound influence in almost every part of the Western World.

With the activities of government curtailed and with the general acceptance of the concept that economic history would be written in a free market by competing entrepreneurs, I suppose it was only logical that the study of political economy would divide into the separate studies of political science and economics. After all, if government had little place in economic decisions and economic decisions little place in government, what profit could there be in the study of political economy?

By 1890, Adam Smith and the world as he saw it had long since vanished into the shadowing past. His world consisted of vast underdeveloped areas of the North and South American Continents, Australia, and New Zealand, and a European civilization in the early phases of the industrial revolution. By the end of the 19th century, these areas were settled and the liberating forces of the "industrial revolution" had nearly spent themselves. Though the problems of politics and economics were—and continue to be—entangled, a sizable contingent of economists withdrew intellectually from interest in the broader aspects of their subject matter. By the 20th century, the term economics came into general use replacing the older political economy, the change of name reflecting changes in the discipline itself, which had become subdivided into a number of specialties.

To me, this withdrawal and the division of the study of political economy was most unfortunate and perhaps we are still paying the price.

It took the terrible depression of the thirties to bring home forcibly the fact that national wealth and prosperity are not the automatic results of that government which governs least.

Our Government was forced to make many economic decisions—considered startling innovations by many. But you and I know there was nothing particularly novel about any of the economic decisions of the thirties. They had all been the subject of numerous economic studies for years. It took a cataclysm to make them a political reality.

To move on into our own times, I can note that Douglas Dillon is the first Secretary of the Treasury to point out that on occasion good fiscal policy requires the temporary acceptance of Federal deficits as a reasonable price to pay for economic growth and a tolerable level of unemployment. Presidents Kennedy and Johnson are the only two Presidents in the history of the United States to support a peacetime tax cut when the Federal budget is in a substantial deficit.

Lyndon B. Johnson is probably the only leader of a free government, in history, who has attempted to dedicate the energies of an entire nation to disprove the old iron law of Ricardo and Malthus that poverty is the perfectly natural corollary of a free enterprise system. All these economic decisions had been debated and rather generally accepted in the world of ideas years before the event. How, then, do we account for the timelag?

By contrast, 20 years after the detonation of the first atomic bomb, this Nation and a large part of the world—with the active participation of the atomic scientists—had come to the conclusion that some method of controlling the destructive potential of his discovery was essential. The result: a test ban treaty ratified by this Nation in 1963 and President Johnson's recent announcement of a cutback in the production of fissionable materials. Surely economics is no more difficult than the study of nuclear physics, yet the evidence strongly suggests that the physicists are in better communication with the politicians than are the economists.

The Nation is now facing a debate which involves the eventual eradication of poverty in this country. I agree with President Johnson that it is an attainable goal. Congress will soon be debating the annual foreign aid authorization and appropriations bills. I agree with Presidents Truman, Eisenhower, Kennedy and Johnson that the attempt to bring the undeveloped areas of the world up to some reasonable standard of living is feasible and well within the financial and technical competence of this Nation and our allies in the free world.

On the horizon we can see an array of problems that could confront this Nation in the next few years. To name a few, I would list our trade relations with the Common Market, the question of our peaceful trade with the Soviet bloc, the question of what to do about our Federal excise taxes, and—in my particular area—the entire question of what is an appropriate banking structure to meet the rapidly changing needs of the American economy. In the even more distant future, I would list as potential problems the impact of reduced defense expenditures and how to live with automation. This is only a partial list of problems, and some of them may simply go away. However, I believe a prudent man would agree that we will be forced to face some of them and attempt to find answers.

To meet our current and future problems will require the closest understanding and cooperation between economists and politicians. To be blunt, however, I think if we are to attack these problems with vigor and imagination it will take more than cooperation and understanding. It will take trained people. It will take people with the academic background, the intellectual capacity, and the political awareness to analyze the problems, devise the appropriate programs, and then muster the support in the Nation and the votes in the Congress to make them a political reality. In my experience, this is a fairly rare combination of talents and experience.

The question that bothers me is "Where are these people coming from?" In the past they have been recruited from the financial community, from industry, from the labor movement, from the Federal Reserve System, from academic circles, and from the political arena. The record would indicate that the Nation has, on balance, been fortunate in its ability to acquire the right man for the right job at the right time. I know from personal experience that at times the recruiting process has not been easy.

I suggest to you that the time has come when this Nation should consider a more orderly method of developing a ready reserve of men and women, qualified in the intellectual disciplines and with the political exposure required to bridge any gap that may exist between economics and politics. The Employment Act of 1946 creating the President's Council of Economic Advisers and the Joint Economic Committee of the Congress was a useful and hopeful first step in closing the communication gap. But I believe it may be time to take another step.

I would like to see the Federal Deposit Insurance Corporation, of which I am Chairman, devote a substantial sum annually to supporting the training of a corps of men and women who would comprise a national financial reserve. At this point, let me stress most emphatically that I am not talking about another educational or executive development program. Rather I contemplate the creation of an extraordinary group which, by virtue of its training and background, will be especially prepared to serve the Nation in areas of high national and international financial and economic policy.

I would like to see trained, at the graduate level, up to five people each year for a 4-year period, or so long as they showed promise. After the completion of their formal studies, these men and women would continue their training in the Federal Government for an additional 4 years. I envisage a program that would rotate them through our Corporation and the Office of the Comptroller of the Currency, the Treasury, the Council of Economic Advisers, the Federal Reserve System, the Bureau of the Budget, the Department of State, and appropriate congressional committees—to illustrate the scope of the training.

After the expiration of their 4-year terms of duty, these men and women would be subject to an additional call for a 4-year term of service during their lifetime at the request of the President of the United States. I do not expect, or even want, all the people in the corps to remain with the Government. Some of them will return to the academic community, some will enter business or finance, some may prefer Government, some may serve in the labor movement, and, hopefully, some will develop into Democrats and others into Republicans. But this corps will be available as a ready reserve for any future President of either party who needs them.

I am under no illusion that my remarks today will precipitate a remarriage of the political scientists and the economists. Signs of even a mild flirtation between the disciplines are probably more than could be immediately expected. But I do believe that, at this juncture of our history, the Nation badly needs a reservoir of trained men and women who can move with assurance in the world of economic ideas and in the world of political reality while understanding the problems of both. It is for this reason that I am today suggesting that we consider the advisability of creating a national financial reserve.

THE INTERNATIONAL FINANCE CORPORATION JOINS ADELA INVESTMENT IN COLOMBIA

Mr. JAVITS. Mr. President, it is with considerable satisfaction that I bring to the attention of the Senate a report from the New York Times of June 10 indicating that the International Finance Corporation, an affiliate of the World Bank, has joined in the first venture of the newly established Atlantic Community Development Group for Latin America—Adela. According to the story Adela invested $500,000 in shares of Forjas de Colombia, S.A., and was joined in this venture by the IFC with an investment of $1 million. The IFC will share in the underwriting of an additional issue of $1 million worth of stock.

As my colleagues may recall, Senator HUMPHREY and I have been closely involved in the nonprofit preparatory stage of the Adela project since November 1962, when I first presented this idea formally before the Economic Committee of the NATO Parliamentarians' Conference. The Adela project was organized in an effort to mobilize a multinational private effort to assist the Latin American private sector to take a leading role in the economic development of Latin America, and to create a congenial climate for a greatly increased contribution by the private enterprise system in the development of Latin America.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the New York Times article of June 10 entitled "Two 'Firsts' Set for World Bank."

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

TWO "FIRSTS" SET FOR WORLD BANK: IDA MAKES LOAN TO INDIA—IFC JOINS ADELA DEAL

(By Edwin L. Dale, Jr.)

WASHINGTON, June 9.—The World Bank group of international lending institutions set two "firsts" today.

The International Development Association made its first loan for the purpose of financing general imports, as distinct from a specific project. The loan—the largest ever made by the IDA—totals $90 million and will go to India. It will finance imports of components and materials for a broad range of durable goods industries.

The International Finance Corporation joined in the first financial venture of the newly established Atlantic Community Development Group of Latin America, known as Adela. While Adela is still not formally organized, its interim organizing committee has joined the International Finance Corporation in an investment in a steel forgings plant in Colombia.

EQUITY DEALS PLANNED

Adela is being established by a group of banks and industrial corporations in Western Europe and the United States to make equity investments in industrial projects in Latin America. Today's investment of $500,000 was in shares of Forjas de Colombia, S.A.

The International Finance Corporation will invest $1 million and will share in the underwriting of an additional issue of $1 million worth of stock.

The loan to India by the International Development Association to finance imports does not mean that the World Bank group has abandoned its basic policy of financing primarily specific projects in the less-developed countries.

However, officials said that there could be future cases similar to today's when a country with an established industrial structure could be helped best by the financing of imports rather than a specific project.

The India loan, like all from IDA, is for 50 years, with a 10-year grace period before repayment begins.

AS FARMING GOES, SO GOES THE COUNTRY

Mr. YOUNG of North Dakota. Mr. President, there is no other segment of our national economy that has been more maligned and misrepresented by almost every publication than the farm economy of this Nation.

It is most refreshing to read the article appearing in the June 15 issue of U.S. News & World Report entitled "As Farming Goes, So Goes the Country—Still True?"

The U.S. News & World Report is to be commended for its accuracy and fairness not only in articles with reference to agriculture but in all of their coverage of the news. I wish there were more publications like U.S. News & World Report.

Mr. President, I ask unanimous consent to have this article printed in the RECORD as a part of my remarks.

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

AS FARMING GOES, SO GOES THE COUNTRY—STILL TRUE?

(NOTE.—Easy to forget is the fact that farming remains America's largest industry. Farmers employ more workers, spend more, sell more, own more than any other group. Dwindling in numbers, farmers still get lots of attention. Here's why.)

Once again a harvest season is starting with the outlook for reasonably good crops.

There was a time not so long ago when the country watched the harvest for a sign that would show whether the outlook for business would be good or bad. A good harvest meant a prosperous agriculture that, in turn, influenced the course of general business.

Now times have changed. Harvests come and go, getting little more than local attention. Agriculture has come to be regarded as only a minor part of an economy grown vast and varied.

Yet the farming business still is the Nation's largest—far more important than any other single industry.

The country's farmers take in around 45 billion a year from the sale of products and from a few other sources. Most of the 45 billion is spent for goods and services—the lion's share going into the smaller communities that are scattered across the country.

MILLIONS OF JOBS

American farms provide nearly 6.7 million jobs, which is 3 times the number provided by any other single industry. Farmers spend around $4.5 billion a year for capital equipment—the wide range of farm machinery that makes American agriculture the marvel of the world. This investment is well above the total for any other single industry.

Facts show, in brief, that farming, for all of its troubles, is far from an unimportant part of the Nation's economy.

To be more specific, farmers spend more than $9 billion a year for seed, feed, and livestock, $1.5 billion for petroleum products and $1.4 billion for fertilizer. The farmer also provides a large market for a variety of goods and services, including lime, pesticides, tools, harness, veterinary services, blacksmithing, and irrigation.

BILLIONS IN SPENDING

Spending by farm families for their own needs follows closely the pattern of city families. In 1962, for example, farmers spent about $13.4 billion for family needs. About 64 percent of the total went for food, housing, and clothing—about the same proportion that is spent by urban families. Farmers spend a somewhat smaller share of their income than nonfarmers for transportation, tobacco, and alcohol, but a larger share for medical and personal care.

Farming, moreover, is the mainstay for the prosperity of numerous small towns in the United States. Of $41 billion in total farm spending, less than $2 billion was spent directly in cities of more than 30,000 people. The largest share of farm spending was done in towns of 5,000 or less.

Farming is estimated to be responsible for about 40 percent of all jobs in the country. This includes the number of people actually working on farms, plus some 6 million workers who provide the goods and services farmers use. Employment also is large in the network of industries that contribute to the growing, distributing, processing, and selling of farm products.

A number of States derive 10 percent or more of their income from farming. These include North and South Dakota, Iowa, Nebraska, Kansas, Mississippi, Arkansas, Montana, and Idaho.

BUT FEWER FARMERS

Despite the continued importance of agriculture to the country's economy, however, the farming industry has been shrinking in recent years.

The number of farms in the country has dropped from nearly 5 million in 1953 to around 3.5 million now. The farm population, too, has declined—from 19.9 million in 1953 to 13.4 million. As a percentage of total population, the farm population has dropped in 10 years from 12.4 to 7.1 percent.

Yet American farmers are producing a larger volume of crops and livestock than a decade ago. They are supplying a much larger population with all the food and fiber that is needed. The improved efficiency of American agriculture, in fact, is one of the major reasons for the so-called farm problem.

INCOME LAGS

Increased efficiency has not increased total farm income. Personal income of farmers was $20 billion in 1953, is down to $19.8 billion now. Because of the smaller farm population, however, the per capita income on farms has risen. Yet it still lags behind income of nonfarmers.

The importance of farming to the country explains why the need for a flourishing agriculture gets so much attention from Congress and all Government administrations.

STUDY OF NAVAL SHIPYARDS

Mr. MUSKIE. Mr. President, in the near future, the Department of Defense will make a decision on a matter of critical importance to every American. At this time, a detailed study of our naval shipyards is underway; upon its completion, a decision will be made as to the future, if any, of those yards.

Before a decision of such importance is made, it is imperative that all points of view be heard. Therefore, I commend to my colleagues, and to Department of Defense officials with a responsibility in this matter, an article which appeared in the March 1964 issue of Shipmate. Written by Comdr. John D. Alden, U.S. Navy, "To Serve the Fleet—A Case for the Naval Shipyard" is a balanced and perceptive analysis of our naval construction requirements. I ask unanimous consent that the article be printed in the RECORD.

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

TO SERVE THE FLEET: A CASE FOR THE NAVAL SHIPYARD

(By Comdr. John D. Alden, U.S. Navy)

Year 1964 promises to be a year of real crisis for the U.S. naval shipyards. The criticisms of the past have mounted to a new peak of intensity as attacks, public and private, have come from a cost minded Department of Defense, several echelons of the press, the private shipbuilding and repair industry, and even certain groups within the Navy itself. A cost effectiveness study funded by the Bureau of Ships in an effort to arrive at a factual comparison between the Government and private shipyards, as a basis for making long range improvements, has been turned against its sponsor and cited as prime justification for dispensing with the naval shipyards forthwith. In all the public discussion concerning the issue, cost has stood forth, as the sole criterion for judgment. The defendant, already condemned in the eyes of public opinion, stands in the prisoner's dock. The jury, in the form of a high level study group whose membership includes a strong budgetary representation, has withdrawn to deliberate the case. The fate of the naval shipyards themselves, possibly that of the time-honored principle that the Navy should have its own shipyards at all, will be decided on the basis of their verdict.

It is particularly unfortunate that the voices of any of the fleet's representatives should be raised against the naval shipyards, for this indicates a lack of appreciation of the benefits which the fleet enjoys through its own facilities. These can be summarized without difficulty and, I think, with little argument. A naval shipyard offers complete facilities to support forces afloat. It has in being the capability of fabricating, installing, and maintaining every part of a ship and its equipage. In addition to the mundane shipkeeping services available at any shipyard, the naval shipyard can service the new and complex equipment becoming ever more common in the fleet—radar, sonar, weapons control, and the computers of the naval tactical data system in the electronics category; propulsion machinery of the most advanced design; weapons systems and nuclear reactors of a secret as well as a complex nature. Most private shipyards have to farm out some or all of this type of work. The naval shipyard provides a full range of military personnel services. Barracks, recreation facilities, medical and dental care, galleys and mess halls, space for officers and storage cages, schoolrooms and training courses are typical of the fringe benefits available. Seldom, if ever, are such facilities provided by private yards. Quite often the Navy has to bring in its own berthing barges so the crews of ships in private yards will have a place to live during construction or repair work, while barracks in the naval shipyard stand empty. Among other logistic services are the tugs and barges, trucks and cranes, blueprint files and photographic laboratories, calibration stations and underwater sound ranges, hand and machine tools available for loan to the ship's force, and a full-fledged supply department—all normal parts of the naval yard. Finally the naval shipyard is usually conveniently located near the home port of a ship and its crew. The commercial yard may or may not be close at hand; often to obtain competition the Navy must accept a low bidder far from the ship's home port, regardless of the personal problems created for the crew. These and more represent the tangible, physical advantages of having the Navy's work done in its own shipyards.

An even greater advantage is perhaps less evident on the surface and therefore less appreciated. This is the readiness of the naval shipyard to undertake work under any and all conditions. An explosion rips a big attack carrier. Before the last line is made fast to the pier, workmen are swarming aboard, toiling around the clock until the ship is back in the Nation's line of defense. Or a new, experimental piece of equipment has to be installed and evaluated on crash basis, without benefit of detailed plans or firm work specifications. Or changes must be incorporated into a new ship before it is delivered to the fleet. In all these situations it is the naval shipyard which can provide

fast action, often completing a job in less time than needed for the preliminary legal work necessary to arrive at a contract with a private shipyard. Indeed, there have been many occasions when private yards have been unwilling to undertake naval work under any circumstances. In the naval shipyard, all that is necessary is that the fleet, represented by the Chief of Naval Operations, indicate the appropriate priority of work, and the naval shipyard will devote its entire capacity to whatever job is most urgent at the moment. The naval shipyard can never refuse to undertake work, although it may recommend against it. The overriding advantage to the fleet is simply this: the customers is also the boss.

In the face of these rather obvious advantages, the fact remains that the scales are weighted against the naval shipyards by the undeniable factor of costs. By all accounting standards, costs in a naval shipyard are higher than those in a private yard. For those who are sincerely seeking the maximum defense value for every dollar, it must indeed appear morally and legally indefensible to send the Navy's work where it will not be done most efficiently and economically. It is therefore incumbent on anyone who would advocate the case for the naval shipyards to demonstrate that either there are certain invalid statistics in the accountants' statements, or the country is getting more for its money than meets the eye. To explore these questions further, we must first review some of the basics of the shipbuilding business, both public and private.

Any shipyard is what is known as a job shop. The term is used to distinguish mass production or assembly line industry from that which works on a case-by-case, or job-by-job, basis. Even under wartime conditions with hundreds of ships being built, no individual shipyard can really approach the conditions common to true mass production. In peacetime ship construction and overhaul work, it is rare for a yard to do exactly the same job over again even two or three times in a year. When work can be done repetitively, costs can be cut significantly by any shipyard, Government or private. In building a ship, experience and commonsense tell us that there are many possible ways to do it, but not all will be equally efficient. To illustrate, take the case of a submarine which will require 300,000 man-days of productive labor to complete. (Such a man-day is the common unit measurement for shipyard work, and is roughly equivalent to the work of one man actually employed on the ship itself plus another man supporting him in the many overhead functions necessary to keep a big shipyard running.) At the extremes, we might say that 1 man could build the ship in 300,000 days, or 300,000 men could build it in 1 day, but we know that these conditions are ridiculous. Physically, it is almost impossible to concentrate more than 1,500 men per day on 1 submarine and have them work efficiently. Also, we could not afford timewise to wait 10 or 20 years to build a ship, even if that were the cheapest way to do it. In practice, it has been found empirically that a 3-year building period is realistic in peacetime, and that construction has to start with a relatively small number of workers, build up gradually to a peak, then decline gradually until only a few are engaged in the test, trial, and fitting-out phases of construction. Similar considerations govern overhaul and repair work, but here the time frame may be 2 to 6 months for the entire job. Ideal manning curves have been developed by experience which tell us in quite accurate terms the most effective pattern to follow. It is readily evident that the optimum pattern is one in which men, materials, and plans are integrated together in a smooth, logical work sequence, through the function known as scheduling. Deviations from this pattern represent potential waste and unnecessary expense or delay; consequently, much planning effort is devoted to the avoidance of interference with an orderly erection schedule.

With this general background, we are in a position to consider some basic differences between a private and a naval shipyard. These differences are real and quite fundamental to the problem of comparative costs. First, take the private yard. It exists for one purpose, to make a profit for its owners or stockholders, like any other business enterprise. The private shipyard, under ideal competitive conditions, gets work by offering the lowest bid for a fixed work package. Once the price has been established, any changes in the work package are subject to the negotiation of a contract change. If, as is often the case, the customer is not sure what repairs are necessary (compare this with the automobile owner bringing his ailing vehicle to a garage), the original fixed price includes only the work necessary to open and inspect the defective items. When the Navy contracts for work in a private yard it commits itself to certain obligations such as delivering Government-furnished equipment by a certain time, or having the ship's force complete certain work not to interfere with the contractor. If the Navy fails to meet any of these commitments, the contractor is entitled to renegotiate the contract with regard to any damages he may have suffered as a consequence, and the Navy must assume the cost of any delay which may result. No criticism of this process is implied or intended, it is accepted good business practice. Once a yard has a contract, management devotes its efforts to maintaining an efficient manning schedule. Workmen are hired or laid off as required, overtime is worked in lagging areas, and vendors or subcontractors are engaged as necessary to maintain the orderly progress of work. Given the normal competition of the marketplace and a more or less conventional type of work, this process will naturally yield satisfactory results at the best price.

The naval shipyard, on the other hand, operates under a completely different frame of reference. It exists, under Navy regulations, for one purpose only—to serve the fleet. Its work is assigned to it by administrative decision. Such preliminary negotiations as may be carried out are essentially one sided, as the shipyard is not a free agent which can accept or reject work to suit itself. The customer is in the driver's seat and determines what work shall or shall not be done.

The naval shipyard operates by law under a financial arrangement known as the naval industrial fund. The objective is to make neither profit nor loss, but to come out even at the end of each fiscal year. When it submits an estimate of the cost of a new construction ship, the estimate is for the ship as experience indicates it will be at the end of construction. Because of the length of building periods and the constant improvements in today's technology, it is only realistic to forecast a growth factor of 10 percent or more in the cost of a new warship. A private contractor interested in obtaining a contract by being the low bidder is under no obligation to consider this factor. The naval shipyard's estimate is thus not entirely comparable to the private company's fixed bid price.

Just as changes in the work package are taken for granted in the naval shipyard's estimate, so they are accepted without dispute when they come. If the changes are mandatory to improve the safety or operating effectiveness of the ship, the naval shipyard is required to do the work regardless of its disrupting effect on other jobs in the yard. The private shipyard, if directed to accomplish the same change on a mandatory basis, can and does demand full compensation in the form of a cost increase which the Navy has little option but to accept if it really wants the work done. In the case of overhaul work, it is known that open-and-inspect jobs will result in repair work, and in the naval yard most such work is done as a matter of course. Consequently, forces afloat need give little consideration to the legal phraseology in which work items are written. To overhaul a pump may mean the performance of specific and limited actions in a private yard; in a naval shipyard it means to deliver an acceptable end product.

In any overhaul, a ship has far more items on its work list than the type commander has funds to pay for. It is thus more to the benefit of forces afloat that the available funds be stretched to accomplish as many jobs as possible, than that a fixed package of the most urgent repair items be bid in at the lowest possible price. The customer is not really interested in "saving" money by leaving essential repair work undone, and the naval shipyard is not interested in making a profit at the expense of the customer. Thus an overhaul in a naval shipyard is not exactly comparable to an overhaul in a commercial yard.

Once a naval shipyard has been assigned a ship, its management also devotes its efforts to maintaining an efficient manning schedule. Workmen are hired or laid off—but in accordance with civil service procedures, and within strict maximum and minimum ceilings established in Washington. Overtime is worked in lagging areas, but under rigid percentage limitations. Vendors and subcontractors are engaged in strict compliance with the Armed Services Procurement Regulations. Contracts must frequently be placed with bidders from distressed areas, or with low bidders whose promises are glib but whose product quality or timeliness of delivery may be dubious at best. There is little consolation in seeking to recover damages while the fleet presses for the delivery of a delayed ship and the offending vendor exhausts all the legal and political appeals at his disposal. As might be expected, many items are reworked or repaired by the naval shipyard in an effort to maintain the progress of work. There is no criticism of the above practices per se, for they are all matters of law or public policy. There may be overall public advantages in a policy of farming out work to distressed areas, and in maintaining the integrity and attractiveness of the civil service. The law prescribes the preferential rights of war veterans and the procedures by which contracts must be awarded. A private businessman has every right to seek the aid of his Congressman in redressing what he feels is a grievance. Personnel ceilings and overtime limitations, however bothersome, are also serious financial controls enforced throughout the Government to insure that responsible officials do not violate the law and incur the penalties prescribed for those who permit the overexpenditure of public funds.

Other matters of law or public policy which are binding on Government activities may or may not have an effect in private shipyards. For example, Congress has, for reasons of its own, made it clear that the use of stopwatches for making time and motion studies is considered undesirable in Government activities, despite their widespread use in private industry. And perhaps most significant of all is the policy that the naval shipyards constitute a base for rapid mobilization in case of war. A private contractor can shut down or dispose of functions or departments which do not contribute to his profit. The naval shipyard commander who fails to keep his yard's facilities and manpower skills sufficiently ready to handle emergency repairs, the activation of reserve

fleet warships or tankers, or the support of local civil defense and security requirements, will receive little sympathy if he is unready when disaster strikes. National requirements indeed loom large in any picture of the naval shipyards.

Having brushed up on these fundamentals, we are in a position to look at some of the significant factors leading to cost differences between the naval and the private shipyards. First of all, it can be stated flatly that an identical ship built for an identical number of man-days of equal worker productivity at the same basic hourly wage rate would still cost more in a naval shipyard solely because of the civil service fringe benefits prescribed by law. Senator DANIEL INOUYE of Hawaii in a recent speech cited figures of $0.45 to $0.57 per direct labor hour as representative of the extra cost of these benefits, and went on to defend these policies as the Government's obligation to "establish a shining example for the Nation's industries to follow" in matters of wages and employee benefits.

Whenever any of the other requirements of public policy take precedence over the maintenance of an orderly work schedule, it can be postulated that increased costs will result. Thus the naval shipyards start with a substantial group of costs which, while presumably in the best interests of the national welfare, impose a built-in disadvantage in any comparison with their private counterparts.

Second, we have a group of items of ostensible higher cost which in actuality represent extra value in the form of extra service to the fleet. In this category may be included the maintenance of broad spectrum skills and a mobilization base, the difference in overhaul concept, and the value of an accounting intangible, fleet readiness. What, for example, is the true cost difference between a cheaper fixed price ship representing at completion a design almost 4 years old, and its apparent sister into which continuous improvements have been built almost up to the day of delivery? (If this factor should be considered specious, it remains a fact that every privately built ship receives during its first overhaul, at Navy expense, most of the alterations which are normally incorporated into the construction of its government-built sisters.) There are ships today approaching delivery to the fleet in which hundreds of desired changes have not been incorporated because of the refusal of the private shipbuilder to undertake them.

Another intangible is the fact that experimental features of technological difficulty are usually built into those ships of a class under construction in naval shipyards. When private shipbuilders undertake such work, they usually insist on doing it under a "cost plus" type of contract frowned upon by the Pentagon because of its costliness and lack of incentive.

Also in this same category are the many fleet support services mentioned at the beginning of this article. Even though the most obvious of these costs are excluded from normal shipyard operating costs, the mere fact that they occupy space and consume utilities adds something to the overhead expense of the entire yard.

An unpublicized and little-recognized factor in the cost of privately built ships is the expense to the Navy of maintaining and supporting the offices and staffs of the supervisors of shipbuilding throughout the country. This force, which may amount to several hundred inspectors and design engineers in a single supervisor's office, is necessary to protect the Government's interest by assuring that contractual and specification requirements are adhered to throughout the process of ship design and construction. In a naval shipyard this function is woven inextricably into the very fabric of the organization. This is one more factor which adds to the apparent higher cost of new construction in naval shipyards.

Finally, there is one more major area where costs in Government yards are increased by factors beyond local control. The importance of maintaining an optimum manning curve, whether in new construction or overhaul work, has already been stressed. The earlier discussion related solely to total manning levels. However, ships are not built by jacks-of-all-trades, nor by supermen who are equally proficient at drawingboard or welding rod, forge or foundry, milling machine or oscilloscope. A multitude of trades, all highly skilled, must contribute their efforts before a ship can be delivered for service. By the very nature of the shipbuilding process it is necessary that the hull, with its heavy structural work and welding, be built first. Then pipefitters and electricians move in to ply their trades, followed by machinists, sheet-metal workers, painters, and all the other trades. Thus it can be seen that each shop or trade must have its own most efficient manning pattern. Some are more predominant early in construction or late in the fitting-out period, while others are required at a fairly steady level throughout. Similarly, in overhaul work there are distinctive trade patterns characteristic of different types of ships. The work force "mix" required to overhaul aircraft carriers, for instance, is much different than that for submarines. In practically all types of overhauls, however, the heavy structural workload of new construction is missing. Because of the inherent differences between the two types of work, private yards tend to specialize in either new construction or repair, but the naval shipyards have to take their work as it is assigned, regardless of the complications involved.

Whereas private shipyards may find it more economical to lay off men when their particular skills are no longer required, the naval shipyards usually find it more advantageous to hold onto their best people during periods of temporary slack by finding other employment for them, knowing that the changing workload will soon require them again. When the Government yard does want to cut down on personnel, civil service procedures designed to protect the rights of the individual worker from the evils of a long-vanished spoils system impose a number of serious restrictions. A reduction in force, or RIF, in a Government activity is a complicated affair. Seniority and veterans rights come into play permitting employees to "bump" into jobs held by individuals with lesser tenure. People shift from job to job, and the unlucky ones who finally have to go "out the gate" may be far removed from the jobs which were originally eliminated. In fact, individuals may frequently "bump in" to other activities in the same area or even in remote areas. As a case in point, when the impending closing of the naval repair facility at San Diego, Calif., was recently announced, all other naval shipyards were notified that they could not fill certain vacancies if there were people at San Diego qualified for the job. The problem of maintaining an optimum "trade balance" in a naval shipyard engaged in both new construction and repair work is difficult indeed. It is immeasurably complicated by the requirement that it be accomplished within arbitrary ceilings for the total shipyard.

Consider an example of a shipyard engaged in new construction, and assume that during the months of peak load 1,500 men per day are needed on one ship, leaving 500 to work on smaller projects. Then assume the assignment of a major overhaul requiring a peak workforce of 1,000 men per day. Because the total shipyard ceiling is fixed at an overall average figure, it is apparent that something will have to give. Overtime can be used for only a small percentage of the extra man-days needed, and the fleet gives priority to getting the active ship overhauled and back into service. The result is that the new construction ship will give up approximately 500 men per day during the peak period of work on the overhaul ship. Although the men can be put back on the original job later, the yard has been forced to make a serious departure from its ideal new construction manning pattern. From this point on the new construction ship will be in trouble compared to its sisters in private yards where such restrictions need not apply. As a general rule, we can state that mixed workloads tend inherently to produce inefficiencies. As a corollary to the general rule, mixed workloads can be absorbed most efficiently when the work force is very large. In other words, a big shipyard is inherently able to be more efficient than a small one provided it has a constant large workload. A shipyard with many new ships under construction at the same time with completion dates a few months apart can make great savings in shifting manpower efficiently and in making or buying several of the same items at once. Another factor affecting a large yard, such as any of the naval shipyards, is that the number of overhead employees need increase only by a small percentage to support a large increase in production. The yard could practically double its productive capacity by going to two shifts without adding a single building or machine, and with a relatively small increase in office personnel. Thus, by virtue of its heavy capital investment in land, buildings, facilities, trade skills, and mobilization potential, the naval shipyard can only be efficient if it has a heavy and constant workload.

The same situation is true of a few of the larger private yards although to a slightly lesser degree. Unfortunately, consideration of public policy are the very forces which have in recent years denied to the naval shipyards the conditions which they require to be efficient. The law has required that an increasing percentage of new construction ships be allocated to private yards. As a result, those yards which have been able to acquire a large number of contracts are doing quite well, and their sucess is being cited in justification of taking still more work away from the naval yards. At the same time, restrictions on repair funds have so squeezed the type commanders that they have begun to object to the costs of work in the naval shipyards despite the operational advantages they would otherwise receive there. Once forced to operate at an uneconomically low level of workload, the naval shipyards have entered into a spiral of increasing costs and diminishing returns, not unlike the situation which has led so many automobile manufacturers to go out of business when their volume dropped below the "break even" point. Are the naval shipyards similarly doomed? If so, it will be their ironic epitaph that matters of law and national policy were the proximate cause of death.

To conclude, it should be recognized that national requirements of security and seapower, viewed in its broadest sense as including our merchant marine as well as naval resources, demand that the United States maintain both its naval and its private shipyards. The factors and considerations which have been discussed should be sufficient to indicate that each sector of the shipbuilding industry has its peculiar strengths and weaknesses. Each has different basic reasons for existing and each should be able to accomplish certain types of work more efficiently and to the greater satisfaction of the customer. If pure cost were the only consideration, neither half of the American shipbuilding industry would have a chance. We should farm out all our new construtcion work to Japan and our repair jobs to the lowest bidders, be they in

the Baltic or the Mediterranean or on the other side of the world. In fact, on a cost basis we would undoubtedly be justified in deciding to contract out our entire Defense Etablishment to foreign mercenaries. It should go without saying that the hidden advantages of the Government shipyards do add a substantial weight to counterbalance the cost scales, a broad mobilization case is a defense asset which the country can ill afford to lose, and the shipyards should not be penalized because they are bound by laws and policies which Congress and the administration have established for the general good of the Nation. Our leaders are surely not determined to save money no matter how much it costs.

Service to the fleet has its price. Is it worth the cost? Let the evidence—all the evidence, pro and con—be weighed carefully before, rather than after, the verdict is delivered.

AIR POLLUTION

Mr. MUSKIE. Mr. President, one of the most critical and pressing problems confronting the citizens of the United States today is the insidious threat of air pollution. Congress, recognizing the national character of this menace, last year enacted the Clean Air Act of 1963. This legislation lays the groundwork for a combined Federal, State, and local attack on the causes of air pollution. It offers us the means for a cooperative attack on a hazard which we have created and which grows more serious as we improve our standard of living.

One of the leaders in the fight against air pollution is Mayor Raymond R. Tucker, of St. Louis, Mo., president of the U.S. Conference of Mayors. For 30 years he has been an imaginative and forceful worker for smoke and air pollution abatement in his own city. In recent years he has broadened the scope of his concerns to include the regional problem affecting his own area and the national problem affecting our Nation.

On June 3, 1964, Mayor Tucker delivered a thoughtful and incisive speech on the air pollution problem at the interstate air pollution study luncheon, Sheraton-Jefferson Hotel, St. Louis, Mo. In it he presented the case for regional cooperation in getting at the problem of air pollution and stressed the value of local and regional initiative, sustained by Federal programs. It is a model of clear thinking on how we can attack national problems within the framework of our Federal system.

I commend Mayor Tucker's speech to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

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

REMARKS BY MAYOR RAYMOND R. TUCKER, OF ST. LOUIS, INTERSTATE AIR POLLUTION STUDY LUNCHEON, SHERATON-JEFFERSON HOTEL, ST. LOUIS, MO., JUNE 3, 1964

It is indeed a pleasure to discuss the regional problems of air pollution today with my colleagues in government as well as business and professional leaders.

The subject is one that is apt to set me off reminiscing about the old smoke control days, but I promise to keep such nostalgic recollections to a minimum.

Looking back over a span of some 30 years, most of which has been in public service, I cannot help speculating on the fact that if I had not become involved in our city's smoke problem back in the late 1930's, I, quite likely, would not be in government today.

Just to make certain that I am not flying under false colors today, I would like to emphasize that I have long been removed from the detailed technical aspects of air pollution control. I am sure that there are many professionals in the audience who are better armed with up-to-date scientific know-how than I am because I have become engaged in a somewhat broader arena.

I would, however, like to discuss with you briefly what I believe to be the problem and what I believe needs to be done if we are to resolve it in a truly effective manner. I do not contend that my suggestions are the only solution, but I do feel strongly that the time has come for some meaningful public discussion aimed at a metropolitan, or regional attack on air pollution.

One thing is certain, and we need no survey to back up this statement: Everyone is opposed to air pollution and everyone thinks someone should do something about it.

The degree of concern, no doubt, varies from area to area. The man living in an exclusive and completely residential neighborhood is not as alarmed as the man who lives next to a chemical plant or a slaughterhouse.

Anyone with a nose and a pair of eyes is well aware of the fact that the city of St. Louis over the period of years has successfully conquered, for the most part, the smoke problem which used to plague our city.

However, we are also keenly aware that much, much research and study needs to be accomplished before we are able to control effectively odors, dusts, gas fumes and smog, which increasingly pollute the air of our metropolitan areas.

I think the time has come for us to tackle the problem of metropolitan air pollution with the same enthusiasm we attacked smoke back in the thirties. This time, however, I hope we do it on a regional basis rather than a municipal one.

The sea of air over us recognizes no geographical, or political, boundaries. It blows, mixes, or simply stagnates carrying the air-polluting wastes created by this great Metropolitan St. Louis complex.

Our entire St. Louis area has the opportunity to pioneer in this field because there are no pat answers. I anxiously hope that we do not wait until the problem becomes so great that it is reminiscent of the Black Tuesday which finally motivated St. Louis to do something about smoke back in the thirties.

Our citizens will reap the advantages if we begin immediately to discuss, carefully plan, and finally conceive a rational and acceptable areawide program.

Since 1930, the population of the United States has risen about 50 percent, and the St. Louis area's population has increased about the same amount. The standard of living, which means more industrial production, more transportation—and even more barbecue pits—has increased even more.

The population boom, which has been centered in the metropolitan areas has brought us a 175-percent increase in the number of automobiles—obviously, a source of air pollution.

This upward trend in population in urban areas is going to continue as well as the expanding industrial activities to support it. Therefore, it is quite obvious that the air pollution problem is not going to disappear with the next wind. It is going to get worse, and I believe a well tailored, regional vehicle of Government is the best way to attack the whole problem with any assurance of success.

The issue of cleaner air in our cities should rank with other urban problems which we view with alarm today, such as slums, transportation, education, water pollution, and so on. The air we breathe is certainly as important as the water we drink.

We are not going to be able to sweep anything so obvious under the rug. We've got the problem; it's increasing, and we had better do something about it. One thing is certain, we cannot purify the air after it is polluted. We are going to have to curb pollutants at the source, just as we controlled smoke in the combustion chamber.

The first phase of the Interstate Air Pollution Study, which involved St. Louis, St. Louis County, East St. Louis, and the adjoining Illinois and Missouri counties, was recently completed. I am sure it will prove quite beneficial in our ultimate solutions of the pollution problem.

The first phase report was criticized by some, and I do not wish to belabor that point today. But if you think that criticism was serious, you will be shocked by the criticism which will be leveled at all of us in Government if we do not recognize this as a metropolitan problem right now.

What I am trying to say is simply this: The discussions and the first phase of the survey under the direction of the U.S. Public Health Service makes it crystal clear that this it truly a metropolitan problem, and it will not be licked by unilateral action by the city of St. Louis, East St. Louis, St. Louis County, or any of the various cities or counties comprising the metropolitan area. It's a rare wind that doesn't affect all of us.

Engineers and scientists can tell us the sources of pollution, the causes, the meteorological effects, methods of control, and many other technical factors we need to know about air pollution to fight it; but it is our job, and not theirs, to establish the political machinery necessary to clear the metropolitan air.

In short, let us let the professionals go about their tasks, but let us simultaneously launch the necessary discussions and preliminary work needed to put their scientific data to work for the public benefit. If we, as governmental, business, professional, and civic leaders of the area, wait until the second phase of the scientific study is completed before we seek some means of areawide control, we certainly will be criticized and justly so, in my opinion.

If the local metropolitan communities do not recognize and play their proper roles in the fight against air pollution, which knows no political boundary, then I believe it may be quite likely that the Federal Government will consider this a proper sphere for Federal intervention.

This is certainly the message I read in the recently enacted U.S. Clean Air Act, which authorized the expenditure of $85 million over the next 3 years for air pollution control studies and assistance to local communities.

Section 5 of this act, in a way very similar to the Federal water pollution law, empowers the Secretary of Health, Education, and Welfare, whenever health or welfare is endangered, to hold conferences and make recommendations for air pollution abatement. If these recommendations are not implemented, public hearings and Federal court action may follow.

That procedure certainly reflects a policy of U.S. concern over local failure to do something about metropolitan air pollution. Certainly, none of us can deny that Federal pressure against stream pollution caused the drafting and passage of the recent $97 million bond issue for control of sewage facilities serving the metropolitan sewer district.

Personally, I think it would be most preferable if we assumed local areawide initiative for our control program. Let us utilize the valuable incentives of the Federal legislation, but let us come up with a locally determined

solution wherein the system of controls is regionally conducted.

Recently, I suggested to the St. Louis Board of Aldermen the establishment of a metropolitan council which would not only debate, but seek solutions of areawide problems.

I urgently recommend that one of the first functions that such a council take up would be the matter of areawide air pollution control.

The Federal legislation which I just mentioned also makes available funds, on a 3-for-1 matching basis, to establish, develop, or improve regional air pollution programs which cut across geographic boundaries. The bill also offers $2 of Federal money to each $1 of local money for strictly local control program improvements under the direction of a single political subdivision.

It is not my intention to set forth in detail the manner in which we should attack the governmental aspects of regional air pollution control.

I am pleased to announce that I have discussed this general idea—a metropolitan approach to air pollution control—with my good friends and colleagues, Lawrence Roos, supervisor of St. Louis County, and Mayor Alvin Fields, of East St. Louis, who is also chairman of the Southwestern Illinois Council of Mayors.

Supervisor Roos, Mayor Fields, and I have agreed to the proposition that air pollution must be conquered on a regional basis. We have agreed to organize a regional advisory committee which will propose ways and means to secure that goal.

We have further agreed that this functional regional committee, together with others in the areas of planning, economic development, airport development, and so forth may become the nuclei from which a broadly based Metropolitan St. Louis Regional Council may be developed.

Certainly, we would make certain that all political levels of government—both administrative and legislative—cities, counties and the two States should be involved in such an approach. They would have to have legal assistance and, possibly, some research study assistance from the universities of the area.

Unlike many problems which face government today, I do not believe an effective air pollution program for the whole area will cost the taxpayers any significant amount of money in comparison with other problems, such as mass transportation, slum clearance, education and the like.

In St. Louis, we operate one of the most effective smoke control programs for $118,000, in this years' budget, or only fifteen one-hundredths of 1 percent of the total budget. The benefits which could be derived from an areawide program would far offset the relatively minor costs involved.

With the Federal Government willing to assist in establishing and developing urban area programs, and with the cost of operating the program minimal, the real stumbling block to any such approach will be apathy on the parts of both the people and their governments. I think it is up to those of us in government to arouse the people as to the need. It is up to us, as public officials, to point the way to a solution of air pollution problems before they strangle us—and I don't mean so to speak.

Let us not wait until we reenact Black Tuesday, by simply replacing smoke with fumes that make urban life not worth it all. It is up to all of us in government to take immediate steps in the areawide fight against all types of air pollution.

To succeed, we will need the support of the industrial and business community and all the citizens. I believe we will have such support if we face our challenge courageously, intelligently, and free from old outmoded sectional rivalries.

THE FUTURE OF FEDERALISM

Mr. DOMINICK. Mr. President, recently I received a fine and unusual publication from Oxford, England, entitled "The New Federalist." I am happy to see that the two principal editors are graduates of Colorado College in Colorado Springs, Colo. They have done a fine job, even though I do not agree, perhaps, with all the positions taken in various articles published in the magazine.

One of the articles appearing in the publication was written by a good friend of mine and my colleague [Mr. ALLOTT], a Coloradan by the name of Max Power, who is now studying at Magdalen College this year. The article, and the principal editorial on a related subject, are found in the May issue of the publication. I ask unanimous consent that the editorial entitled "The Future of Federalism" and the article by Max Power entitled "Nationalism and French Foreign Policy" be printed at this point in the RECORD.

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

THE FUTURE OF FEDERALISM

Believing that a national and international dedication to the principles of federalism is a vital necessity in today's world, the New Federalist has committed itself to the promotion of the future of federalism.

Nationally, it is agreed, the individual is faced with a growing loss of identify, and involvement in the working out of his own destinies. Both the economic complexity of an affluent society and the crisis ridden nature of the cold war have conspired to remove from the hands of the citizen effective control of his political and economic fates. Coupled with this, the middle classification of American society and the multiplying amount of nonproductive and noncreative leisure time available have made the individual's cultural, society, and moral identities nebulous and undefinable.

In the last three decades America has faced the economic crisis of the great depression, the military crisis of World War II, and the security crisis of the cold war. All of these crises were, and are, clearly defined and recognizable, and our National Government fulfilled its proper function by stepping in to direct our offensive against these foes. But, in developing the massive machinery necessary to fight these crises, we have developed a state of mind which has openly abdicated to our National Government the responsibility of meeting each and every crisis in our national life, regardless of how small or localized it may be. This abdication of responsibility, once begun, has led to a state of affairs where the citizen is more and more resigned to letting the "them" decide for him.

We believe that some of these abdications have been necessary and desirable. Certainly in the sphere of economics the laissez faire conceptions have long ago proven their inadequacy, and the void caused by their demise could only have been filled by the regulation and activity of the National Government. But even this nationally directed activity must make allowance for the fact that in a large diverse country such as ours, it is undesirable and inefficient to allow all power, initiative, and innovation to repose in one center.

What disturbs us most in national life is the fact that a whole new generation is growing up which is accustomed to a system of government in which more and more political and economic decisions are centrally directed from Washington, and which is totally unaware of the fruitful initiatives which can be undertaken at the State and local levels. To remove the imbalance caused by the almost inevitable centralizing forces at work today, we believe that a rededication to the principles of a federal system of government is essential.

The original Federalist arose out of the attempts by the Founding Fathers to impress a creative unity over the 13 centers of diversity which were the original colonies. The New Federalist believes that this creative pattern of unity needs to be revitalized and renewed. This revitalization can only be insured by fostering the diversity of power, initiative and innovation on all levels of government. Such a renewal is not dependent upon the dismantling of our National Government but on the seizing of the opportunity to serve, to initiate and to innovate by the local and State governments and by the citizens themselves.

Internationally the background is different but the problem is the same: How does the individual and the nation-state preserve a measure of autonomy and identity in the face of the growing need and demand for effective world cooperation under the auspices of an organization like the United Nations? It has become a popular truism that the nation-state is ill equipped to handle many of the demands of the modern age. To mention only two, military security and economic growth are no longer obtainable by one isolated nation-state, working without the agreement and cooperation of its neighbors and allies. Unfortunately the contemporary conventionally accepted alternative to the nation-state, the United Nations, has been unable to provide a viable solution to many of the problems created, or left unsolved, by the nation-state. There are good reasons for this less-than-total effectiveness of the U.N. For one, getting a hundred-odd nations, divided by ideology, tradition and geography, to work in concert is just too idealistic.

We are not rejecting the usefulness of the U.N. on some occasions when we cite this ineffectiveness. But neither are we saying that the U.N. is the only alternative we have to the nation-state. The concept of regional federations or confederations, both economically and politically based, is still a valuable one but one which has been overshadowed by the grander vista of world government offered by the United Nations.

Here again the individual units, represented by the nation-states, must seize the opportunity to serve themselves and their neighbors. Rather than resigning ourselves to accepting the gap between the squabblings of the nation-states and the utopia of world government, we must seize the opportunity provided to initiate vigorous and creative cooperation in, and between, regional communities of nations. If we delay, if we hesitate, to implement and promote the ideals and ideas of federalism among the nations of the world, we may find that our goals of world peace and prosperity-in-freedom will be as forsaken as they are unattainable.

In his 1962 Godkin lectures delivered at Harvard, Nelson Rockefeller uses the metaphor of a circle to suggest that in a federal system of government, power resides both in the center and at the circumference of that circle. We would like to extend this metaphor further and refer to federalism as a wheel whose hub in the Central Government, whose spokes are the State governments and whose rim is the local governments. Likewise we can regard the U.N. as the hub of a world wheel, the regional organizations as the spokes, and the national governments as the rim. In each case the driving force may be delivered through the hub but it's the spokes which connect the hub to the rim and it's the rim which transfers the power

into motion forward, as it grips the surface of the road.

This view of government, either international or national, should not be constructed as either exclusively liberal or exclusively conservative. In fact, it is both. We are reminded of the simple definition which states that "A liberal believes that man is a product of his environment and a conservative believes that the nature of man is essentially immutable." The New Federalist, with its belief in federalism, can agree with both these views. Federalism, in fact, incorporates both views; federalism, ideally executed, recognizes the intrinsic nature of man but seeks to erect a system of government in which the most noble verities of the human condition can be evoked. The Federalist view of mankind and his governments is, therefore, both a realistic and a challenging one.

The challenge of federalism is a historic one, especially to Americans. And it is a challenge to individuals foremostly. Federalism, with its diverse centers of power and responsibility, and with its dependence upon the response of the individual to the level of government closest to his abilities, is the direct antithesis to both communism and fascism. Federalism is the only system of government in which the diversities of individuals is both recognized and built upon. That is why we, in the 1960's believing in the individual and in the necessity for a modern system of government, seek both to renew federalism in America and to extend its frontiers elsewhere in the world. This is why the New Federalist has been formed.

INTERNATIONAL: NATIONALISM AND FRENCH FOREIGN POLICY

(By Max Power)

Scarcely a discussion of international affairs these days does not quickly produce a mention of France. That nation, since Charles de Gaulle assumed its leadership 5 years ago, has attained a redoubtable eminence on the world scene reminiscent of its mighty influence during many periods in past centuries. This appears all the more remarkable in that, not so many years ago, it was not uncommon to hear pundits and professors speak of France's decline to a "second-class power."

For all the complex and perturbing problems which France's assertive foreign policy is creating for the world's great powers, the key to that policy is quite simple: It is nationalism. "No ordeal changes the nature of man, and no crisis changes the nature of states," is De Gaulle's way of stating it. Nations, he tells us, are "the most partisan bodies in the world." And De Gaulle's France aims to conduct itself as a nation, to "undertake great actions, assume great proportions, and greatly serve her own interests and"—an afterthought perhaps?—"that of the human race as well."

To this end, De Gaulle has done a number of things which have clearly and painfully indicated France's national spirit to Washington, Whitehall, Moscow, and the United Nations. Among these have been the rejection of Britain's bid, supported by France's five partners in the EEC as well as the United States, for Common Market membership; the refusal to pay France's share of U.N. peacekeeping operations in the Congo; the exertion of French influence in the Middle East, Africa, the Far East and the hemisphere; the boycott of the 17-nation Geneva Disarmament Conference and the nuclear test ban treaty; and the recognition of Communist China.

Stemming from his quest for national prestige and power, there appear to be five basic principles underlying De Gaulle's disconcertingly independent actions: a dislike for American domination in the North Atlantic, distrust of the Soviet Union, desire for the status of a nuclear power, a belief that France should lead an integrating continental Europe, and the pursuit of opportunities to involve France in the calculations of nations other than the nuclear powers.

The postwar years indeed saw American direction and influence in Europe. This in itself was hardly amenable to France's nationalism. But the fact that the United States continued its special wartime relationship with Britain, and that the American Government denied France the means to build or control a nuclear deterrent, made American preeminence a still more bitter pill to swallow. It was this special relationship of the United States with Britain, involving as it does the question of Britain's nuclear weapons, which gave De Gaulle his grounds for rejecting the British quest for Common Market participation. With this in mind, it is not difficult to see why the hopes expressed by many Europeans and especially by American officials for "Atlantic partnership" or an "Atlantic Community" have driven De Gaulle to assume an increasingly recalcitrant stance.

De Gaulle's anti-Americanism is hardly a sign of his pro-Communist feelings. The French President has often made explicit his support for a "hard line" in dealing with the Soviet Union. Indeed, he has given no favorable response to increasing Soviet-American accommodation, and he was prompt to throw his support behind President Kennedy at the time of the Cuban confrontation. His Prime Minister, Georges Pompidou, recently underscored the fact that France agrees with America that the Soviet adversary must be convinced that "any attack would be answered," and also that, in such an event, France would again be at the side of the United States. Nevertheless, De Gaulle has stated that he wishes an independent nuclear deterrent to safeguard France and Europe against the Soviet threat, because he is not satisfied that Americans mean to use their own deterrent to that end.

France's desire to develop and possess nuclear weapons has other motivations. With such weapons, France's importance in international dealings would be at least equal with that of Britain. Moreover, if France has a nuclear deterrent, then she will be in a position to lead a "third force" as a check against the two nuclear giants of the present day. It would seem that the "third force" means an association of European nations, or perhaps an umbrella under which many of the nonnuclear states, committed or uncommitted, can huddle. "Many states and world opinion," De Gaulle has noted sagely, "shy away from giants." It might be fair to ask what France expects to happen if and when it becomes a giant.

It is difficult to assess France's drive for the leadership of an integrating continent at present, for, as this is being written, the members of the Common Market are meeting at Brussels to discuss political integration. We might better understand the outcome of these negotiations, whatever it may be, by recalling some salient facts.

France is a key, in a number of ways, to the present European Economic Community. The EEC was formed largely on French initiative. As Guy Mollet, the former French Premier, recently told an English audience, the search for a means to prevent Franco-German relations from resuming their shape of the years from 1870 to 1945 brought France to pursue economic unity. There is no question that Mollet and the Frenchman Jean Monnet played central roles in the drafting and the adoption of the Treaty of Rome in 1957. And France's position within the Common Market is both economically and geographically central today. French agriculture is an important complement to the industry of West Germany and northern Italy, and France lies in the center of "The Six."

Thus France has often been able to dominate EEC affairs. She was able to blackball British entry and to press successfully for a Common Market agricultural policy favorable to her own farmers, but unfavorable to those in Germany and elsewhere. The threat of French withdrawal from the Common Market is the threat of its demise, and West Germany, Italy, the Netherlands, Belgium, and Luxembourg have benefited far too much economically since 1958 to risk that demise.

It has been assumed since the inception of the EEC that its members would move toward political as well as economic integration. France, by reason of her key position in the Common Market, her forthcoming independent nuclear deterrent and her newfound stature as a world power, hopes to lead a politically united Europe. In fact President de Gaulle has made it rather plain that he is not very interested in any sort of political integration which would compromise France's determination of her own affairs—and this strongly implies that France intends to determine a united Europe's policy.

That this should come about looks, at present, rather dubious. Chancellor Ehrhard of Germany and President Segni of Italy have both recently visited Washington and have made clear their desire for continued cooperation—close cooperation—with the United States. They both have a disconcerting habit of speaking in terms of Atlantic partnership. The smaller members of the EEC seem somewhat restive under French domination of much of the Community's economic policy, and their reactions to De Gaulle's notion of a united Europe have not been openly favorable.

Meanwhile, De Gaulle is busily seeking to increase French influence in all parts of the world. This certainly enhances French national standing and assists France in fulfilling the other goals discussed above. France has a substantial foreign aid program—twice as great as that of the United States in terms of gross national product—which is shrewdly used to win support for France, particularly from her former colonies. President de Gaulle, whose government had already been making its presence felt in southeast Asia, justified his recognition of the Chinese regime in Peiping on the ground that there is no political reality in that part of the world "that does not concern or touch China." This together with French support for a neutral Vietnam—indeed for a neutral southeast Asia, indicates a deliberate effort by France to increase her influence in that area.

But De Gaulle has not been content with increased French influence in Europe, Asia and Africa. He has scheduled visits to Mexico, Brazil and other Latin American countries this year. Moreover, in a truly remarkable statement which he recently made, the French President said that France could not remain indifferent to the French-Canadian movement for independence centered in Quebec.

De Gaulle's France has accepted its own nationalism as a hard fact, and has proceeded from it, almost as from an assumption, to an assertive, independent foreign policy. As another basic assumption, France holds that other nations share her nationalism. Thus she appeals to those nations who are restive under the dominance of the two great nuclear giants, and she has no great regard for, or faith in, NATO, SEATO or the United Nations.

France, under De Gaulle, is leading the way away from a bipolar world. In so doing, she is providing new initiatives and new perspectives in international affairs. In all of this there may indeed be constructive benefits to be derived from current French policy. At the same time, France is presenting a serious challenge to those who seek to build supranational structures—be they alliances, the Atlantic Community or the United Nations—as a basic for world order.

France's world of the present and future is simply a world made up of self-interested, jealous and competing nations—a view of things which many would hold to be quite realistic. In that world of nations, France seeks to distinguish herself and to lead.

CONSERVATION OF RECREATION RESOURCES

Mr. METCALF. Mr. President, I rise to congratulate again Federal Highway Administrator Rex F. Whitton for another step toward protection of valuable public recreation resources from damage caused by publicly financed highway construction.

It was exactly a year ago today that Mr. Whitton first moved in this direction after reports of such damage poured in from across the Nation. The concern of conservationists prompted my introduction of S. 2767 in the 87th Congress. It would have required clearance by the Secretary of the Interior for Federal-aid highway projects. Acting through the Fish and Wildlife Service, the Secretary would satisfy himself that conservation of recreation resources was considered in highway plans and surveys.

I reintroduced the bill as S. 468 in the 88th Congress, in which it was cosponsored by the junior Senator from Utah [Mr. Moss], the senior Senator from Alaska [Mr. GRUENING], and the junior Senator from Wisconsin [Mr. NELSON].

Our concern was shared by Secretary of the Interior Stewart Udall and Secretary of Commerce Luther Hodges. After making his own inquiry into the problem and after consultation with others concerned, Mr. Whitton issued an instructional memorandum last June 12. The memorandum, No. 21–5–63, was carried in full with my remarks in the CONGRESSIONAL RECORD, volume 109, part 10, page 12846.

It set as its goal "suitable coordination" between State highway departments and the conservation agencies. As a minimum, the memorandum requires State highway departments to submit plans to State fish and game agencies "at an early stage," and to give these agencies "full opportunity to study and make recommendations" to the State highway department prior to submission of the plans to the Secretary of Commerce for his approval.

The memorandum set the first of this year as the deadline, after which State applications for Federal aid for highway construction "shall contain a statement that the State highway department has considered all facts presented by the State fish and game agency and the effect the proposed construction may have on fish and wildlife resources."

According to the memorandum, the statement should include:

1. a description of the measures planned as project expenditures to minimize the effect of the proposed construction on fish and wildlife resources;

2. a description of any measures proposed by the State fish and wildlife agency to accomplish this purpose, which differ from those proposed by the State highway department; and

3. to the extent that measures proposed by the State highway department and State fish and game agency differ, an explanation of the factors considered by the State highway department in arriving at its proposal.

Shortly after this memorandum was issued, conservationists suggested that it should be broadened to include parks and other outdoor recreational and historical resources. After lengthy discussions with those also concerned, Highway Administrator Whitton issued another memorandum. Dated May 25, it requires consideration of historical and public recreational resources in Federal-aid highway programs. Included in the definition of recreational resources are public parks, playgrounds, forests, open space, game sanctuaries, "and the like."

I ask unanimous consent that the attached Bureau of Public Roads Circular Memorandum No. 39–01, dated May 25, 1964, be included in my remarks as part of the RECORD.

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

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., May 25, 1964.

Circular memorandum to: Regional and Division Engineers.

From: Rex M. Whitton, 39–01, Federal Highway Administrator.

Subject: Consideration of the overall interests of the public in the Federal-aid highway programs and programs for the protection or improvement of parks and other outdoor recreational and historical resources.

To assure that full consideration is given to the overall interests of the public in both the Federal-aid highway programs 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 (P.S. & E.) for each Federal-aid highway project which affects natural or manmade 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 nonconcurrence shall be included with the P.S. & 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 for public roads provide the best possible solution in the judgment of the highway department.

The procedure outlined herein shall be applicable to all Federal-aid programs, including secondary road projects undertaken pursuant to section 117 of title 123 and for which P.S. & E. are submitted after October 1, 1964. For secondary road plan projects the highway department's statement of public interest will not be required until the time of the project agreement.

Mr. METCALF. In congratulating Mr. Whitton on his interest in recreation, fish and wildlife, and historic resources, I also wish to pay tribute to the conservationists whose reports called the problem to our attention and whose dedication has apparently put us on the road to solution by administrative action.

AIR SUPERIORITY

Mr. ALLOTT. Mr. President, on June 3, Gen. Curtis E. LeMay, Chief of Staff, U.S. Air Force, delivered the graduation address to the Air Academy at Colorado Springs, Colo. In the address General LeMay expressed three things: The first requirement that he stressed was that the United States maintain its strategic advantage; the second requirement that he stressed was the need to maintain a technical superiority as the key to strategic advantage; the third point he mentioned was the counterforce concept of deterrents. These subjects are all discussed in very lucid detail, and I commend the address to anyone who is thinking and desires to think and understand our concept of defense in the United States. I ask unanimous consent that the address may be printed at this point in the RECORD.

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

GRADUATION ADDRESS BY GEN. CURTIS E. LEMAY, CHIEF OF STAFF, U.S. AIR FORCE, AIR FORCE ACADEMY, COLORADO SPRINGS, COLO., JUNE 3, 1964

General Warren, Governor Love, distinguished guests, members of the graduating class, ladies and gentlemen, no one can understand better than I the importance of this Academy or take more pride in its graduates. That is why I am so greatly honored and pleased by the opportunity to join you on this significant occasion.

Through today's ceremony we affirm our confidence in you graduates who are superbly constituted and trained for leadership—and dedicated in the service of your country.

Nothing, as I see it, could justify and reward more fully the efforts that brought this institution into being.

Your graduation represents true progress toward meeting the growing need for professionalism in aerospace operations. Professionalism in this field demands continuing mastery of a changing technology and a complex art. And it demands the courage to assert and apply that mastery in supporting national objectives.

So I take pleasure in congratulating you on achievements that denote your fitness for these tasks.

You can be sure that I would value highly the opportunity to be entering on active duty in the Air Force with you at this time.

I emphasize the phrase at this time because you are being commissioned in a period that presents a unique challenge to our Nation and to the military services.

Through development of nuclear energy and advanced aerospace systems, civilization has attained its greatest capacity for progress—or for destruction.

From many sources we hear expressions of doubt concerning man's ability to avoid using this power for his destruction.

I do not share that doubt. It seems to me that modern weapons make it clear that the penalties for lapses in vigilance and misuse of power that have marred history are now prohibitive.

This means that civilization, in order to survive and progress, must do better than it has in the past.

And, it is my conviction that in recent years civilization has done better according to standards that are acceptable to our country and to the free world.

It is also my conviction that the U.S. Air Force throughout its history has done much to make that improvement possible.

My basis for that conviction is the record of Air Force operations through two World Wars, the Korean war, and through a long rollcall of crises such as Lebanon, Formosa, Berlin, and Cuba.

For about the first half of that period the Air Force was planning, testing, training, and fighting to produce the results that established it by 1945 as a dominant military instrument of national policy.

Since that time we have provided the major strategic deterrent to general war. In that role we have convinced the potential enemy that the risks incurred by full-scale aggression are unacceptable.

By improving and expanding the tactical elements of our military forces we have apparently convinced him that limited aggression on the scale of the Korean war involves unacceptable risk.

In the process, the Communist world has been forced to operate at the level of subversive action and covert aggression. And our forces are opposing them effectively every day at that lowest level on the scale of violence.

It is vital to understand that these restraints have not resulted from a sudden and miraculous transformation in the attitude and the aims of world communism. It is equally important to understand that these restraints have been imposed primarily by the superiority of U.S. strategic forces, teamed with hard-hitting tactical elements.

There can be no doubt that these forces have done much to produce Soviet agreement on major issues, including arms controls measures that are singled out periodically as prime topics of public discussion.

These arms control measures are very properly objects of public attention. It therefore is only natural that you graduates should want to know what this trend toward arms control will mean to you in the years ahead.

I am confident that I can satisfy your concern on this point by emphasizing certain continuing requirements that you will have to meet throughout your careers.

In fact, I regard these requirements and the principles to be applied in meeting them as important guidelines for defense. Your success in fulfilling these requirements will be essential to this Nation's security.

Your first requirement will be to obtain continuing support for the maintenance of U.S. strategic advantage. That advantage must be maintained as the cornerstone of our deterrent posture.

It is interesting to note what President Johnson said on this point in a recent speech, and I quote:

"We have labored to build a military strength of unmatched might. We have succeeded. If the threat of war has lessened, it is largely because our opponents realize that attack would bring destruction. This effort has been costly. But the costs of weakness are greater than the costs of strength, and the payment far more painful."

You therefore must not permit the requirement for strategic advantage to be obscured by arguments that describe the present world situation as a condition of "mutual stalemate" and "mutual deterrence."

There is no evidence of stalemate in the present power balance. It still favors us by a clear margin. It is still determined by relative pace of actions going forward in all the areas of national endeavor—social, economic, and military.

In the military area modern weapons have increased the dynamic character of our preparations for defense. We now gain our security, not from geographic isolation, but from the continuous maintenance of superior military capabilities.

The "mutual deterrence" theme obviously assumes that the United States and the Soviet have experienced a mutual threat. That assumption fails to recognize that U.S. monopoly of nuclear delivery systems during the late forties and early fifties presented the Soviet with no threat of aggression.

And it fails to consider how Soviet possession of nuclear advantage would have affected our Nation and the free world.

It is imperative that these points be understood as the basis for any realistic discussion of proposals for arms control arrangements.

And from what we have seen of mutual arms control arrangements we know their negotiation, execution and, in particular, their verification will require very careful, thorough, and painstaking work.

However, we already have placed in effect certain measures which can be considered as a form of unilateral arms control. We can expand and improve on these measures through our own initiative without detriment to our strategic posture.

One example is our development of fast and secure communications to guarantee controlled response of our forces in periods of crisis.

Other examples are the hardening and dispersing of our nuclear delivery systems and the establishment of protected command posts like the one under nearby Cheyenne Mountain.

These measures are stabilizing in their effect because, while obviously not designed for aggressive use, they help to provide a credible retaliatory force that can survive, react, penetrate, and prevail.

The systems making up this force are adaptable to any future method of checks and inspections.

They are and will continue to be the products of an intensified research and development effort.

This underscores a second major requirement that you will have to meet through all the years of your service: That of maintaining technical superiority as the key to strategic advantage.

It is important for us to note some of the reasons why the question of technical superiority will be of such great concern to you.

Research and development is the most dynamic area affecting our security. We cannot prescribe the timetable or the limits for technical advances. Nor can we foresee how other countries will apply those advances to new weapons, new strategy, and new tactics.

In the past it was not such basic developments as atomic energy and jet propulsion that produced technical surprise in conflict. Rather, it was their unexpected application.

Everything we know about the military application of science tells us that weapons of the future will be potentially more decisive in their impact on human affairs. It also tells us that we cannot depend on a static, finite defense arrangement that is based on any so-called ultimate weapon.

This means that you will need to apply vigilance and ingenuity in detecting breakthroughs that can affect our security. This applies equally to our three graduates who are reinforcing our sister services—the Army and the Marine Corps.

Beyond your immediate concern with such things as advanced manned aircraft, missiles, and space systems, you must be prepared to deal with the possibility of exotic weapons. These could emerge, for example, from basic scientific research now being conducted.

To weigh the military implications of new developments in these fields you will have to understand their effect on the nature of conflict. And this brings me to the third requirement I want to discuss.

During your careers, you will fill command, staff, crew positions, and technical assignments. In these capacities you will be faced with the constant requirement to update your thinking on strategy and operational concepts.

You will also have responsibility for conducting the flights and launches that will validate these strategies and concepts under all conditions of tests and combat. That is the hard core of your professionalism, in which your knowledge, your experience, and your skill must be unequaled.

Your prospects are good for an immediate start in attaining these qualifications both in the launch control center and in the cockpit.

Our present force of missiles will build toward an objective of more than 1,200 by 1970. Over that period, our force of more than 6,000 firstline aircraft will be continued with new, improved models coming into the inventory.

With pilots expected to be in short supply over much of that period, many of you will gain experience with these systems at a rapid rate.

Where my career began with the 150-mile-an-hour P–1, yours begins with the supersonic F–4C and B–58 and will progress through new aircraft and manned spacecraft. to systems not yet conceived.

As you gain experience with these systems here are some of the strategies and operational concepts that will undoubtedly claim your attention:

The idea of using force to achieve total defeat of an enemy is now only one of the available choices. When you consider the damage levels that high intensity war can bring even to the nominal "winner," total defeat of the enemy may be the least desirable choice.

For the future, we need to improve our methods of using weapons to gain precise, but limited, objectives for particular crisis situations. This would increase our capability to neutralize selected targets which are important to the enemy. If carefully applied, these actions could force him to back down from his initial aggression and negotiate our respective interest.

I think we also need to further develop concepts for rapid deployment of forces to produce a desired deterrent effect in certain areas.

Our composite air strike forces and strategic airlift forces have provided some excellent examples as a guide for this effort. Their rapid movement to trouble spots like Lebanon, Berlin, and Thailand has demonstrated the fact that we can prevent the exploitation of power vacuums that may exist.

We also need to increase still further the effectiveness of our operations against guerrilla forces. And we need even better methods for countering acts of covert aggression that are carried out through the movement of men and weapons across recognized borders.

There are many other ideas that need developing in recognition of the fact that flexibility is essential at all levels of deterrence or conflict.

Now as a final comment on strategy and operational concepts, I want to stress the importance of a counterforce concept of deterrence.

By counterforce I mean the ability to destroy selective elements of the aggressor's strategic offensive systems, thereby reducing his capability to attack us.

I believe counterforce provides the best deterrent because it is based on a concept of destroying or neutralizing the military forces which the enemy must depend on to gain a victory.

And through this effective deterrence we achieve the principal objective of our military forces—that is, the full protection of American lives and property.

If deterrence should fail, counterforce provides for maximum limitation of damage under the worst possible conditions.

Thus, counterforce, in situations involving either the success or failure of deterrence, provides the greatest dividend that we can gain from any strategy.

I have placed emphasis today on the areas of concern that I believe will claim a major share of your effort and attention.

These are: The requirement for strategic advantage; the requirment for technical superiority as the key to strategic advantage; and the requirement for refining strategy and operational concepts.

These are problems of broad and changing context, and I have talked chiefly of the fundamental principles involved.

I am convinced that the continued application of these principles will pay great dividends.

At the strategic level their application will be effective in preventing general war.

At the tactical level their application can prevent limited wars and uphold national policies in conflicts of lesser intensity.

These principles offer the best hope for preserving conditions that permit the nonviolent adjustment of disagreements among nations.

I can think of no higher purpose to be served with the time and talent at your command.

In my 35 years of service, I have seen aerospace power remold or set aside many traditional military concepts.

Since 1945 it has compelled action on a broad and continuing basis to meet the hard requirements of our security as determined at the highest levels of national leadership. That action, though discomfiting to some, is essential to all.

As you carry that action forward, you will build on a proud heritage of military service.

And you will attain a clear and lasting identity with the areospace pioneers who enriched that heritage.

They were men of vision, of strong moral and mental fiber, and of sure and steady skill.

They operated, as you will, at the forefront of scientific advance and close to the limits of human skill and endurance.

Through periods of calm, crisis, and combat they served with unfailing courage. And their achievements remain a living force in the pace and momentum of progress.

In protecting the life and freedom of our society they earned a public trust that will now reside in you.

I know that in fulfilling that trust you will match their integrity of thought and action, that you will persevere, and press forward, and succeed.

My heartiest congratulations and best wishes to all of you.

THE DEDICATION OF THE NEW DISTRICT BUILDING OF THE FOOD AND DRUG ADMINISTRATION IN MINNEAPOLIS

Mr. HUMPHREY. Mr. President, at the end of last month, an important landmark was achieved in the history of the Food and Drug Administration and in its service to the food, drug, and cosmetic industries of the upper Midwest. I refer to the dedication—on May 25—of the new FDA District Building in Minneapolis, combining ultramodern office and laboratory space and equipment.

An inspiring dedication ceremony was conducted under the auspices of the Minneapolis Chamber of Commerce, the Downtown Council and the U.S. Department of Health, Education, and Welfare.

It had been my hope that I might have the pleasure and privilege of attending the ceremony in person. Unfortunately, that was not possible because of my commitments in the Senate. I was happy, however, to send the following telegram to George P. Larrick, Commissioner of Food and Drugs:

SUBCOMMITTEE ON REORGANIZATION AND INTERNATIONAL ORGANIZATIONS,
May 22, 1964.

Hon. GEORGE P. LARRICK,
Commissioner of Food and Drugs, In Care of Allan E. Rayfield, District Building, Food and Drug Administration, Minneapolis, Minn.:

May I convey greetings and best wishes to you and to your staff on the inspiring dedication of your agency's splendid new Minneapolis facility. May 25 is an important historical landmark in FDA's progress in serving the industries and people of our region. This great modern installation helps further advance FDA toward the goal of scientific excellence which is equally desired by your agency, by the Senate Reorganization Subcommittee of which I am chairman, and by the many professions, industries, and agricultural activities within FDA's jurisdiction. Thus, the public officials and citizens of Minnesota and of surrounding areas welcome this fine new facility as an impressive resource for strengthening FDA's vital services to the American public.

Senator HUBERT H. HUMPHREY.

I rejoice in the establishment of this new facility. It will help the great industries and the agriculture of my State and its neighbors to achieve still higher standards in serving the Nation's consumers. High quality and excellence have long been traditions in Minnesota-made products. FDA can now better assist in this process.

In effect, the FDA facility symbolizes a new era—an era in which modern science and regulation are joined in common service of the public health.

The facility indicates, too, that, at long last, FDA has been given the necessary resources with which to fulfill its massive workload.

I should like at this time to reiterate my congratulations and best wishes to the Commissioner and to his staff in the Washington headquarters and in the 18 districts throughout the Nation.

Regulation is rarely an easy task; it is particularly challenging in connection with industries as vast and as dynamic as foods, drugs, cosmetics, pesticides, household chemicals, and other substances.

FDA has come a long way in recent years. Many challenges still confront it. I hope the Congress will always be sympathetic and understanding of these challenges and, like FDA, that it will always be vigilant to serve the public interest, first and foremost.

I ask unanimous consent that there be printed at this point in the RECORD an outline of the dedication program; excerpts from the program pamphlet, describing what a visitor might see on the tour of the building and indicating the services rendered by FDA in protection of consumers; and the dedicatory statement by Commissioner Larrick.

There being no obejction, the material was ordered to be printed in the RECORD, as follows:

DEDICATION

MONDAY, 11 A.M., MAY 25, 1964

Phillip Harris, president, Minneapolis Chamber of Commerce, presiding.

Invocation, the Reverend Reuben K. Youngdahl, pastor, Mount Olivet Lutheran Church.

Flag-raising ceremony, color guard: U.S. Marine Corps.

National anthem, Minneapolis Police Band.

Recognition of guests, Mr. Harris.

Welcoming address, George Martens, president, Minneapolis City Council.

Dedications, George P. Larrick, Commissioner of Food and Drugs, Washington, D.C.

Presentation of key to building by contractor.

Benediction, the Reverend J. Jerome Boxleitner, director, Minneapolis Catholic Welfare Association.

Acceptance and ribbon cutting, Allan E. Rayfield, U.S. Food and Drug Administration, Washington, D.C.

A. Harris Kenyon is director of the Minneapolis district.

PROGRAM PAMPHLET

OPEN HOUSE

Our program for showing you the building begins with our request that you sign the guest register in the lobby. Your guide will conduct a tour beginning on the second floor where you will view the new laboratories.

TOUR OF BUILDING

Laboratories

Special Purpose Laboratory No. 1 is used for preparation of food samples for pesticide analysis.

Gas chromatographs are used to record the amount of pesticide present in food samples prepared in Special Laboratory No. 1.

Main Laboratory B: Legal standards have been established for some foods which are examined to determine if standards are being met.

Bacteriological Laboratory: FDA's fight against insanitation will be greatly enhanced through tests made in the bacteriological laboratory.

Special Purpose Laboratory No. 2: Detection of radioactivity in our food supply is possible through analysis of samples in this laboratory.

Main Laboratory C: The various fractions of the colors added to our foods, drugs, and cosmetics are separated on large columns prior to instrumental analysis.

Main Laboratory A: Constant surveillance maintains and protects America's hallmark of the cleanest food supply in the world.

Main Laboratory A: Postwar technological advances in research have provided a host of new medications which must be examined to assure their accurate composition.

The answers to complex analytical problems previously unsolved, are now available to FDA through use of modern instrumentation.

Offices

Having finished your examination of the laboratories, you will now be taken to the first floor where your guide will continue with a tour of the inspectors' office.

Inspectional equipment is displayed and its use by inspectors is explained.

Modern equipment records extravagant claims made by charlatans who distribute many worthless products.

Reports of inspectional work dictated on these machines will be typed by the clerical

staff, releasing the inspector to continue his assignments.

Education of all consumers is augmented by the efforts of the district consumer consultant.

You will now view the offices of the district director, his secretary, and assistant director.

Next your guide will lead you through the administrative officer's office to the clerical office.

Data processing equipment provides district management a rapid record system into which may be placed, and from which may be obtained, results of inspectional, analytical, clerical, legal, administrative, and other accomplishments.

Additional space would have to be provided for a conventional filing system were it not for the new concept of upright powered files in which our records are kept.

Maintenance area

You will now be guided to the basement area where you will view the storage area.

This garage will accommodate a fleet of 38 Government automobiles which have heretofore been stored elsewhere at considerable additional cost.

Exhibited here is a full complement of inspectional equipment. Exit through garage up ramp to Washington Avenue.

Thank you for visiting us today and we hope you will continue to return in the future when you will again be welcomed by the staff.

HOW FDA PROTECTS CONSUMERS IN THE MINNEAPOLIS DISTRICT

The United States is divided into 18 geographical areas with an FDA district headquarters in a principal city in each district. The Federal laws passed by Congress are programed into assignments for these districts along with certain allotments of money, manpower, equipment, and time to effect the greatest measure of coverage of the industries in those areas.

FDA's mission is to assure the consumer that foods are safe, pure, and wholesome; that drugs, therapeutic devices, and cosmetics are safe and effective; that all these products are truthfully and informatively labeled, and that household hazardous substances bear adequate warnings.

District personnel will soon consist of 74 inspectors, 52 analysts, 24 clerks, 8 laboratory scientific aids, 1 storekeeper, 1 administrative officer, a full-time consumer specialist, director, an assistant director, and a food and drug officer.

The area served by Minneapolis district (North Dakota, South Dakota, Minnesota, and the western half of Wisconsin) is principally an agricultural one, which is also reflected in the type of industry represented. Wheat and other grains, milk and dairy products form the bulk of the economy. Closely associated with these are the allied industries supplying pesticides to the grain growers and medicated feeds to the dairy and livestock producers.

The major efforts of Minneapolis district are directed toward assuring the public that the grain, grain products, butter, and cheese manufactured in this area are free from harmful residues of pesticides or other chemicals, and that they are clean and free from filth.

Also there are other major industries which manufacture or distribute consumer goods such as bakery goods, candy, fresh and processed fruits and vegetables, beverages, pharmaceuticals, therapeutic devices, and patent or proprietary medicines in this area.

Food warehousing is an important part of the work of the district for it is here that foods are held in quantity prior to delivery to your supermarket. Other specialty industries, such as those dealing in freezing of eggs, preparation of frozen desserts and other frozen goods, round out the more than 10,000 establishments over which this district has jurisdiction.

To determine if these products are safe, clean, and properly labeled and packaged, the Food and Drug Administration usually begins its investigation through an on-site inspection at the factory. Here raw materials, intermediate processing, equipment, labeling, net weight, and quality controls in use by the firm are carefully scrutinized to determine if violations are being committed. If so, or if it is suspected the product may not be a legal one, samples of the product are collected from interstate shipments and submitted to the laboratory for analysis.

Utilization of the latest scientific instruments is necessary to solve the analytical problems presented to the Food and Drug Administration by a growing and complex, technologically minded industry.

If analysis confirms the violation, the article itself may be seized under a court order which removes it from trade channels so consumers may not purchase it. The firm and its officials responsible for the violative shipment may be prosecuted by the Federal courts.

The inspectional procedure is an educational tool as well as a regulatory one. Inspectors discuss the impact of violative or suspect practices with management. Results of analysis of samples taken as a portion of a sanitary inspection are provided to the firm so it will know in advance if its product conforms with the law.

Not all violations stem from faulty manufacturing practices. The Food and Drug Administration constantly observes promotion techniques which may result in untruthful or misleading representations for a given article. Improper storage or handling may result in the introduction of filth into that article.

This work is augmented in great part by complaints registered by consumers, cooperating State and local officials, or by industry representatives.

In addition to products covered under the Food, Drug, and Cosmetic Act, FDA is now charged with enforcement of the Hazardous Substances Labeling Act, a law which defines toxic and flammable substances for household use and specifies how they shall be labeled. Thus, additional protection is afforded the consumer by FDA's attention to labeling of waxes, cleaners, paint and paint thinners, waterproofers, polishes, fuels, and similar articles in household-sized containers, any of which are potentially harmful, if marketed without cautions or warnings governing their use.

MINNEAPOLIS DISTRICT DEDICATION, MAY 25, 1964, BY GEORGE P. LARRICK

It is a privilege to be here today to participate in the dedication of this new Food and Drug Administration laboratory and office building that will serve consumers and the food, drug, and cosmetic industries of the upper Midwest. This building represents one more step in the modernization of the facilities from which the Nation's Food, Drug, and Cosmetic Act and related laws can be administered.

We in the FDA feel that it is indeed fortunate that this building is located in the gateway development area, convenient and readily accessible to consumers, members of industry, and cooperating officials. We are proud to be associated with the many recent additions to the area such as the Minneapolis Public Library, Federal Courts Building, Public Health Center, and the fine business establishments.

For their help in acquiring this site, we thank the Minneapolis Housing and Redevelopment Authority, its commissioners, executive director, and staff who are represented here today by Mr. Leonard F. Ramberg, vice chairman. We are grateful to the Members of Congress and their staffs, to our colleagues in local, State, and Federal governments; to consumer groups; and to leaders and representatives of food, drug, and cosmetic industries and all those whose support has made this facility possible.

As the breadbasket of the Nation and a large producer of dairy products, the upper Midwest has long played an important role in the food economy of the Nation. The Food and Drug Administration has maintained a district office in the Twin Cities since 1908.

In order that the Food and Drug Administration might fulfill its modern day obligation to the Nation's consumers, it must be able to cope with a host of complex scientific and technological problems brought about by the tremendous growth and expansion of industry in the postwar period. These changes by industry have necessitated changes in the laws—changes governing the use of pesticides, food additives, color additives, and drugs.

National attention has been focused on the rapidly changing pharmaceutical industry and the passage of the Kefauver-Harris amendments to the Food, Drug, and Cosmetic Act. A comprehensive and much needed addition to the law, this 1962 legislation allows for a greater measure of security in the strength, quality, purity, safety, and efficacy of drugs manufactured and used in the United States.

Likewise quite new is the Federal Hazardous Substances Labeling Act which established labeling requirements to safeguard the use of many articles intended for household use. The flammable or toxic properties of these products make it necessary that they be labeled with proper warnings and caution statements.

The expanded use in recent years of drugs in animal feeds for prevention and treatment of disease and growth promotion has had a significant impact on FDA activities, particularly in this agricultural area of the country. To assure that such feeds are safe and efficacious for the animals, and that the meat, milk, and eggs from such animals contain no drug residues that might be harmful to humans, requires thorough inspection and refined laboratory analyses.

Thus today the Food and Drug Administration and the regulated industries are witnessing many changes and technological advances. It is a period of great emphasis on science. It is a dynamic period.

That this building be named in honor of Allen E. Rayfield, Director of FDA's Bureau of Regulatory Compliance, is most appropriate. Not only is he a dynamic and vigorous leader whose scientific training and experience have prepared him well for today's challenges, but he, more than anyone else in the Food and Drug Administration, has been responsible for the modernizing and scientific upgrading of our field facilities. Parenthetically, it took some talking to get him to accept this honor.

Born in Mobile, Ala., Mr. Rayfield obtained his bachelor of science degree in chemical engineering at the University of Alabama. He graduated with honors and is a member of Phi Beta Kappa and Tau Beta Pi.

After working as a chemist in private industry, he joined the Food and Drug Administration in 1935 as a seafood inspector.

He was then transferred to the Philadelphia district as a food and drug inspector. In recognition of his outstanding abilities he was reassigned to more important supervisory posts until, in 1948, he was moved to Washington to be responsible for the direction and control of the field activities which, at that time, consisted of 16 district offices.

During his leadership and direction, the field quadrupled in size from a staff of approximately 500 people to over 2,300 people. New district offices were established at De-

troit, Mich., and Dallas, Tex., and eight modern laboratory buildings have been constructed similar to the one here in Minneapolis to replace old, obsolete facilities. Mr. Rayfield took a personal interest in the building program and devoted much of his time to planning the construction and equipping of the new buildings.

In February of this year, Mr. Rayfield was named Director of the new Bureau of Regulatory Compliance. This Bureau has been assigned the responsibility for planning programs and processing legal actions as well as directing and controlling the activities of the 18 field offices.

Throughout his rise in Government service, Mr. Rayfield has shown a tremendous will to work. He drives no one harder than himself. He thrives on action and has the ability to get things done. A man of integrity and loyalty, he demands those same attributes from those whom he directs. It gives me great pleasure that this building is named in honor of such a deserving coworker.

THE CHURCH AND THE SOCIAL ORDER

Mr. HUMPHREY. Mr. President, it was my distinct privilege recently to deliver the commencement address at the College of St. Theresa in Winona, Minn.

It is always a great pleasure for me to visit the lovely Hiawatha Valley of the Mississippi, and a day at this distinguished school of young women made the trip a memorable one indeed. St. Theresa's is deeply ingrained with that timeless Catholic tradition of service to one's fellow men. Its student body has always impressed me with its dedication to learning, and I was delighted when they invited me to speak.

It was with no small amount of envy that I faced these alert young women about to embark on careers in our fast-changing world. Theirs may well be that era in which men learn to live successfully both with each other and with their environment. I admitted to them my envy of their long lives in this fruitful period of history, and in my remarks I drew heavily on the two encyclical letters of Pope John XXIII, Mater et Magistra and Pacem in Terris. My respect for these two documents and their eminent author is profound, and I could think of no more enlightened source on which to base my discussion of the great challenges which lie before us. Mr. President, I request unanimous consent that my address be included in the RECORD at this point.

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

THE CHURCH AND THE SOCIAL ORDER

(Commencement address, College of St. Theresa, Winona, Minn.)

I am honored to speak to this graduating class. I am also more than a little envious of you, because you are beginning your adult lives in what I believe will be one of the great constructive eras in human history. The first half of the 20th century—and indeed up through World War II—was a "time of troubles" for Western civilization. The immediate post-World War I years were years of shock over the fact that mankind could be so self-destructive, and years of indecision on what to do about it. But the clouds of history have begun to clear. The goals we seek are somewhat distant on the horizon, but they are visible. The road we must travel will be long and difficult, but we know the direction and we know we can make it if we persevere.

I want to speak briefly on those goals which I believe are the prime objectives of the last half of the 20th century. They are four:

1. A social order built on justice and charity.
2. Peace.
3. An international authority able to control the rivalry of nation-states.
4. A recommitment to a moral order.

None of these goals is independent of the others. A just social order is a precondition of a peaceful world. Peace is also required to give time to solve the problems of the great inequities of the world. It will not be possible to secure the peace of any order, unless a world public authority is capable of establishing a law of justice in the family of nations. But, at none of these levels are we dealing with mere plans, programs, or mechanical arrangements. Such plans and programs will work to the ends of justice and charity only as they are conceived from the first in a moral commitment of men to a moral order.

It comes down to one simple thought—mankind must be seeking "community." Community is another name for brotherhood, in which the infinite worth of every individual as a child of God is recognized; in which every man's potential is free to develop—in which every man's rights are guaranteed.

There is nothing new about these goals. They are as old as Scripture, but today we are in a better position to realize them than at any other previous time in history. We have the tools, we have the power to assault the ancient enemies of mankind—ignorance, poverty, disease, and war itself. The means for victory lie in our hands, if we have the will to use them. There is a searching spotlight on us. If we fail, we can plead that we did not know enough or did not have enough resources—the excuses men used, with partial truth, in the past.

Man has always desired these goals. But he has looked for a voice and for leadership. He has longed for someone to state the issues and the demands with clarity and simplicity. His desire was not in vain. In the "fullness of time"—as a more ancient world might have spoken of it—Pope John XXIII gave to the world two great encyclical letters. Not long after the beginning of his brief pontificate, he gave us "Mater et Magistra," a striking document on justice and charity in the social order. Shortly before the end of his life he published "Pacem in Terris," the greatest document on peace in our time.

If I draw upon these documents in what I have to say here, I do so because of the great clarity of vision they presented. I do so also because I wish to be one of those "men of good will" to whom the Holy Father spoke across the boundaries of many faiths and cultures. These documents define the ground on which Western civilization will survive or perish; they state the terms in which the peace of the world will be won in our time, or will be lost for an indefinite future.

The world today is one of stark contrasts. One can draw the picture in many different terms: A small part of the world is rich; the rest is desperately poor. A small part of the world has high standards of health with a growing life expectancy; the rest is debilitated with malnutrition, disease, and early death. A small part of the world has high standards of literacy and a high attainment in knowledge, science, and technology; the rest is bogged down in illiteracy, primitive tools, a centuries-out-dated agriculture, and no industry worth the name. A small part of the world is Caucasian, or white skinned; the rest is colored—brown, black, or yellow.

The small part of the world that has the wealth, the knowledge, and the hope for the good things over a long life, is the United States of America and the nations of western Europe—roughly the nations of the Northern and Western Hemispheres. It is the glory of the West to have achieved so much. It will be the shame of the West if it does not help its brothers of the east and south.

As President Johnson has said, the world is now a "single community." Spiritually and humanly speaking it always was. In emphasizing that justice and charity must form the social order of the world, Pope John noted in Mater et Magistra that all men are children of the same Creator and merit equal treatment. If we have been slow in recognizing that, we have been slower still in realizing politically that the world is a "single community." We cannot ignore either any longer. The shrinking distances in the world, the ready access to information, have made every area of the world aware of every other area. As the President has said, the wall between the rich and the poor is a window through which both sides can look. On one side of the wall a few millions of people have a high standard of living. On the other side of the wall several billions of people live on little more than a dollar a week. But since the wall is a window the depressed billions are looking through, they know that a better way of life is within human grasp. They know that depression and despair is not the ordained lot of man.

We have not only a spiritual duty, we are confronted with a political necessity. As our late President Kennedy said, "if a peaceful revolution is impossible, a violent one will be inevitable."

The United States has its own model of the world conditions on which to work. We have 40 million Americans in poverty in this land of abundance, and we have 20 million colored citizens who have been denied equality of opportunity and citizenship which should be the birthright of every American. I will not labor the facts of these situations to an audience as aware as this one. I do believe that President Johnson is profoundly correct in linking our war on poverty at home with "doing our share" in the world. He has been right to identify the cause of achieving civil rights at home, with our responsibility to seek justice and freedom for all peoples abroad. If we cannot respond to the brother we see at home, we will never be aware of the brothers we do not see overseas.

We shall win the struggle to eliminate poverty and gain civil rights at home. And we will win the struggle to lift the world to higher standards of living. We will win the struggle because the spiritual conscience of the West has been reminded of its duty. In his letter on the church as mother and teacher, Pope John recalled the words of Jesus before a hungry crowd: "I have compassion on this multitude." He went on to remind us that while the church is ultimately concerned for the salvation of souls, she begins with solicitation "for the exigencies of life."

Churchmen of every faith have been chided in recent years for being insufficiently concerned with the social order. Churchmen have been no slower than others, although perhaps we expect more from them. But the voice has been found. It is the churchmen today of all faiths who are turning the tide on civil rights legislation. The moral issue has been recognized; the responsibilities have been felt. After we achieve the law, the long struggle still ahead to change many hearts will also yield as churchmen continue to put their faith to work in their daily lives.

There will be no enduring peace in the world until its great inequities are moderated. To eliminate ignorance, poverty,

and disease, is a precondition to eliminating war. Yet before the great peace comes, we must restrain the use of the unholy instruments of war and reduce their stockpiles. Pope John put it simply in Pacem in Terris. He wrote: "Justice, right reason, and the recognition of man's dignity cry out insistently for a cessation to the arms race. The stockpiles of armaments which have been built up in various countries must be reduced all round and simultaneously by the parties concerned. Nuclear weapons must be banned. A general agreement must be reached on suitable disarmament program, with an effective system of mutual control."

Because this great voice expressed the conscience of men of good will around the world in a way that could be heard around the world, I am confident mankind will exercise the restraint necessary to get through these dangerous, transitional years. We have lived through the fears of our disillusions which followed World War II—fears which accelerated the race to the possession of the ultimate in the means of mutual destruction. We have lived through the panic of fear that made us blind instead of prudent. Now we are in a more sensible state of being aghast at what we have wrought. We have come to a point of restraint. It is not yet a detente or a thaw in the cold war. But I believe that both Russia and the United States share a sense of restraint. There is hope for a detente, for a relaxing of tension that will permit us to climb back down from the peace of the atomic mountain.

To make that hope a reality we must continue to seek initiatives, for we must, as President Johnson has said, be prepared to negotiate anywhere, anytime, any place, for the conditions of honorable peace.

We must win peace, not try to drift into it. Pope John held forth a vision of the direction in which we must go to achieve the institutions and forms of peace. Since God had created men social by nature, individuals cannot live together without states, without the institutions of civil order. And Pope John pointed out that "the same law of nature that governs the life and conduct of individuals must also regulate the relations of political communities with one another." There must eventually be a worldwide "public authority" capable of handling the worldwide dimensions of the human problems.

This public authority must be instituted by common consent. It cannot be imposed by force. Although it must work through the intermediaries of nation states, its "special aim is the recognition, respect, safeguarding and promotion of the rights of the human person."

The hope for the development of this "public authority" is the progressive adaptation of the methods of the United Nations to the "magnitude and nobility of its tasks."

Have compassion on the multitude, take care of the basic social needs of men, stop the arms race and turn it back, move through firm support of the present association of nations to that consensus which will permit the United Nations to become a world authority preserving justice through law for all men—that is the clear, simple, necessary prescription.

But while many plans are needed, and many initiatives are necessary, we will not simply engineer our way into the blessings of peace and human welfare in the single world community. Possibly the most fundamental sentence in Pacem in Terris followed the Pope's urgent appeal for disarmament. "Everyone * * * must realize" he said, "that unless this process of disarmament be thoroughgoing and complete, and reach men's very souls, it is impossible to stop the arms race, or to reduce armament, or—and this is the main thing—ultimately to abolish them entirely."

In Mater et Magistra, Pope John took specific cognizance of the belief in many quarters that by science and technology alone men can plan their civilization. These disciplines do place gigantic forces at our disposal, but as they may be used for evil as well as for good, it is evident, Pope John said, that moral and spiritual values must be basic. Scientific and technical progress must serve a moral goal and spring from usual commitment.

I believe a new wind is blowing now in the world and men are recovering their ancient moral values with a new freshness for this age.

Can we do it? We can, because underneath the forces that separate and divide men there is a common human nature. There is a rational moral sense in all mankind that is capable of cooperation.

On the eve of the publication of "Pacem in Terris," Pope John appeared on television to say that the doctrinal lines of his message belonged to the sphere of natural law. He appealed to the realm of natural theology, to which all mankind of whatever faith, pagan or Christian, Communist or not, have access. The terms of this doctrine as summarized by St. Thomas in the 13th century provide the ecumenical bridge in the 20th to all men of good will.

Protestant, Catholic, Jew, and others in the West have recognized the authenticity of spirit and motive in the messages of Pope John. They have recognized even more, that no special insights or requirements of faith should mar or obscure the deeper unities of mankind. There were even signs that the Kremlin was moved.

You are graduating at a time when the world is moving into one of the most constructive eras in human history. I know it is commonplace to worry about the troubles young people face. But I am not a pessimist. I am an optimist. Your future will be a future filled with exciting and demanding challenges.

The second half of the 20th century will see man create a better and more just society on this earth. It also will see mankind reach out to the heavens to conquer space and in a real sense find new worlds in which to live.

These are more than just hopes and dreams. They will become realities if we make our standard of human endeavor one of excellence. Peace requires the best that is within us. And this age of scientific revolution requires best trained minds, for science will settle for no less than excellence.

I am confident your generation will apply these skills and this dedication to excellence—and in your lifetime you will see the elimination of poverty, hunger, disease, and war itself.

So I congratulate you. You are embarking on a whole lifetime that is dedicated to a renaissance of man. You will see its fulfillment.

OREGON STATE FOR CIVIL RIGHTS—1,000 STRONG

Mr. HUMPHREY. Mr. President, once again I bring to the attention of my colleagues still another civil rights petition. As you may have gathered by now I have a great weakness for groups of 1,000 signatures gathered together in the name of civil rights. Having circulated petitions myself at one time or another I understand the difficulties involved in getting 1,000 people—or even 67—to sign anything. In light of this I find it rather remarkable that all these signatures were collected in but a single day; indeed I would like to know their techniques.

In any event, I feel that the never-ending succession of petitions reaching my office indicates just how much this bill is truly a moral question. These Oregon students, for instance, have nothing personal to gain from passage of H.R. 7152. There is no self-interest involved. They have simply come to their own independent moral conclusions as to what sort of law is right and proper for our great land. I think the opponents of the bill would be hard pressed to produce a corresponding phenomenon.

Consequently, Mr. President, I request unanimous consent that the extremely brief text of the petition and the covering letter be included in the RECORD at this point.

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

JUNE 1, 1964.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: These signatures were collected June 1 during the day commemorating the 1954 Supreme Court decision to desegregate schools.

Sincerely yours,

YM–YWCA ROUND TABLE.

CORVALLIS, OREG.

We the students of Oregon State University strongly urge the passage of the civil rights bill in the form passed by the House of Representatives.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Chair states that the time allotted under the unanimous-consent agreement for a morning hour has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that the morning hour be continued 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PEDRO SANJUAN

Mr. MORSE. Mr. President, I have some advice on domestic matters for the Secretary of State this morning. Mr. Rusk is impervious to facing facts on the foreign front. I suspect that he is equally impervious to facing facts on the domestic front. He has a tyrant down there in the Department of State that he has been warned about and that he ought to have done something about in times gone by. He is released from his leash again. His name is Pedro Sanjuan. He is supposed to be the one in charge of protocol relationships with foreign diplomats. He is setting himself up apparently as a one-man court to determine how traffic law violations in the District of Columbia committed by diplomats shall be handled and how the District of Columbia Motor Vehicle Safety Responsibility Act shall be enforced.

I wish to say to Mr. Rusk, "Put him back on leash," and, "Mr. Rusk, read the editorial in the Washington Post entitled 'Diplomatic Responsibility'" which takes to task, and rightly, Mr. Sanjuan for his attempt to let go free with impunity an admiral from Paraguay who clearly is in violation of the Motor Vehicle Safety Responsibility Act

of the District of Columbia. I wish to make a statement for the benefit of Dean Rusk, since he is responsible for what goes on in the State Department, particularly when he has had past notice of arbitrary, capricious, and arrogant conduct of this man Sanjuan in the State Department.

Mr. Rusk is a lawyer. Let him read the District of Columbia Code. There is no immunity for diplomats under the District of Columbia Code for the kind of conduct this Paraguayan diplomat is guilty of.

I ask unanimous consent to have printed in the RECORD the sections of the code which applies to this diplomat's case.

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

§ 40–420. Review by Commissioners.

Any order or act of any agent of the Commissioners under the provisions of this chapter shall be subject to review by the Commissioners. Application for review of any such order or act shall be in writing and shall set out in detail the reasons for such review. Such application shall be filed with the Commissioners within 5 days after the issuance of the order or occurrence of the act in question. If upon review the Commissioners shall sustain such order or act, the same shall become effective immediately.

Any person whose license or motor-vehicle registration shall be denied, suspended, or revoked by the Commissioners under the provisions of this chapter may, within 30 days after such denial, revocation, or suspension has been reviewed by the Commissioners and sustained by them, file in the Municipal Court of Appeals for the District of Columbia an application for the allowance of an appeal from the order or decision of the Commissioners. If a majority of the court are of the opinion that the appeal should be allowed, the appeal shall be recorded as granted and the case set down for hearing on appeal. If a majority of the court shall be of the opinion that the appeal should be denied such denial shall stand as an affirmance of the order appealed from. Said court is authorized to prescribe fees and promulgate rules governing the application for the allowance of an appeal and the record and proceedings on appeal, and the said court shall have power to affirm, modify, or reverse the order or decision of the Commissioners, where the appeal is allowed pursuant hereto; and the decision of said court whether in denying an application for allowance of appeal or in deciding an appeal after it has been granted shall be final. The application to said court for the allowance of an appeal shall not operate as a stay of such order of the Commissioners, unless the applicant shall have deposited with the Commissioners, under protest and subject to the decision of the court, security in the amount required by the Commissioners in accordance with the provisions of this chapter, or a bond in an amount equal to the amount of security required by the Commissioners, guaranteeing that the applicant, in the event the order appealed from is sustained or modified by the court, will comply fully therewith. In the event said order of the Commissioners shall be ordered vacated, either by the court or the Commissioners, the security deposited under protest shall be returned to the depositor or the bond shall be canceled.

For the purposes of this section, the phrase "review by the Commissioners" shall mean a review by the Board of Commissioners of the District of Columbia or a review by any board of review established by the Commissioners of the District of Columbia to review the order or act of any agent of the Commissioners pursuant to the provisions of this chapter. No member of such board of review established by the Commissioners shall review any of his own orders or acts. (May 25, 1954, 68 Stat. 122, ch. 222, sec. 4; Aug. 28, 1958, 72 Stat. 954, Public Law 85–792, sec. 3.)

§ 40–434. Exceptions to requirements as to security and suspension.

The requirements as to security and suspension in sections 40–432 to 40–449 shall not apply—

(1) to the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this paragraph if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) to the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) to a driver or owner whose liability for damages resulting from the accident is, in the judgment of the Commissioners, covered by any other form of liability insurance policy or bond;

(4) to any person qualifying as a self-insurer under section 40–494 or part II of the Interstate Commerce Act or to any person operating a vehicle for such self-insurer;

(5) to the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(6) to the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(7) to the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission;

(8) to the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, a State or any political subdivision thereof, the District of Columbia, or to the driver of such vehicle if operating such vehicle with permission; or

(9) to the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle (May 25, 1954, 68 Stat. 125, ch. 222, sec. 18; Aug. 28, 1958, 72 Stat. 955, Public Law 85–792, sec. 6).

Mr. MORSE. Mr. President, I happen to be very much interested in law enforcement in the District of Columbia, and I have been highly critical at times of the District of Columbia Commissioners and Chief of Police. In this matter they are completely right. These diplomats ought to maintain conduct in our District that complies with the law. The little dictator, Sanjuan, ought to be put back on a leash. It would be better if he were given the job of cutting out paper dolls somewhere, rather than used in a position of responsibility in which he has relations with the public. I am awaiting a reply on this domestic matter from the State Department, as I am with respect to its illegal foreign policy in Asia.

I ask unanimous consent that an article from the Washington Post of Monday, June 8, and an editorial from the Washington Post of today, June 12, be printed in the RECORD at this point along with other articles and an editorial bearing upon the subject matter.

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

[From the Washington Post, June 8, 1964]

STATE DEPARTMENT MAY AID DIPLOMAT DENIED AUTO TAGS BY DISTRICT OF COLUMBIA

A Paraguayan diplomat whose 1964 license plates have been withheld by the District may receive an affidavit from the State Department that would be intended to make his outdated plates valid.

The move was suggested yesterday by Pedro A. Sanjuan, State Department representative, to permit Rear Adm. Guillermo V. Haywood, military and naval attaché, to drive his car in Washington.

The Department of Motor Vehicles withheld Haywood's tags, saying he violated the Safety Responsibility Act passed by Congress in 1955.

In January 1962, Haywood's car skidded on a patch of ice apparently caused by a faulty fire hydrant and struck two parked cars, causing an estimated $870 damage, Sanjuan said.

The 1955 law requires an uninsured driver to post collateral of the amount of damages before he can receive new plates, according to Herman S. Cole, deputy director of the Department of Motor Vehicles.

Haywood was not insured and is precluded by his diplomatic immunity from posting the bond, Sanjuan said. He added that it has become "very difficult" for diplomats to obtain liability insurance in Washington, possibly because it is feared they would invoke immunity and refuse to testify in case of accidents.

"It's not a case of the State Department telling a careless driver to drive if he pleases," Sanjuan said of the affidavit.

When a driver is negligent, Sanjuan said, "we take over and tell them to pay," and if they do not, the United States may ask them to leave.

"But we don't consider Haywood to have been negligent or blameworthy," Sanjuan said. "It's really a little harassing on the part of the District."

Cole said the safety responsibility law did not concern itself with fault or circumstances of an accident and "we treat diplomats the same as anyone else, except Haywood wanted to be different."

The District "most likely would honor" the affidavit Sanjuan suggested, Cole said, while "things were being ironed out," but he was doubtful what effect it might have "out in the boondocks where they look for license plates and not affidavits."

[From the Washington Post, June 12, 1964]

DIPLOMATIC RESPONSIBILITY

We can see no reason under the sun for the State Department to intervene in behalf of a Paraguayan diplomat whose automobile license plates have been withheld, in accordance with law, by the District of Columbia. The diplomat, Rear Adm. Guillerino V. Haywood, was involved a couple of years ago in an accident which damaged two parked cars. A safety responsibility law enacted by Congress in 1955 requires uninsured drivers to post collateral for the amount of damages they have occasioned before new license plates can be issued to them. The diplomat was not insured; and it is said that diplomatic immunity precludes his posting collateral.

Admiral Haywood may have been blameless in connection with the accident; but so were the owners of the two cars he damaged. The congressional act requiring the posting of collateral is perfectly reasonable, and

diplomats, just like ordinary mortals, ought to comply with it as a matter of course. For Admiral Haywood to post collateral or take out insurance could not in any way imaginable diminish the dignity of Paraguay or impair its security or interfere with its foreign diplomatic or commercial relations.

Pedro Sanjuan, of the State Department, says "We don't consider Haywood to have been negligent or blameworthy. It's really a little harassing on the part of the District." Apart from the consideration that the admiral's responsibility for the accident must ultimately be determined by a court rather than by Mr. Sanjuan, the castigation of the District Government seems altogether unwarranted. The District is simply obeying the law. It behooves visitors to this city and members of the State Department, whether they have diplomatic status or not, to do likewise. This is, indeed, the best possible diplomacy.

[From the Washington Post, Mar. 30, 1964]

UP HILL, DOWN DALE

The Department of State and the exalted members of the scofflaw, or diplomatic, set quartered in Washington will pardon us, we have no doubt, if we smile sardonically, yet sadly, at the solution of the great international parking ticket crisis. Dauntless in Cuba, adamant in Panama, the Government of the United States has turned tail and marched abjectly down the hill it so resolutely climbed a fortnight ago when it announced that it would require diplomatic visitors here to abide by the traffic rules designed to make transportation practicable in the Capital.

The State Department has decided, it announced on Thursday, that parking tickets received by diplomats in the official line of duty needn't be paid. Parking tickets received on private visits, however, should be paid, the Department said. Come on now, fellows, wipe that smirk off your face. Diplomats do make private visits, you know, although they rarely call them that among themselves.

We have a couple of simple suggestions to offer. About 8,000 tickets were given out last year for illegal parking to holders of DPL licenses. If the State Department wants to license all these diplomats to disregard the laws of the Capital to which they are accredited, let the State Department pay the bill for its generous hospitality; at $10 a ticket, this would help materially to pay the salaries of the policemen who spend their time writing out the parking tickets.

A second suggestion: If foreign governments think it good diplomacy to let their emissaries flout the laws here, let them meet the cost of this entertainment by paying the legitimate fines entailed.

And one final suggestion: If foreign governments want to win friends and influence people here—one of the traditional aims of diplomacy—let them instruct their representatives to observe the reasonable rules fixed for the common good of the community in which they temporarily reside.

[From the Washington Star, May 7, 1964]

ALL DIPLOMATS WILL GET TAGS DESPITE TICKETING

(By Roberta Hornig)

All members of the diplomatic corps will be issued 1964 license tags because of their "excellent record" since the State Department began its crackdown on their parking violations.

Pedro A. Sanjuan, director of the Office of Special Representational Services, said the decision was made after the Department made a statistical study of diplomats' parking tickets over the last 7 weeks.

The Department in March asked the Commissioners to begin issuing regular parking tickets to foreign government representatives here. At the same time, it asked that issuance of new diplomatic license tags be postponed until May 31.

ONE HUNDRED AND FIFTY TICKETS UNPAID

The Department announced then that it would not authorize new tags to "any diplomatic official against whom * * * ticket charges are outstanding."

But Mr. Sanjuan said today that although 150 tickets issued to diplomats have not been paid to date, the record shows that as a group they are cooperating and their record is as good as that of the average Washington citizen.

If diplomats continue their record, his office has figured, only about 1,020 tickets would go unpaid in a year's time.

"That is a far cry from the 8,000 to 11,000 tickets per year reported earlier," Mr. Sanjuan said.

FEW HAVE MORE THAN ONE

Since the order went into effect March 16, the Metropolitan Police Department has issued about 700 tickets to diplomats.

Of these, 150 have been paid. Between 450 and 500 were given in the vicinity of eight chanceries—including the Soviet Union's—with inadequate parking spaces and diplomats could not be held responsible if they are expected to carry out their official duties, Mr. Sanjuan said.

He said that of the 150 tickets still unpaid only 6 diplomats have as many as 2 tickets.

In view of this showing, Mr. Sanjuan said, the Department plans to send a note to embassies thanking them for their cooperation and saying the Department hopes it will continue.

[From the Washington Post, May 8, 1964]

DPL AUTO VIOLATIONS CUT BY HALF

(By George Lardner, Jr.)

Washington's foreign diplomats have been picking up more than 100 parking tickets a week under the city's new rule of the road.

But none is going to lose his free diplomatic license plates as a result.

"They've been trying very hard," explained Pedro Sanjuan, the State Department's director of special representational services. "The State Department is very happy with the figure."

The diplomats had been racking up more than 200 parking violations a week before they were told that they would have to start paying for them on March 16.

In the first 7 weeks since then, Washington police handed out 784 citations, Sanjuan reported.

The State Department forgave 450 of the tickets and another 150 were paid. The remaining 171 are unpaid or "unaccounted for," Sanjuan said.

SIX CARS CITED TWICE

The Department had said that continued failure to pay the tickets would result in withdrawal of DPL plates for offenders, but Sanjuan said no one had a bad enough record for that.

Of the cars that earned the 171 tickets, he said, only 6 were cited twice.

The 450 tickets that were forgiven, Sanjuan said, were all issued for parking violations during working hours near embassies or chanceries with "recognized" shortages of diplomatic parking spaces.

"We're not about to chastise what we said we would tolerate," Sanjuan said. The State Department had said it would not expect these to be paid as long as the shortages existed.

Last year, he said, the diplomats were given 11,000 warning notices for parking violations. The 784 issued so far indicate a yearly rate of about 5,600 tickets. Those unpaid or unforgiven indicate an annual rate of about 1,270.

TO THANK EMBASSIES

"We're so pleased we're going to issue a note to all embassies thanking them for their cooperation," Sanjuan said.

"Meanwhile" he said, "the State Department will continue to press for more reserved street-side parking for the diplomats." It had asked for 127 to 129 parking spots for 10 foreign missions but District traffic officials said they could approve only 56.

"Tickets issued near embassies or chanceries will continue to be forgiven until diplomats get all the street-side parking the State Department feels they need," Sanjuan said. He said "the 1961 Vienna convention made it this country's duty to provide the spots."

"Besides the 10 missions whose parking requests have been processed by District officials," he said, "State is preparing to ask for reserved spots for 11 more."

These include Czechoslovakia, Ghana, Peru, Mali, Sweden, Colombia, Poland, Yemen, Nationalist China, the Malagasy Republic, and Uruguay.

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

Mr. MORSE. I yield to the Senator from Alaska.

Mr. GRUENING. Did I correctly understand the Senator to say the person involved was a Paraguayan admiral?

Mr. MORSE. Yes.

Mr. GRUENING. How can Paraguay, which is an inland country, have an admiral?

Mr. MORSE. They even want money for their navy. Under our giveaway foreign aid program, they probably will get it.

THE OIL INDUSTRY AND THE ALASKA DISASTER

Mr. BARTLETT. Mr. President, the oil industry has for some time been carrying on thriving and expanding operations in the State of Alaska.

In the aftermath of the Good Friday disaster the industry has distinguished itself in yet another way, through its participation in its own and the State's rebuilding efforts.

The May issue of the Standard Oiler contains an interesting article concerning these efforts after the disaster. The article recounts some harrowing experiences and reveals the extent and nature of the company's losses. And it reaffirms the company's resolution to work for the State's reconstruction:

Standard will do its part, as it did years ago when this rugged land was just starting out.

I ask unanimous consent that the article may be made a part of the RECORD at this point.

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

WE'RE PROUD TO BE ALASKANS

Earthquakes usually don't bother Alaskans. They're used to them. But the jolt that rocked Alaska March 27, the most severe in North American history, was something else. Briefly, this is how we fared:

The ship's log read Good Friday. Then, the entry: "1735 hours—earthquake hit. Standard Oil dock collapses." Our ship, MS *Alaska Standard*, was tied up at the dock in Seward. "Immediately after the quake," Seaman Bob Belt recalls vividly, "the bay filled with swells and we were caught up in

a seismic wave. The dock dropped from sight beneath us, and we were surrounded by flames."

Within minutes of the shocker, the ship was underway. "Our engineers should get credit for turning over our engines so quickly," says Capt. Harold Solibakke. Dodging floating walls of flame, the vessel moved out of danger into the bay and hove to. "By this time," the captain continued, "we could see that the wave that ripped us loose had leveled the dock and our Seward plant."

The captain ended his report of the quake by saying, "It is miraculous under the circumstances and in the position we were in, that we were able to get away. One experience like that in a lifetime is enough. We are all thankful to be alive."

Elsewhere, Western Operations facilities throughout the 49th State began reporting in via the company's preestablished emergency communications network.

Our bulk plant at Kotzebue in the far north above the Seward Peninsula reported some spillage from product tanks. Farther down the Bering coast, our Nome facility was OK, and the one at Dutch Harbor on Amaknak Island out in the Aleutians checked in with the help of a ham radio operator.

Fairbanks, Palmer, Juneau, Cordova, and a number of other locations with W.O., Inc., plants escaped with relatively little damage. Anchorage and the Kenai Peninsula where we have substantial holdings were hit harder.

In downtown Anchorage it was after 5:30 p.m. and Standard Oilers had left their offices in the Cordova Building. "We were fortunate," says Exploration's Ed Parker, "that the quake hit after working hours when no one was in the building." As it turned out, it was so severely damaged our people had to move out.

Anchorage's business district was pretty well messed up, and out at the airport, 750,000 gallons of aviation fuel poured out of tanks but somehow didn't ignite. Our bulk plant at Anchorage lost products from several ruptured tanks.

Service stations were not extensively damaged, and they began pumping gas again later that night.

"Many of our people rushed to the refinery to help clear up debris after the water tank collapsed," says D. D. Drowley, manager of the Nikiski refinery on Cook Inlet. The quake caused some damage to the tanks, as well as to our water system.

The *Nevada Standard* was dockside at Nikiski taking on products, and although the walkways to the dock collapsed, the vessel stayed at the wharf to finish loading.

The force of the earthquake, and the resulting seismic waves, were felt mostly in coastal regions. Merrill Coon, former mayor of Kodiak, who is our branch manager there, saw his dock fall into the sea. "The stone seawall for the dock was put down by Russians back in 1792," Coon says. The big waves carried fishing boats into the downtown section of Kodiak. Our distributor's dock and warehouse in Valdez, east of Anchorage on Prince William Sound, were also washed away. At Valdez, and at Homer, at the mouth of Cook Inlet, the ground sank about 6 feet. Now 3 to 6 feet of water surrounds our tank farms at these locations during high tide.

Probably the luckiest Standard Oiler is Able Seaman Ted Pederson, of the *Alaska Standard*. Pederson was standing hose watch on the Seward dock when the catastrophe occurred. He headed for land but couldn't make it.

"The last thing I remember is seeing a tremendous wave bearing down on me," says Ted. About 10 minutes after the quake, Seaman Pederson was found lying on the ship's catwalk. Best guess is he was washed aboard with debris from the collapsing dock. He's now recovering from a broken leg. But Donald Harrington, a wiper on the *Alaska Standard*, is still listed as missing.

These were the only two casualties among the hundreds of Standard Oilers and their families in Alaska.

Even though most of our operations were back in business within days, our losses are expected to run in the millions.

Alaska has a big rebuilding job ahead. Standard will do its part, as it did years ago when this rugged land was just starting out. Out of this destruction, Alaska's people have displayed a pioneering spirit of teamwork and determination that makes us prouder than ever to be Alaskans.

SENATOR GOLDWATER AND THE REPUBLICAN PARTY

Mr. HRUSKA. Mr. President, no one, whether Republican, Democrat, or Independent—none of these—can help but be deeply touched by the solicitude and concern that the liberal press, reporters, and columnists are suddenly displaying about the Republican Party. They seem to be deeply troubled because they say a Goldwater nomination will hurt the Republican Party.

I cannot help but wonder whether their concern is actually for the Republican Party or whether they fear Goldwater might be elected President if he is nominated. Can the latter concern be the reason they are straining to the utmost to prevent his nomination?

A recent editorial in the Chico, Calif., Enterprise-Record does an excellent job of pointing this out. This liberal element seems to hope that GOLDWATER will somehow be sidetracked and a Republican nominated who more nearly fits their liberal philosophy so that they would, in effect, win regardless of the outcome in the November balloting. The editor of the Chico, Calif., Enterprise-Record, in an editorial dated Thursday, May 28, points this out when he says:

And GOLDWATER's critics and opponents are worriedly wondering just how potent a threat does that stream of thought pose against their designs for grander Federal centralization, greater Federal spending, greater citizen dependency through Federal welfare and peace in our time purchased by negotiated appeasement.

In this editorial the writer does a good job of pointing out that the American people have to learn from and understand the past, and face the events of the past bravely in order to make intelligent and meaningful plans for plotting our future course. The editorial says:

Actually, a good many Americans today are aware that it takes a great deal of bravery to face the recent American past when you consider that it represents a period during which communism has held captive millions of Eastern Europeans by virtue of World War II diplomatic agreements signed by naive American statesmen; communism has established a base in the Western Hemisphere only 90 miles off our shore; we fought a stalemate war and lost a negotiated truce in Korea; we are now fighting a similar losing cause war in Vietnam; we spent more than $100 billion in foreign aid, yet now have fewer international friends than we started with; we pay the lion's share of U.N. expenses while a host of irresponsible and inexperienced newly emerged nations consistently bargain against us and threaten to take over entirely; we have tolerated a system of trade agreements by which countries we put back on their feet now are underselling our products and putting Americans out of work for lack of markets; we boast about being the wealthiest nation in the world while actually we are the poorest, with a national debt greater than the debts of the rest of the world combined, requiring only this week a new temporary debt ceiling to permit yet more Federal deficit spending; we have lived through some 30 years of enlightened liberalism on behalf of the little people, and yet we now are forced to launch a full-scale war on poverty to uplift some 35 million citizens.

In order that my colleagues might have the advantage of this editor's sound thinking, I ask unanimous consent to have this editorial printed in the RECORD, as a part of my remarks.

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

GOLDWATER, THE CHALLENGE TO ME-TOOISM

Although he has been prominent on the national political scene for a number of years, Senator BARRY GOLDWATER, of Arizona, actually is something quite new to the realm of American presidential politics.

He does not wear the badge of national hero to the extent always accorded Dwight Eisenhower; he falls short of the grand eloquence and intellectual polish of Adlai Stevenson; he does not match the magnetic quality of automatic leadership attributed to John F. Kennedy; he has little of the earthy yet sure-footed bluntness of Harry Truman; he lacks the intense degree of concentration displayed by Richard Nixon.

And yet, in a sense, Senator BARRY GOLDWATER embodies just enough of each of the qualities of the men mentioned above to make him a formidable entry into that exclusive circle of men who have held or sought the Presidency of the United States.

To top it all, Senator GOLDWATER has a bountiful supply of faith in hardnosed patriotic American conservatism which confounds his critics and opponents and leaves them grasping for weapons of counterattack.

It is significant that, almost to a man, the Goldwater critics and opponents have found themselves resorting in general to a single weapon: The barb of humor.

For example, the articulate liberal Senator HUBERT HUMPHREY'S famed crack that GOLDWATER is so handsome that 18th Century Fox wanted him for a screen test; the standard remark that GOLDWATER wants to repeal the 20th century; the bumper stickers joking about "GOLDWATER in 1864"; the sly remark that the Goldwater bird flies only on the right wing.

Yet GOLDWATER himself has taken all these cracks with such good humor that again his critics and opponents have been confounded.

For example, when GOLDWATER was informed that Mrs. Kennedy had remodeled the White House in 18th century decor, he said that just went to show that the White House was ready for him.

Yet millions upon millions of American citizens—and his critics and opponents as well—here in 1964 are taking Senator GOLDWATER seriously.

This is because millions of Americans have discovered that they like the sound of honest and patriotic conservative Americanism being voiced again.

And GOLDWATER'S critics and opponents are worriedly wondering just how potent a threat does that stream of thought pose against their designs for grander Federal centralization, greater Federal spending, greater citizen dependency through Federal welfare and peace in our time purchased by negotiated appeasement.

Alan Cranston inadvertently put his finger on that worry here Tuesday night when he described GOLDWATER as a man who has "turned his back on the future and is facing the past bravely."

Actually, a good many Americans today are aware that it takes a great deal of bravery to face the recent American past when you consider that it represents a period during which communism has held captive millions of Eastern Europeans by virtue of World War II diplomatic agreements signed by naive American statesmen; communism has established a base in the Western Hemisphere only 90 miles off our shore; we fought a stalemate war and lost a negotiated truce in Korea; we are now fighting a similar "losing cause" war in Vietnam; we spent more than $100 billion in foreign aid, yet now have fewer international friends than we started with; we pay the lion's share of U.N. expenses while a host of irresponsible and inexperienced newly emerged nations consistently bargain against us and threaten to take over entirely; we have tolerated a system of trade agreements by which countries we put back on their feet now are underselling our products and putting Americans out of work for lack of markets; we boast about being the wealthiest nation in the world while actually we are the poorest, with a national debt greater than the debts of the rest of the world combined, requiring only this week a new "temporary" debt ceiling to permit yet more Federal deficit spending; we have lived through some 30 years of "enlightened liberalism" on behalf of the "little people," and yet we now are forced to launch a full-scale war on poverty to uplift some 35 million citizens. * * *

Those are some of the reasons why it does indeed take bravery to face the recent American past. But that past must be faced, and must be learned from, if the Nation is to avoid continuation of what now amount to accelerated trends downward, no matter what bright use Government economists make of so-called soaring gains in the gross national product.

A brave look at the recent American past reveals that America is losing ground as a nation at home and as a nation in the world.

BARRY GOLDWATER appears to be the only announced Republican presidential candidate who is insisting that we must learn from that past and must employ a posture of conservatism to reverse those dire trends.

We do not say that Senator GOLDWATER has all the answers, nor that he has any of the answers.

But we do say that Senator GOLDWATER personifies a contrasting challenge to the status quo of the ultraliberalism in our Federal Government which is daily proving itself futile as an answer to the problems of the present and devoid of promise for a more successful America in the future.

Summed up, Senator GOLDWATER seems to be the only announced candidate willing to run as a proud American Republican rather than as a humble carbon copy "me-too" of the existing Democratic administration.

Senator GOLDWATER'S bold attempt to return the Republican Party to a position of challenge rather than mimicry may not be successful in next Tuesday's California primary election. The latest polls say that "me-tooism" is currently in the lead on the GOP side of the ballot.

But the Enterprise-Record stoutly recommends that registered Republicans who desire their party to return to a position of national integrity and identity can take a step in that direction by voting for the GOLDWATER delegation in next Tuesday's presidential primary.

KANSAS RURAL ELECTRIFICATION ASSOCIATION SPONSORS YOUTH TOUR TO WASHINGTON

Mr. PEARSON. Mr. President, again this year the Kansas Rural Electrification Association has sponsored a youth tour to Washington. The young men and women participating in this tour are winners of an essay contest conducted by the rural electric power systems of Kansas in cooperation with the State association.

I was pleased to join this outstanding group of young Kansans this morning at breakfast. If anyone questions the ambition, intelligence, and interest in the vitalities of our Nation among our American youth, an hour with these young people will freshen his concepts, I assure him.

I want to personally and publicly congratulate these winners and to welcome them to Washington and to the Congress.

I ask unanimous consent that the names of the contest winners accompany my remarks.

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

Elaine Bergman, Seneca; Jane Ann Hartman, Clifton; Kendra Brandes, Cheney; Kevin Larson, Leonardville; Pat Pilger, Sharon Springs; Mary K. Beck, Rural Route 2, Council Grove; Jim Symes, Elmdale; Kathleen Wolf, Jetmore; Ruth Pike, Rural Route 2, Eureka; Myrene Borecky, Wilson; Darrell Brinson, Lynann Davidson, Claflin; Shari Fry, Little River; Darlene Linder, Langdon; Cheryl Gasper, Tipton; Donna Hills, Mankato; Mary Heinen, Rural Route 2, Valley Falls; Janice Overrocker, Protection; Sandra Griffin, Centerville; Ina McMillan, Parker; Pam Davis, Richard Harris, Pratt; Ann Brunner, Ramona; Jim Moorman, Solomon; Connie Norwood, Lecompton; Lynn Thompson, Osage City; Mary Anderson, Virginia Harms, Ulysses; Aleta Schumm, Warren D. Allen, Ellis; and Louise Umscheid, St. George.

THE POVERTY PROGRAM AND INFLATION

Mr. LAUSCHE. Mr. President, I have received a letter from a citizen of Ohio who is retired, expressing fear that word is coming out of Washington which indicates that we are moving toward an era of inflation. This man worked on the railroad for 40 years. He is receiving a retirement payment of $174.70 under the Railroad Retirement Act and $36.15 from a B. & O. Railroad annuity each month, making a yearly total of $2,530.20.

In his letter he states that with his small house, chickens, and garden, he can get along with that sum, but if there is to be inflation he will not be able to do so.

The letter is so pointed and reflective of the thinking of one class of people that I think it ought to be placed in the RECORD.

I ask unanimous consent that pertinent parts of the letter connected with the subject of inflation be placed in the RECORD, and that the name of the writer be omitted.

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

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

CINCINNATI, OHIO,
June 1, 1964.

HON. FRANK J. LAUSCHE,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR LAUSCHE: I am appealing to you because I am both hurt and frightened by President Johnson's statement that his Appalachian program will place all families, whose income is below $3,000 per year, in the poverty class.

I am a retired railroad yard brakeman (40 years on the B. & O.) and I receive $174.70 from the Railroad Retirement Act and $36.15 from my B. & O. Railroad annuity each month, which will make a yearly total of $2,530.20.

Now I have always prided myself on being a good provider and have been able to possess a small home in the suburbs—with garden, fruits, and chickens—and had expected these annuities to be altogether adequate for my wife and I. She does not receive an annuity because she is only 53 years of age.

I will admit that the constant rise of expenses such as Blue Cross (we cannot afford Blue Shield) and our real estate taxes—caused by the ever-increasing school population—do make us wonder at times.

We are aware that all of labor is "straining at the leash" for a wage increase and this will again start the vicious spiral of product prices, which will help those who are working but will surely play havoc with those who have a fixed income.

Now I can find no other interpretation of President Johnson's classification of $3,000 as the poverty line, except that he expects labor's demands to be made, complied with, and the resulting cost of living going high enough to make the poverty a reality.

Will greatly appreciate your opinion and information of what is being planned in Washington that should increase the cost of living this much.

———.

INVESTIGATION OF ROBERT G. BAKER BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. CASE. Mr. President, there is much unfinished business left to do in the Senate. The people of this country seem to rank very high on that list the job of cleaning our house in the wake of the Bobby Baker case. If anyone needs proof of this sentiment, he need only turn to the press comments I have drawn attention to over the past 3 weeks.

Once more I ask unanimous consent for the insertion in the RECORD at this point of additional editorial appeals to get on with the task of restoring the good name of the Senate.

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

[From the Tampa (Fla.) Times]

NO TIME TO HALT BOBBY BAKER PROBE

Senator CLIFFORD P. CASE, Republican, of New Jersey, certainly uttered a mouthful this week when he said, "No investigation of Bobby Baker can have any real meaning without an investigation of the relations of Members of the Senate with Bobby Baker."

Of course, many Democrats, in and out of Congress, do not agree. Indeed, they insist the investigation into the wheeling and dealing of the former secretary of the Senate Democratic majority has proceeded as far as it should. Fully conscious of the elections coming up in November, they cry out for a closing down of the probe and, at the same time, charge Republican critics with being more interested in embarrassing the Democrats than in getting at the truth.

But it strikes us—and we feel sure other persons are of the same mind—that regardless of which party may be helped politically, the public will be shortchanged if the Bobby Baker case is buried while the many unanswered questions about him and his

most interesting transactions remain unanswered.

The plain fact is that the public has a right to know a great deal more than it does now about Baker's business empire and how it mushroomed. Clearly, members of the Senate Rules Committee and the group's investigators have been remarkably reluctant to delve into matters that involve influence-peddling and conflicts of interest within Congress itself. What real estate deals were made, what favorable tax rulings were secured, what gifts were made to and from Baker—for himself and political friends?

Senator CASE is right. The Senate must carry out the painful and time-consuming task of investigating itself. A full-scale investigation is an essential prerequisite for fashioning new regulations governing conflicts of interest.

As hard as some Senate Democrats may try to put it in cold storage, the Bobby Baker case remains very much in the public mind. Unless a truly conscientious attempt is made to get at the truth, the Senate itself need not be surprised when it hears one day soon the accusation that it is "taking the fifth."

[From the Paterson (N.J.) Morning Call]

THE SENATE SETS ITS STANDARDS

Being drawn to its ceremonious close is the not sufficiently mysterious case of Bobby Baker and the 10 U.S. Senators he held in the palm of his hand and used so well that he's a millionaire twice over. The case is closed. Still Senator CASE, Republican, of New Jersey, keeps going on the air and on the committee witness stand to denounce the Rules Committee's refusal to examine the evidence. Mr. CASE runs the risk of offending his colleagues and boring his constituents; yet he must be encouraged to keep needling, prodding, trying to make the Senate understand the enormity of what its majority is hastening so untidily to do. The Baker case is a test. Its nature cannot be altered by any code of ethics or catalog of rules that might be set up hereafter. No other test can be substituted for the Baker test. What matters here is not what CLIFFORD P. CASE thinks of the U.S. Senate; it is what the Senate thinks of itself. What matters is not what the people expect of the Senate; it is what the Senate expects of itself, the value it sets on itself, the Senate's own attitude toward such things as honesty and self-discipline and integrity. The Senate is establishing now its ethical standards. The prospect for tomorrow is not reassuring.

[From the Toledo (Ohio) Blade]

BUILDING PRESSURE

Democrats in the Senate at large have formally and, to all appearances, finally confirmed what the Democrats on the Senate Rules Committee had made clear more than a month ago: The Bobby Baker investigation is closed.

The tumultuous floor session during which this was driven home was dictated by election-year politics more than anything else. The Republican-sponsored resolution to extend the probe in both length and depth served to dramatize GOP charges that the shutoff was premature and aimed at protecting the administration as well as the majority congressional party from further embarrassment. By the same token, the Democrats deemed rejection of the resolution an obvious necessity.

What makes this party play more palatable is the possibility that the Baker case may yet produce results of far greater significance in the political life of the Senate than mere exposure of past links with the business ventures of the former majority secretary.

Reports persist that a bipartisan movement is under way in the rules committee itself to recommend new rules aimed at improving the ethical atmosphere in a body that has always insisted on its members' right to keep their conflicts of interest shrouded in a veil of privacy.

According to leakage from committee sources, the rules most discussed would require that Senators reveal their nongovernment income, regulate their interference with executive agencies on behalf of constituents, and permit Senate investigating committees to subpena Senators as witnesses.

These proposals are similar to those made by Senator CLIFFORD CASE, the New Jersey Republican, who has long been in the forefront of legislative reform efforts and who was buffeted by the passionate storm which swept the upper Chamber the other day.

So while the campaign pursued by Senator CASE and assisted by Senator JOHN J. WILLIAMS, Delaware Republican, who introduced the resolution on the floor, seems most unlikely to lift the lid on the Baker case, it may well build up the head of steam needed to shove the reform move forward.

At least, the time seems more ripe than ever before to achieve some sort of breakthrough on that score.

[From the Kokomo (Ind.) Tribune]

TARNISHING A GOOD NAME

It was not surprising that the Senate beat down a resolution last week to continue and broaden the Bobby Baker investigation. This is an election year and if there actually is more dirt behind the case than has been disclosed the not unnatural inclination of the Senate majority would be to keep it under the rug.

Senator CLIFFORD CASE, of New Jersey, and Senator JOHN WILLIAMS, of Delaware, both Republicans, led the fight to have the inquiry extended, and it was WILLIAMS' resolution which the Senate defeated.

Senator JORDAN, North Carolina Democrat, is chairman of the committee which held hearings on Baker. The committee made a few feeble passes at exposing Baker's influence peddling when the latter was secretary of the Senate majority, and then JORDAN moved to end the investigation on an inconclusive note.

The question of the Senate's integrity arose in the debate over Senator WILLIAMS' resolution. Senator CASE declared the integrity of the entire Senate and the reputation of all its Members were in question as long as the committee ignored Baker's reported boasts that he virtually "owned" certain Senators. Democratic Leader MIKE MANSFIELD, leading the move to kill the resolution, argued that it "would impugn the integrity" of every Senator.

Senator CASE had the better of that argument, it seemed to us. The good name of the Senate would come closer to being tarnished by refusal to investigate suspected scandals than by voting to do so.

Senate Democrats appear determined not to let the searchlight be turned on the Baker matter any further. This may have the effect of causing the public to wonder all the more whether there isn't something that is being covered up.

Indiana people were interested in noting that this State's two Democratic Senators, HARTKE and BAYH, voted against continuing the investigation.

[From the Gary (Ind.) Post-Tribune]

THE BAKER NONINQUIRY WILL END

A couple of Republican Senators shook up the hallowed Senate Chamber this week by suggesting that the committee investigating the Bobby Baker scandal should really do some investigating.

Several of their Democratic colleagues became loudly indignant when Senators JOHN WILLIAMS, of Delaware, and CLIFFORD CASE, of New Jersey, recommended that the Senate itself be included in the so-called investigation.

Democrat EVERETT JORDAN, of North Carolina, chairman of the Senate Rules Committee, which is conducting the Baker inquiry, appeared deeply wounded.

"This is a blanket indictment of all the Members of the Senate," he declared.

A cloud already hangs over the Senate because of the Baker mess, and JORDAN knows that nothing but a thorough investigation will lift that cloud. That may be why he is indignant. It is a nasty dilemma that will not go away just because the Democrats want it to.

However, they tried Thursday to make it go away by killing the move to broaden the inquiry and extend it to September 1. Most Democrats, including Indiana's VANCE HARTKE and BIRCH BAYH, voted with the majority. So the "investigation" is scheduled to end May 31. Thursday's vote did nothing except darken that cloud over the Senate.

WILLIAMS could hardly expect a warm nonresponse because he stirred up the Baker scandal late last year with a one-man study of the slick young man's outside activities while secretary to the Senate Democrats. Baker quit his Capitol Hill job and it was revealed that he had acquired a $2 million fortune. Rumors that he had a strong hold on some Senators should be either verified or dispelled.

Senator CASE said the committee could not discharge its responsibility if it merely sat and waited for evidence. Senator WILLIAMS said there should be no lingering doubts in the minds of the people about Baker's dealings. Both are right, of course, and we are sure many Democratic Senators secretly share their views.

The Senate's integrity has been challenged. Its reputation has been tarnished by the activities of a brash, greedy young whippersnapper. Every Senator who is in the clear should welcome a chance to prove it.

If JORDAN and his committee would pull their heads out of the sand, they could see what is obvious to almost everyone else: Bobby Baker is gone, but hardly forgotten.

[From the Green Bay (Wis.) Press-Gazette]

A CLEAR LOOK AT THE BOBBY BAKER CASE

Senator CLIFFORD P. CASE, Republican, of New Jersey, is one of many Members of the U.S. Senate who suffers humiliation when he sees or reads the statements of Bobby Baker, which tend to tarnish the name of the Senate and to offend all honest Members of that legislative body.

Recently, Senator CASE succeeded in getting a hearing before the Senate Rules Committee which for several weeks has been trying to investigate the Bobby Baker case without disclosing anything which might injure the Democratic cause in this election year.

Senator CASE kept hammering away until the committee called him in self-defense. The session began behind closed doors but Senator CASE immediately renewed his demand for a public hearing and finally, through the intercession of Senator JOSEPH CLARK, Democrat, of Pennsylvania, the meeting was opened to public view.

Said Senator CASE:

"When I hear an employee of the Senate boasting that he has 10 Members of this body in the palm of his hand, I do a slow burn.

"It is difficult for me to control my anger when I hear the talk, which everyone has heard, of Bobby Baker's dealings in committee assignments—granting or withholding his favor to persons elected by a sovereign State to this the greatest deliberative body in the world; Bobby Baker offering $5,000 to Senators or senatorial candidates for campaign purposes, and attaching strings to

those offers in the form of commitments to vote for or against oil depletion allowances or amendments to rule XXII, a filibuster rule, for example.

"As I ponder these things it is hard for me to understand how the Senate can contain its wrath at conduct of this sort."

It is difficult to disagree with that statement. What do the Senators on the Rules Committee think of themselves as they hear the stories of Bobby Baker's powers bandied about?

Senator CASE has not liked it and he has been demanding for some time that the committee extend its investigation to all Members of the Senate.

Senator CLARK, although he had opened the way to a public hearing for Senator CASE, was nevertheless miffed at some of the statements CASE had made in his demands to be heard. And so Senator CLARK took him to task. He said CASE had made false statements and accused him of "repeating the false charges" that the committee had refused to hear him. But Senator CASE did not back down. He said that the statement had been quoted from a newspaper column and that he would have been denied the chance to appear if the column had not been written.

CASE went on to say that it was hard to believe that the committee would end the investigation until all of the facts had been recovered "from the beginning of Bobby Baker's connection with the Senate until he left it with a fortune of $2 million." He said he did not know how far the Senate had gone but "it has not been reassuring to be told that the committee is not investigating Senators." That statement had been credited to Senator EVERETT JORDAN, Democrat, of North Carolina, earlier in the hearings.

Finally the irate Senator said, "Every Member of the Senate has his reputation, his good name, diminished by the Bobby Baker case. As an individual, I resent Bobby Baker's ability to blacken me."

It is doubtful if anything will come of it. Senators who are committed to a course are not easily changed. But even if nothing more comes of it it was a good speech, one that the people of this country should hear because it states quite clearly that there are some Members of the U.S. Senate who are not being led around by Bobby Baker or any of his friends.

[From the Huntington (W. Va.) Herald-Dispatch]

ARE THESE 44 SENATORS AFRAID TO PROBE BOBBY BAKER SCANDAL?

If the full truth of the Bobby Baker scandal is ever to be revealed to the American public, it will have to be pried out of the U.S. Senate with a legal crowbar. The Democrats in the Senate will never voluntarily submit to a really searching inquiry.

That was demonstrated again on Thursday, when 42 Democrats defeated a Republican motion to broaden the investigation into the activities of Baker, who resigned under fire last October as secretary of the Senate Democratic majority. The original inquiry—a whitewashing operation—did not include the questioning of any Senators who may have had dealings with Baker.

This, in the opinion of many Senators, has damaged the reputation of the entire Senate. Senator CLIFFORD P. CASE, Republican, of New Jersey, contended that the integrity of the Senate was in question as long as the investigating committee refused to touch on Baker's boasts that he virtually "owned" certain Members and had claims on many others.

Senator CASE said: "When I hear of an employee of the Senate boasting that he had 10 Members of this body in the palm of his hand, I do a slow burn. Every Member of the Senate has had his reputation, his good name, diminished by the Bobby Baker case. As an individual, I resent Bobby Baker's ability to blacken me."

The New Jersey Senator then demanded that the committee call every Senate Member and ask each if he had any business or financial dealing with Baker and if he got anything of value from Baker.

But, protested Senator B. EVERETT JORDAN, Democrat, of North Carolina, chairman of the investigative committee, this would be an insult to Senators.

So, although Senator JOHN J. WILLIAMS, Republican, of Delaware, author of the original investigative resolution, proposed that the inquiry be widened to include the questioning of individual Senators, the Democrats yelled foul and the motion lost by a vote of 42 to 33. (West Virginia's two Democratic Senators, JENNINGS RANDOLPH and ROBERT C. BYRD, voted against the resolution.)

There the matter rests and the Bobby Baker scandal seems to have been locked up again—at least until after the November election.

Of course, no administration likes scandals. They're embarrassing. Mr. Eisenhower was embarrassed by the gifts of vicuna coats and oriental rugs to his assistant; Mr. Truman had to contend with mink coats and freezers; Mr. Roosevelt parried questions about the use to which members of his family were putting their influence.

But none of these cases had the implications of the Baker scandal. None of them put the whole membership of the U.S. Senate under a cloud of suspicion.

Why wouldn't the innocent Members of the Senate—who must surely outnumber the guilty—want to shake the dark folds out of the Baker case and hang the whole thing out on the line to air?

Surely there aren't 42 Democrats in the Senate who are genuinely afraid of being asked if they had any connections with Bobby Baker, or if they ever got anything of value from this influence peddler.

Or are there?

[From the Akron (Ohio) Beacon Journal]

SILENT ON BAKER

As today's cartoonist notes, the American people may never know the full "inside story" of the wheeling and dealing of Bobby Baker, one-time secretary to the Senate's Democratic majority and former protege of President Johnson. The Democratic majority of the Senate has slammed the door on the Baker inquiry.

Last week 42 Democratic Senators voted to kill a resolution to broaden the scope of the Baker investigation to bring Members of the Senate into the probe and to include handling of campaign funds and other matters. The resolution also would have extended the Senate Rules Committee's investigation to September 1. The committee's authority expires at the end of May.

Nine Democrats and 24 Republicans voted, in a shouting, tumultuous session, for extending the investigation. But they didn't have a chance.

Official silence may forever hide all the ramifications of Bobby Baker's deals. How he was able to manipulate government to his own advantage may well remain a secret. And the public may never know whether any Member of the Senate was involved in any way with Baker's operations.

Assuredly, Baker isn't going to talk under oath. He took the fifth amendment when asked his name. He has, however, let it be known that he is "writing a book."

The Members of the Senate are the losers. For their integrity is beclouded as long as the aroma of the Bobby Baker case clings to the hallowed Halls.

Roscoe Drummond, in his column on this page May 2, urged that Senators be asked the following questions:

"What, if any, business or financial dealings did you have with Bobby Baker?

"Did Bobby Baker ever give you, get for you, offer you or offer to get for you any campaign contributions with conditions attached? (One Senator received such an offer and rejected it.)

"Did Baker offer any other Senators help to make up campaign deficits through gifts, purchase of tickets or otherwise, any retainer or employment, any preferment in committee assignment, anything of value?"

The people of this country have a right to know the answers.

Members of the Senate should be above suspicion. But are they, as long as the majority enforces silence about Bobby Baker?

The resolution authorizing the Rules Committee's investigation stated that the committee "is directed to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate."

Senator MIKE MANSFIELD, Democratic majority leader of the Senate has stated:

"I wish to inform the Senate that, if we did not know it before, we are all employees of the U.S. Senate."

Yet it was MANSFIELD himself who made the motion to table the resolution to extend the inquiry and shouted down Republican Senator CLIFFORD P. CASE's efforts to get the resolution approved.

The Senators should also be reminded that they are employees of the American people and that they are answerable to the people at the ballot box for their actions and lack of action on the Senate floor.

Three Senators—CASE, of New Jersey, HUGH SCOTT and JOSEPH CLARK, of Pennsylvania—have already been asked and have answered questions about receiving favors from Bobby Baker. They didn't. The other 97 Senators haven't been asked and haven't answered.

Perhaps the most important question any voter in these 50 States can put to an incumbent Senator is: "What about Bobby Baker?"

[From the Fredericksburg (Va.) Free Lance-Star]

TO THE BITTER END

Partisan politics may be lurking in the wings as Senator CASE, of New Jersey, occupies the stage with his demands that all Senators be questioned about any dealings they may have had with Bobby Baker. CASE is a Republican. Because Baker was close to high Democratic figures and was secretary of the Senate majority before resigning under fire, the scandal is an embarrassment to Democrats.

Partisan or not, Senator CASE is right in his insistence that the Senate has an obligation to pursue this matter to its quite possibly bitter end. Reasons given in his testimony before the Senate Rules Committee—at his request, and at a public hearing even though a majority of the committee at first sought to keep the hearing secret—are most persuasive.

CASE wants the Rules Committee to ask all Members of the Senate whether they had any business or financial dealings with Baker, and whether they received anything of value from him. He correctly believes that this is the only way the Senate can get to the bottom of a sordid matter, and that until this is done the public will not be satisfied and the Senate's image will be badly stained.

There have been persistent rumors about Baker's hold on certain Senators. CASE referred to them thus: "When I hear of an employee of the Senate boasting that he has

10 Members of this body in the palm of his hand, I do a slow burn. It is difficult for me to contain my anger when I hear the talk, which everyone has heard, of Bobby Baker's dealings in committee assignments—granting or withholding his favor to persons elected by sovereign States to the greatest deliberative body in the world * * *." He went into even greater detail, but this is enough to suggest that such rumors cannot be ignored. The Senate would be wise to follow CASE's advice.

[From the Perth Amboy (N.J.) News]

THE SENATE WHITEWASHES ITSELF

In as sorry a spectacle as the Senate has seen in a number of years, the U.S. upper House voted Thursday to block expansion of the much-needed investigations into the dubious business affairs of Robert G. Baker.

We do not find ourselves in agreement often with Senator CLIFFORD P. CASE, of New Jersey, but earlier in the week he jarred the collective Senate nerves by telling Members no probe into the Baker matter can be complete without an investigation into Senators' relationships with the former secretary to the Democratic Senate majority.

CASE urged the Senate Rules Committee to "get to the bottom" of the Baker case and not treat Senators as "a privileged class." CASE urged that each Senator be asked if he ever had any financial or business dealings with Baker or ever received campaign contributions from him.

The reaction of the Senators was the height of hypocrisy.

For his efforts, CASE was accused of "demagogery" and Senator B. EVERETT JORDAN, chairman of the Rules Committee, said it would be an "insult" to the Senators to ask these pertinent questions.

The entire spectacle climaxed Thursday when the Senate voted 42 to 33 to kill an effort by Republican Senator JOHN J. WILLIAMS, of Delaware, and CASE to expand the probe to include any possible improper activities by Senators.

Senator MIKE MANSFIELD, the Democratic leader, accused CASE of political motives—CASE was not permitted to answer the remarks.

The Senators' efforts to block this investigation are shocking to begin with, but even more so because they are so blatant.

We suggest that if there is any "insult" involved here, it is directed at the intelligence of the public.

Baker amassed a $2 million fortune while on the Senate payroll at $19,600 a year—and when he was called to testify, he repeatedly invoked the fifth amendment, thus blocking any information on whether his activities involved conflicts of interest.

Professions of piety from the Senators are wearisome because of the long and unbroken record of Congress refusing to submit to full disclosure of their financial holdings and interests and refusal to investigate any hints of wrongdoing within its own ranks.

Yet, at the same time, Congress requires that high-level Federal appointees strip themselves of all holdings before assuming Cabinet posts or other high office.

Congress' record for building itself lush office facilities and trying to raise its own pay is equally suspect.

Election to the Senate or House does not place Congressmen above Members' basic responsibility to the public. It is not a license to operate under some sort of double standard of conduct.

Senator CASE, with his request to examine Senators' relationships with Baker, has pinpointed a far greater problem involving Congress' overall conduct and ethics.

Only continued pressure will force Members to adhere to codes that the public should and must demand.

[From the Painesville (Ohio) Telegraph]

MONEY CHANGERS IN THE TEMPLE

That intemperate shouting match the other day between two normally mild-mannered Senators, Majority Leader MANSFIELD and New Jersey Republican CLIFFORD CASE, showed how raw senatorial nerve ends have been rubbed by the Bobby Baker case.

And the 42 to 33 vote against broadening the inquiry to include improper activity by Senators was a pretty good indication of why the nerve ends are so raw.

The Baker noninvestigation has been marked from the start by a tremulous reluctance to let it go further than it absolutely has to. Senator JORDAN's well-remembered remark, "We're not investigating Senators," has set its tone and marked its limits—despite the transcendent fact that it was Baker's relationship to the Senate—and to Senators—that attracted the public spotlight in the first place.

It's not the peccadillos of one former Senate employee, however influential, that's of paramount public concern. Rather, it's the ethical standards of the Senate itself. For Baker was the Senate's creature, and the Senate Baker's teacher.

One of Baker's levers of power was his handling of Democratic campaign funds. In adamantly refusing to investigate the way these were handled, the majority is tacitly acknowledging that it doesn't want the facts brought out.

Sadly, one of the prices we pay for elective democracy is the corruptive influence of the contributions without which campaigns can't be waged. The average voter, by not contributing, leaves the official dependent on money from those who give in the expectation of getting. Pass this money through the hands of a Baker-type operator, and it's easy to see why Senators who get it might want any inquiry tightly lidded.

But it's the public's business that the Senate conducts. It was the Senate Members' own choice to take the public stage and assume a public trust. And it's the public's right to know what role moneychangers have played in the temple of democracy.

[From the New Brunswick (N.J.) Home News]

U.S. SENATE UNDER A CLOUD

In answer to a radio announcer's query whether he intended to drop his fight in the Bobby Baker mess after the cavalier treatment he received from the majority on the Senate floor the other day, Senator CLIFFORD P. CASE said, "Indeed I am not. I am not satisfied, and I don't think the American people are satisfied, with the passive role the committee (Senate Rules Committee) has taken."

CASE then added, "Press reports have appeared over and over again about Bobby Baker's relations with individual Senators. The committee cannot look away from them, nor can the investigation be buried by steamroller tactics. The reaction of the press and public makes this plain.

"No investigation of Bobby Baker can have any real meaning without an investigation of the relations of the Members of the Senate with Bobby Baker. The Senate's concern is with the Senate, its reputation and good name and that of its Members."

On Tuesday, CASE amplified this position in a statement on the floor of the Senate. He said, "There is no looking away from published reports that Bobby Baker dealt in campaign funds for Senators, and bragged that he had 10 Members of this body in the palm of his hand. I shall have more to say about this in the future."

We hope CASE will have plenty more to say about this. Much is at stake. The issue has tremendous import for the future of our Nation, import that transcends the future of Bobby Baker or a few Senators who may have accepted his largesse.

In a Nation such as ours, our freedoms and in fact our very life depend upon the respect of the people for their Government, for their laws, and for the people who make the laws.

Today the U.S. Senate stands tarred with the brush of rumor, but rumor which persists and is widespread and appears backed by some fact. The rumor seems supported by the fact that Bobby Baker has taken the fifth amendment to protect himself against answering questions about his relationships with Senators. The rumor can't be downed by Baker testimony, because he won't testify. The answer must be found from the Senators themselves, and the Senate Rules Committe adamantly refuses to submit entirely proper questions to the entire Senate membership, questions that no honest man need fear answering.

For one reason and another, public esteem for the Congress certainly does not stand at an alltime high today. Public esteem for the Senate must drop grievously if the Baker case is not cleared up.

As things now stand, all the Members of the Senate are under a cloud of suspicion. CASE wants that cloud dispelled. Certainly the great majority of the Members of the Senate should be standing with CASE today.

[From the Hackensack (N.J.) Record]

THE INDICTMENT IS ONLY STEP NO. 1

"No amount of sophistry can relieve the Senate of the public criticism now directed against it. * * * The Senate as a body and Senators individually have suffered the loss of much respect and prestige because of conditions this investigation has brought to light."

And not only that, went on this report by L. P. McLendon to the Senate Rules Committee, as whose special counsel he served through its Bobby Baker investigation, you'll excuse the expression—not only that: to prevent a recurrence of this mess, the Senate should forthwith:

1. Establish a system of public disclosure by all Senators and Senate officers and employees of their financial interests.

2. Enforcibly prohibit Senators, Senate officers, and Senate employees associating with persons and agencies doing business with the Government or before its agencies.

3. Require that any Senator respond on the call of any committee to appear and testify on any matter the committee has under investigation.

It is a great report, a forthright and implicitly damning presentment, and Mr. McLendon is to be felicitated—but not yet congratulated. The Rules Committee that swept the Baker garbage under the rug has not yet consented to refer to the full Senate this blistering criticism of its ethics and summons to penitence and correction. If the committee were to do so, the Senate itself would have yet to act; that'll be the day. And if the Senate were to act, the fact remains that the Bobby Baker case has not been adequately investigated and won't be. The public interest would be better served by a resolution to see what's wrong now than by a promise to go straight henceforward. Mr. McLendon joins Mr. CASE, Republican, of New Jersey, as a splendidly articulate prosecuting attorney. But he is arguing his case before a defendant that is also judge and jury, and he must know the odds are not exactly rigged in his favor. Maybe he should send for Bobby Baker.

[From the Paterson (N.J.) News]

SENATOR CASE SHOWS THE WAY

Score New Jersey's senior U.S. Senator at the head of the class in his unrelenting fight to introduce a decent regime of ethics into the upper House of the Federal Legislature.

Senator CASE has refused to be diverted from his determination to make the Bobby Baker case produce some results for the good of the country.

He wants Senators to subscribe to the same requirements which men like the President's Cabinet have to meet, to wit: full disclosure of their sources of income.

The immediate aim, of course, is to ascertain how many Senators were in on the bubbly Baker bonanza, which netted the ex-senatorial secretary a cool $2 million in just a short time. Thereafter, his proposal of exposure would render it impractical for Senators to enter into any deal which might embarrass them if the facts were brought to light. Additionally, Senator CASE wants to remove the shackles from Senators who are summoned before congressional committees and at the same time, proscribe their activities in introducing influence in behalf of corporations before governmental agencies.

Senator CASE isn't asking of the others anything he doesn't practice. He was the first to make public his assets so that the world would know. If there were more such exposure, there would be no opportunity for get-rich-quick Bobby Bakers. The Jersey Senator is a man not only of probity but of great courage.

[From the Montgomery (Ala.) Advertiser]

SHORT, SHORT STORY

Senator CASE, of New Jersey, was merely talking for the record this week when he heaved one more rock at the Senate's fast lockup of the Bobby Baker case.

CASE proposed to the Senate Rules Committee, which gave Baker a polite frisking, that every Senator be asked about his dealings with Baker and how much if any campaign assistance each received from him.

But CASE knows he's batting his head against the floor. Senator JORDAN, chairman of the Rules Committee, said at the beginning of the Baker inquiry that he wasn't interested in investigating Senators. Though he regretted putting it so crudely and tried to reword the statement, those were JORDAN'S true sentiments and he stuck by them all through the hearings.

The committee did such a skillful job of keeping the hearings in low key that Bobby Baker is already a misty, vanished figure. CASE had a splendid understatement when he said that he and the public had the impression "of an effort to put an end to an unpleasant episode—to push the whole matter aside in the hope it will soon be forgotten."

Bobby Baker is the beneficiary of an election-year amnesty—and to the same degree, the public is its victim.

Baker is a better judge of drama than the committee. He says he's writing a book about himself, but the Rules Committee found him to be strictly short-story material.

[From the Milwaukee (Wis.) Journal]

SENATORS AND BOBBY BAKER

The U.S. Senate in effect Thursday gave a resounding "No" to its most fearsome question: Should a Senator be held to the same standards as ordinary mortals?

This was the consequence of the Democratic defeat of a Republican proposal to broaden the Bobby Baker investigation to include allegedly improper activities of Senators.

Baker, the ubiquitous former secretary of the Senate Democratic majority who in 9 years ran up his net worth to more than $2 million on a salary of less than $19,000 a year, obviously was helped by close friendship with the late Senator Kerr, Democrat, of Oklahoma. He was not harmed by the reflected prestige of the then Senator Lyndon Johnson, of Texas, who as majority leader was Baker's boss for some years. He profited from the friendship of Senator SMATHERS, Democrat, of Florida.

At question is how many Senators did have dealings with Baker. Senator CASE, Republican, of New Jersey, has been trying to get the Senate Rules Committee to ask each Senator whether he ever had direct or indirect business or financial deals with Baker and whether he ever had any help or offers of help from Baker with campaign funds.

As most Senators who knew Baker closely were Democrats by virtue of the former secretary's position, the Republicans were the ones backing CASE. But not all were enthusiastic. Senator DIRKSEN, of Illinois, minority leader, has said that he does not favor poking into the financial affairs of Senators and thus making them "second class citizens."

Senator JORDAN, Democrat, of North Carolina, chairman of the Rules Committee, has said that he was "not investigating Senators." Such probing, he claims, is not authorized by the Senate resolution which started the Baker investigation. The fact is that the resolution calls for investigating Senate employees and former employees. Senators, by legal definition, are Senate employees. It so states on their payroll slips.

Thus the Rules Committee can ask Senators if they had dealings with Baker—if it wants to. It doesn't want to. And, as the Thursday vote showed, it is backed by many Senators who don't want it to.

The big problem for all Senators was that if they supported such an investigation they would be flying in the face of Senate tradition which holds each Senator immune to inquiry by his fellows. By opposing such an inquiry they risk the charge of condoning wrongdoing and claiming immunity for Senators. It is the kind of dilemma that Senators dislike intensely. But in the interests of retaining the respect of the country, the Senate should ask its Members what they know about Baker and whether they had dealings with him.

[From the Chattanooga (Tenn.) News-Free Press]

SOME FEAR THE FACTS

Like a black cat with nine lives, the Bobby Baker case seems to keep coming back to the Senate's "investigating" committee that has been trying to kill the thing off and forget it.

The Senate committee, obviously under urging from the White House, has bumbled the Baker investigation. Senator EVERETT JORDAN, Democrat, of North Carolina, has been put on a very uncomfortable spot, caught between demands for full investigation and obvious party encouragement not to turn the full light of the day on the situation surrounding President Lyndon B. Johnson's protege who parlayed a $19,600 salary as secretary to the Democratic Senate majority into a $2 million paper fortune that has since dissolved, with Bobby Baker refusing to tell the truth about his deals.

There are many loopholes; for example, the refusal of the investigators to call Mr. Johnson's White House aid, Walter Jenkins, former employee of the L.B.J. TV station, to testify fully under oath and cross examination about insurance man Don Reynolds' statement that he was required to buy unwanted television advertising on the L.B.J. station in Austin, Tex., after selling insurance to Mr. Johnson. Reynolds is the Baker friend who sent the stereo to L.B.J. at Baker's suggestion.

Some have argued that investigators don't have the power to look into Baker's reported claim that he had "10 Senators in the palm of my hand." But when Senator CLIFFORD CASE, Republican, of New Jersey, suggested full investigation of Senators' dealings with Baker be made, Senator JORDAN hotly replied that would be an insult to Senators.

It wouldn't be if the truth wouldn't hurt.

Senator JOHN J. WILLIAMS, Republican, of Delaware, proposed that the investigation be broadened to include "any illegal, immoral, or improper activities" by Senators. That threw the Senate into an uproar.

And so the whitewash continues—a very poor paint job. Maybe the American people are learning more by noting the way the "investigation" is not being conducted than by the way it is.

[From the Knoxville (Tenn.) Journal]

SENATE'S TENDER NERVE

Senator JOHN J. WILLIAMS, of Delaware, threw the usually sedate U.S. Senate into an uproar this week by proposing that the membership include itself in the Bobby Baker investigation. He could not have caused any greater disturbance by tossing four or five gas bombs.

What the Delaware Senator proposed was a broadening of the inquiry of the House Rules Committee so as to include "any illegal, immoral, or improper activities" by Senators. He hastened to say that he had no information to the effect that any Senator is under suspicion.

Among other things, he said:

"There have been questions in the minds of many people as to whether or not the Senate has the nerve or the integrity to carry through this investigation which involves its own house.

"We can't afford to leave any doubt lingering in the minds of the American people on this question."

From the Democrat side of the Senate there immediately burst indignant objections to the proposal, but Republican Senators CLIFFORD P. CASE, CARL T. CURTIS, and HUGH SCOTT, the last two being members of the committee, chimed in to support the Williams proposal.

It is to be hoped that after tempers cool, the Democrat majority in the Senate will agree that the kind of inquiry proposed is in the Senate's own best interests.

This is not a situation in which, contrary to the expressed views of several Democrat Senators, the integrity of Members of the Senate is under blanket indictment. Bobby Baker enjoyed a special relationship with Members and had previously boasted that he had 10 Senators in his pocket. Certainly the Senate as the senior legislative body in our country, and in the world for that matter, deserves to get out from under the cloud of suspicion which will hang above it so long as it is apparent the Democrat majority is suppressing the Baker investigation.

[From the Trenton (N.J.) Times-Advertiser]

MARTYRDOM OF SENATOR CASE COULD RESULT IN BREAKTHROUGH ON SENATE REFORM OF RULES

(By George Amick)

WASHINGTON.—Senator CLIFFORD P. CASE'S long war with the rules and procedures of the U.S. Senate finally flared into open battle last week.

CASE lost the skirmish, an angry rowdy shouting match over whether Majority Leader MIKE MANSFIELD had imputed improper motives to him in violation of the rules.

But in defeat he may have gained more personal sympathy among his colleagues than he has been able to do in years of talking about Senate reform.

SENATE REFORM FOR 10 YEARS

Whether this sympathy can be translated into any support for his program is far from clear. CASE thinks it may have that effect, but adds that he hates to resort to "martyrdom" to win converts.

Since coming to the Senate 10 years ago, CASE has told everyone who would listen that the Congress is losing the respect of the American people because it is slow and ineffective and because it is reluctant to police the outside activities of its Members.

He has been largely ignored by his colleagues, many of whom resent these charges, and much of the time has trod a lonely course.

But on Thursday CASE was the protesting victim of what appeared to many to be a violation of his Senate rights by Majority Leader MANSFIELD, Democrat, of Montana, and the temporary presiding officer, EDWARD M. KENNEDY, Democrat, of Massachusetts.

And several colleagues from both sides of the aisle agreed with CASE afterward that he had been steamrollered. Senator RICHARD RUSSELL, Democrat, of Georgia, one of the patriarchs of the Senate and a foe of most of CASE's proposed reforms, was quoted as saying CASE got "one of the rawest deals I've ever seen."

Curiously enough, CASE had little enthusiastic support, even among Republicans, when he made the suggestion that touched off the whole wrangle.

PROPOSAL INVOLVED BAKER SCANDAL

That was his proposal, offered Tuesday to the Senate Rules Committee, that all 100 Senators be summoned and questioned to discover whether they had had any improper ties with former Majority Secretary Bobby Baker.

CASE told the committee this was necessary to get to the bottom of Baker's alleged boast that "on any issue I hold 10 Senators in the palm of my hand."

Some of his colleagues protested that this proposal would amount to requiring Senators to prove their innocence of vague and indefinite charges.

"It's one thing to say Senators should be treated the same as everybody else—and another thing to say they should be treated worse than everybody else," one said.

It was also pointed out that the Baker statement was only a quote from a Chicago newspaper and was never formally introduced as evidence before the Rules Committee or any other official body. This made it a weak reed to anchor such a sweeping proposal on, the argument went.

Even Republican Senator JOHN SHERMAN COOPER, of Kentucky, seemed to be chiding the New Jerseyite when he said if any Senator had any information about improper activities by other Senators, "they should present us with the proof * * * it is not sufficient to make general allegations of impropriety or wrongdoing."

REMARK CUT CASE DEEPLY

What touched off the dispute Thursday and brought the usually mild-mannered CASE storming to his feet was a statement by MANSFIELD that "sly innuendoes" about senatorial misconduct were hurting the image of the Senate.

This cut CASE deeply—he is a man who takes pride in his integrity—and he demanded that the majority leader be called to order for impugning CASE's motives.

But the youthful KENNEDY, relying heavily on advice from the Senate Parliamentarian, rejected CASE's repeated demands.

CASE then tried to appeal KENNEDY's ruling to the whole Senate—a right provided in the rules, and one that includes the right of debate.

KENNEDY finally agreed to take the appeal and then recognized MANSFIELD, who quickly moved that the resolution pending at the time before the Senate be tabled.

KENNEDY ruled that this motion killed CASE's appeal and ordered a rollcall on it.

Afterward, CASE said that if this ruling is allowed to stand, any Senator may lose his right of appeal any time another Senator moves to table the pending business. He promised to seek to have it overturned.

And many Senators, apparently picturing themselves in the same situation some day, are—for a change—on "CLIFF" CASE's side.

[From the Wichita (Kans.) Eagle]

CONTINUE THE BAKER PROBE

The effort by Senator CLIFFORD P. CASE, Republican, of New Jersey, to get the Senate Rules Committee to extend its inquiry in the Bobby Baker scandal by questioning Members of the Senate who had financial dealings with the former Senate secretary will be viewed widely as strictly a move by the GOP to keep the Baker case alive as a political issue.

This element may be involved, but there is a more fundamental reason the inquiry should be pursued to conclusive results. As long as it is left with loose ends hanging, the public is going to believe that the Senators are unwilling to investigate each other. And that this unwillingness stems from ulterior motives.

If just the known facts and even one-tenth of the rumors around Washington are considered, Baker had dealings with Senators that were not aboveboard. The Senate as a whole, and the Rules Committee as the decisionmaking unit, should want the facts laid in the open.

As CASE told the Rules Committee, it does have the duty to "go out and get the facts." It has the power to do so, under authority given it in the original resolution establishing the investigation. If there is any doubt about this, it can be remedied easily by resolution.

It is known that the Baker scandal touches Senators in both parties, not just Democrats. And if the inquiry is pushed, undoubtedly the result would be to improve the chances of the "code of ethics" for Senators that is being promoted by some Members. Such a code would require Members of the Senate to disclose their financial dealings—either to the public, to a special committee of the Senate or to the Justice Department.

We think such a code is needed. We also think the Baker probe should be extended into whatever areas will prove productive. Until all the facts are out in the open, suspicion about conflicts of interest by Senators will prevail.

[From the Hartford (Conn.) Courant]

THE SENATE TAKES THE FIFTH AMENDMENT

In many respects the refusal of the U.S. Senators to tell of their individual dealings with Bobby Baker is not much different from the attitude of Baker himself in pleading the fifth amendment. That there were business relationships between Baker and the various Senators has been demonstrated. Real estate deals with SMATHERS, of Florida, and a $40,000 gift from Kerr, of Oklahoma, are facts on the record. Other Members of Congress tell of offers of large campaign contributions in exchange for support on oil-depletion legislation.

But these obviously are just the smallest fraction of the wheelings and dealings that transformed this clerk of the Senate majority into a millionaire in a few brief months. As Baker will not talk the obvious alternative is to ask the Senators to talk. That is precisely what Senator CASE, of New Jersey, proposes that the Senate do. He is to appear before the Senate Rules Committee to ask that all Senators be queried about any financial dealings with Bobby Baker.

Senator CASE insists that since Mr. Baker has taken the fifth amendment concerning his business activities it behooves the Senate to disclose any possible dealing with him, "to cleanse itself of the stain which this affair has placed on our institution."

The Senator first made the request more than 2 months ago, but the committee postponed action. It apparently then deferred to mounting public and press reaction. At least one of the majority on the committee, Senator CLARK, of Pennsylvania, urged hearing Senator CASE now so that the committee would not be charged with trying to contain the inquiry. But when it comes to a simple question, "Did you have dealings with Bobby Baker, and what were they?" there will be a large but significant silence. It will be in effect the same thing as though each Senator, momentarily doffing the toga of statesman, gets under the television camera, twists hands in cleansing motion, and pleads the fifth. It will not be a pleasant thing to contemplate, but apparently that's the kind of Senate we have.

[From the Wheeling (W. Va.) Intelligencer]

The frantic and thus far largely successful efforts of the Democratic establishment to keep the Bobby Baker case under wraps strengthens the suspicion that had the Senate investigation been permitted to run a natural course it would have led to some high places.

But these coverup tactics may come back to haunt the Johnson administration.

Senator CLIFFORD P. CASE, Republican, of New Jersey, demanding, apparently without much prospect of success, that the Rules Committee ask all Members of the Senate what dealings, if any, they had with Baker, or what assistance, if any was tendered by him, told the group in a heated appearance on Tuesday:

"It is hard to believe that the committee would consider for a moment dropping the investigation until it is satisfied it has every fact uncovered from the beginning of Bobby Baker's connection with the Senate until he left it with a fortune of $2 million."

And Senator HUGH SCOTT, of Pennsylvania, one of the three Republicans on the committee, calls attention in a Saturday Evening Post article to some of the highhanded tactics employed by the majority.

Describing the investigation as a "shameful farce," Senator SCOTT charges his Democratic colleagues with being concerned "not with the facts but the calendar." Because of the "approaching elections," he went on, "they were determined to cram the skeleton back in the closet."

To this end the Democratic majority "allocated itself a staff of seven investigators," Senator SCOTT relates, "but we Republicans were allowed only one, and he was detailed by the committee leadership to the safest possible assignments."

Even more significant, the Intelligencer believes, is the following Scott charge:

"In executive session of the committee the Republican members, including myself, made 14 separate attempts to summon additional witnesses we believed should be heard. We were defeated every time. Not a single witness requested by the Republicans was ever called."

Why, unless to protect somebody very high in the Democratic hierarchy would the Democratic majority go to such lengths to keep the facts of the Baker case suppressed? It is a question which, it seems reasonable to believe, will be asked with increasing insistence when the fall campaign gets under way, a question to which there can be no satisfactory answer.

[From the Lakeland (Fla.) Ledger]

UNFINISHED BUSINESS

The fight over the questioning of Members of the U.S. Senate about their past dealings with Bobby Baker, former majority secretary of the Senate, had the appearance of being composed of 49 percent political maneuvering by the Republicans and an equal part of ducking and dodging by the Democrats.

The remaining 2 percent, which had to do with getting to the bottom of the smelly Baker mess, was more or less lost in the shouting.

If the Baker case is to be cleared up to the satisfaction of the public, everyone, including present and former Members of the Senate, known, suspected or rumored to have had knowledge of Baker's operations should be questioned by the investigating committee assigned to the case.

Since Baker was the employee and general handyman of the controlling Democratic majority, it stands to reason that the Democrats could be hurt the most by a thoroughgoing investigation. By the same reasoning, it would seem likely that the Republicans would stand the best chance to gain politically.

Because of those possibilities and the absence of any new and solid evidence directly linking Members of the Senate to Baker's political and financial operations, the battle in the Senate left a strong impression of being largely sham on the part of the Republicans and clam on the part of the Democrats.

If Senator JOHN WILLIAMS, of Delaware, and Senator CLIFFORD CASE, of New Jersey, both Republicans, are in possession of solid evidence of wrongdoing, they should have presented it to the Senate in support of their resolution. If they did not have more than unsupported suspicions to go on, they can't very well defend themselves against charges that they were merely promoting a fishing expedition for the purpose of embarrassing the Democrats.

The Democrats, however, have not improved their position in the Baker case by defeating the Williams-Case resolution. They are tarred by the fact that they permitted the Baker scandal to develop. They have been brought under suspicion of either condoning his operations or benefiting from them by reason of his employment. The reluctance of the investigating committee chairman to vigorously probe every possible lead and of the leadership in the Senate to permit it contributes to the impression that something is being covered up.

[From the Des Moines (Iowa) Register]

THE UNFINISHED BAKER PROBE

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The questions proposed by WILLIAMS and CASE were mild enough and general enough to have warranted no concern on the part of any Senator with a clear conscience.

They asked only that each Senator be called up to State whether he had ever had any business or financial dealings with Baker and whether he had received or solicited any help in raising campaign funds, obtaining employment or a retainer or in getting a committee assignment.

[From the Salt Lake City (Utah) Tribune]

THE GHOST WILL WALK

The Senate killed a proposal to expand the Bobby Baker investigation. But the ghost will continue to walk. It will haunt the Democrats during the coming political campaign.

Bobby Baker, secretary of Senate Democrats until he resigned under fire last year, is already being investigated by the Senate Rules Committee. But this is a limited inconclusive inquiry, and Senator WILLIAMS, Republican, of Delaware, proposed that it be broadened to include "illegal, immoral, or improper activities" of any Member or former Member of the Senate.

WILLIAMS' resolution was tabled by a 42 to 33 vote, largely along party lines. Before that happened, however, Senator MANSFIELD, Democrat, of Montana, the majority leader, and Senator CASE, Republican, of New Jersey, engaged in an angry shouting match, something unusual for two such ordinarily mild tempered men. MANSFIELD branded the resolution as "sly innuendo"; CASE, a sponsor of the resolution, declared his motives were being impugned.

We never expected this or any other Senate to investigate itself. But we do think the Baker inquiry should be pursued much more vigorously than it has been.

[From Newsweek magazine]

GUARDING GUARDIANS

(By Raymond Moley)

The Senate of the United States is far more than a lawmaking body. Under the Constitution it plays an important role in foreign affairs. Its advice and consent are essential to the selection of important Presidential appointments. And its committees as investigating bodies serve to protect the public interest against malfeasance, misfeasance, and nonfeasance in the executive department. Its Rules Committee, by custom and by designation by the Senate, is responsible for the conduct of Senate Members and the Senate's employees.

On October 10, 1963, a resolution introduced by Senator WILLIAMS of Delaware was enacted, directing the Rules Committee to investigate any type of misconduct by any employee or former employee of the Senate. At that time it was specifically understood that the authority given under that resolution was broad enough to include any such irregularities on the part of any Senator or former Senator. For it was obvious that the widespread operations of Robert Baker and his associates must have involved some contacts with the Senators by whom he was employed. Majority Leader MANSFIELD has since admitted that understanding with those who proposed the resolution.

BITTER BRAWL

However, after the investigation had been substantially terminated because Baker and others invoked the 5th amendment, the chief counsel of the Rules Committee rendered an opinion that the resolution did not contain any authority for the committee to investigate alleged improper conduct by a Member or former Member of the Senate.

On May 14 Senator WILLIAMS introduced a new resolution which would have overruled this opinion of the chief counsel and which would have permitted the committee to extend its investigation to Members and former Members of the Senate. There ensued one of the most disorderly brawls ever seen in the Senate of the United States.

Opponents of the new Williams resolution, including MANSFIELD, held that it was unnecessary because the original resolution was adequate. Other opponents demanded that proof of Members' complicity with Baker be presented. This was wholly irregular since the Senate as a body is not a preliminary hearing. Such evidence is properly the business of a committee hearing, perhaps in executive session. While the bitter shouting proceedings went on, the young and inexperienced Senator EDWARD KENNEDY was in the chair. He lost his head completely, and even the Senate Parliamentarian reversed himself.

RUTHLESS MAJORITY

Finally MANSFIELD, who led the onslaught against the new Williams resolution, brought about a vote to table the resolution by a ruthless exercise of the power of the huge Democratic majority. The vote was 42 to 33 to table. But 11 Senators who were not present were recorded as opposing the motion to table. It is notable that nine Democrats broke with MANSFIELD and voted with the solid Republican minority.

There is thus raised the ancient question: "Who shall guard the guardians?" (Quis custodiet ipsos custodes?) So formidable are Members' privileges and immunities, so secure is the tenure of so many of them, and so tight are the ties within the Senate as a club that this question at the moment remains unanswered, and the public interest is left exposed at a very vital spot.

In many instances in the past the two-party system has operated to perform the function of guardianship. The minority party members have broken through to force investigations of a majority party's officials in the executive department. In the early 1920's, with Republicans in the White House and in a majority in Congress, Democratic Senators Thomas J. Walsh and Burton K. Wheeler brought to heel and to the bar of justice two Cabinet members—Albert B. Fall and Harry M. Daugherty—and other powerful members of the executive department, and a President went to his grave with a sullied reputation.

But now against such an overwhelming Senate majority, far greater than the majority in 1923, the Republican minority stands at the moment subdued and powerless.

[From the Pendleton (Oreg.) East Oregonian]

IT'S GOOD ADVICE

New Jersey's Senator CLIFFORD CASE and Delaware's Senator JOHN WILLIAMS were exactly right when they told Members of the U.S. Senate last week that the facts of the Bobby Baker case were such that the Senate had yet to clear itself of guilt.

We have thought for many days, and have said so on this page, that nothing could be served by further investigating Baker.

Enough had been learned of his activities to make it completely clear that he acted improperly when he was secretary to the Senate majority. Further investigating would merely heap on some more of the same evidence. There's enough now.

That is not the way it is, however, with the Senate. Many citizens must have concluded from the evidence they have seen compiled by the Senate Rules Committee on the affairs of Baker that many Members of the Senate had to know what he was up to and had to have turned their backs on it or participated in it. This leads, of course, to a big question that is yet unanswered. Why did Members of the Senate permit Baker to run wild?

Senators CASE and WILLIAMS are asking that all Senators place themselves on the record in the Baker affair: Did they or didn't they have any improper associations with Bobby Baker?

Unfortunately, many Senators are saying that they are offended and outraged by the Case-Williams proposal. They are suggesting that no citizen of good judgment could possibly think that any Members of the U.S. Senate acted improperly in their associations with Bobby Baker.

How wrong they are. In the eyes of many citizens U.S. Senators are not the all-powerful, all-knowing men of superior intellect and virtue that they consider themselves to be. Many citizens were not shocked by the obvious involvement of some Members of the Senate with Bobby Baker. They undoubtedly expected to find that was the situation when the Baker case was cracked open. So this high and mighty attitude some Senators are taking isn't throwing a lot of citizens off the trail. They know that some Senators are guilty and they want to know what those Senators have to say for themselves.

The Senate's stature has suffered from the Baker affair. It will not be repaired by Senators who scoff at the suggestion that the Senate's image has been tarnished.

Senators CASE and WILLIAMS are giving the Senate some good advice. It's too bad that a strong majority of the Senate does not realize it and act accordingly.

[From the Lewistown (Pa.) Sentinel]

BAKER CASE LINGERS

If the Senate subcommittee investigating involvements of former majority secretary of the Senate Bobby Baker terminates its inquiry May 31 as scheduled, one may be sure the last has not been heard of the extraordinarily remarkable influence system revealed by the probe.

A great deal more may be heard of the Bobby Baker case in the presidential campaign now that the end of the investigation has been decreed by the state. The impression now prevailing in the public mind is one of suspicion. Terminating the inquiry at the threshold of suggested senatorial impropriety was not a wise move.

If the act was not a desperate attempt to prevent the exposure of questionable campaign tactics, particularly in the raising and allocation of funds, it certainly did nothing to dispel that impression.

Particularly unusual was the suppression of New Jersey's Senator CLIFFORD CASE, in his attempts to employ the traditional right of minority committee members to call their own witnesses. Few parliamentary maneuvers in memory have been as brazenly crude as the blackout by the Senate majority.

As a result of this unusual procedure, and a partisan emotional conflict surrounding anything touched by Bobby Baker, a useful clearing of the air of Senate behavior has been denied. The aura which remains is not pleasant to the nostrils. It promises to linger to haunt those most actively manning the deodorizers.

[From the Louisville (Ky.) Times]

SOME RULES CONGRESS COULD FOLLOW

The Senate Rules Committee's investigation into the case of Bobby Baker, the former secretary of the Senate Democrats who reputedly made a fortune while in that position, was not particularly enlightening.

It is only to be expected, in consequence, that the draft report submitted by L. P. McLendon, special counsel for the committee, should be free of anything astonishing. It deplores, without punishing, the past. It suggests guidelines for the future that follow well established, if not well observed, patterns.

As for the past, the report says that Baker "had impaired, if indeed he had not sold, his freedom to act always in the interest of the Government" and that he engaged "in dishonest and fraudulent practices with his business associates and, in at least one instance, with an agency of the Government." Nevertheless, the report stated that Baker's actions did not constitute conflict of interest.

As for the future, McLendon's report suggested three principles:

1. Compulsory disclosure of the financial interests of Senators, Senate officers, and employees.

2. Prohibition "of all associations by Senators, officers, and employees with persons and organizations outside the Senate who are engaged in conducting business with the Government or have business before the Government officers or agents."

3. A requirement by the Senate that all Senators testify, when asked by any of its committees, about any knowledge they have of a subject under investigation.

We will be most interested in seeing what the Rules Committee and the Senate as a whole, if the question ever gets that far, will do with these propositions. From a practical standpoint, the second proposition would be more than a little difficult to put into effect, but all three of them are unimpeachable from an ethical standpoint. They are, in fact, no more than what Congress expects of the other branches of government. But Congress has long had what amounts to a double standard of morality when it comes to alleged conflict of interest—easy for itself, stiff for others.

On the issue of financial disclosure, Congress has insisted that men entering Federal service, such as a new Cabinet members, divest themselves of holdings that conceivably might conflict with Government work. But Congress does not ask its own Members to do that. It does not even ask them to reveal what they hold. As long ago as 1946 Senator WAYNE MORSE was asking legislation along that line. Four years later MIKE MANSFIELD, then a Representative and now a Senator was doing the same thing. Nothing came of these efforts. However, there has been a trend recently toward voluntary discolsure. A reporter early this year counted up 29 Members of Congress who had "made public disclosures, in varying degrees and varying ways, of their personal finances." Among the Senators were Democrats MANSFIELD, JOSEPH CLARK, STEPHEN YOUNG (the first in 1959), WILLIAM PROXMIRE, PHILIP HART, and MORSE, and Republicans JACOB JAVITS, KENNETH KEATING, HUGH SCOTT, and CLIFFORD CASE.

Whether this modest trend will turn to a tide, we don't know. A disclosure law would not, of course, restrict in any legal way the freedom a Member of Congress has, but it would give his constitutents a chance to compare his actions and votes with his financial holdings. It might lead to some interesting conclusions.

In any event, McLendon's report is quite correct when it points out that the Senate must not "ignore or lightly dismiss" accusations that it has one set of standards for itself and another for the rest of Government. As it says, the Senate has "suffered the loss of much respect and prestige" as a result of the Baker case. If it wants to repair its image, it will have to take the accusations seriously.

[From the Parsons (Kans.) Sun]

ANOTHER TAKE

The Bobby Baker case simply won't die, even if inundated by a torrent of words and drowned out by the yelps of beagles from the White House.

Senator CASE, a New Jersey Republican, moved this week that each Member of the Senate be asked to detail his relations with the fast-dough young man who once was its Democratic secretary.

Democrats reacted as if motherhood—or maybe fatherhood—had been challenged. They were incensed. CASE's idea, said Senator JORDAN of North Carolina, is an insult to Senators. An insult, Senator? You might run that one through again.

Now comes the relentless senatorial foe of graft and corruption, Senator WILLIAMS, of Delaware, to propose that the Senate broaden its inquiry into the Baker scandals to specifically include Senators.

The Senate can plead filibuster and try to dust the Baker mess under the nearest cloakroom divan. Senators are not, by the rules of the lodge, supposed to investigate other Senators.

But the Baker case has an odor stronger than that left by a passel of skunks on a nocturnal spree. What can't be seen will be smelled to the embarrassment of the Senate and its reputation as one of our most noble and prestigious bodies.

We suspect that whatever the investigating committee does to or with the Case resolution, Senator WILLIAMS will be around to suggest still other approaches to this rank situation. He's that kind, come fraternalism or high water.

The Senate therefore may as well lay aside its old habit of sheltering the brothers, and do another take on the Baker case with the intention of airing its malodorous angles once and for all.

In the interest of its good name, not to mention good government, it should have done that months ago as a matter of plain fact.

[From the Oklahoma City (Okla.) Oklahoman]

NOT SURPRISING

We are not too surprised at the Senate's recent 42 to 33 vote not to extend its Bobby Baker investigation to include improper activities of its own Members.

We are surprised, however, at the vehemence with which mild-mannered majority leader MIKE MANSFIELD accuses fellow Senator CLIFFORD CASE, who fought for the Baker probe extension, of impugning the integrity of the whole Senate with sly innuendo.

Nothing so seriously impugns the integrity of the Senate as its obvious unwillingness to let the private dealings of its own Members be investigated.

Much is heard of senatorial privilege. It should not be interpreted as the privilege of sweeping its own wrongdoings, whatever they may be, under the Capitol carpeting.

[From the Harrisburg (Pa.) Patriot]

THE ISSUE OF CONFLICT OF INTEREST: AT WASHINGTON THE BOBBY BAKER CASE PUTS SENATE ON THE SPOT

At Washington, the Senate has refused to investigate itself in connection with the Bobby Baker case. But the good name of the Senate is at issue just the same. Men like Delaware's Senator WILLIAMS and New Jersey's Senator CASE have recognized this from the beginning. So has the special counsel for the investigating committee. His report to the Senate Rules Committee put

it bluntly: "No amount of sophistry can relieve the Senate of the public criticism now directed against it * * *. The Senate, as a body, and Senators individually, have suffered the loss of much respect and prestige because of conditions this investigation has brought to light."

If ever anyone was "a child of the Senate," Baker was. From his boyhood days as a page to his adult years of great power and influence as secretary of the Democratic majority, the Senators were his mentors and his friends.

Whatever may or may not be in dispute, Mr. Baker has been established as a wheeler and dealer of extraordinary talent even for the Senate, and a man of financial perspicacity who saw his opportunities and grasped them, running an ordinary salary into unusual wealth.

We have not heard the last of the Baker case, of course.

Nor has the Senate heard the last of "the criticism now directed against it."

If the Senate Rules Committee accepts the report of its counsel on the Baker investigation, it will recommend three long-overdue regulations for the 100 Members of the "world's most exclusive club" and their employees:

A compulsory disclosure of the sources of their financial assets, similar to the voluntary disclosures already being made by the more concerned and conscientious of the Senators, Pennsylvania's JOSEPH CLARK and HUGH SCOTT among them.

Compulsory prohibition "of all associations by Senators, officers and employees with persons and organizations outside the Senate who are engaged in conducting business with the Government or have business before the Government officers or agents."

A requirement that Senators appear before a committee and testify on any subject or individual under investigation about which they have personal knowledge.

This represents far more than just a code of ethical conduct. It goes beyond any rules and regulations the Senators ever have considered applying to themselves in the past.

It would end a double standard of ethics and conflict of interest in which the Congress has applied regulations rigidly and insistently to members of the executive branch but has declined to accept them for itself.

The question well may be raised that the major proposals to police the Senators do not go far enough. Political realists shrug this off, doubting that the Senate will go even this far. The record of the past supports this dismal view.

But public suspicion and distrust are cumulative. So is the concern of more and more Senators that they must put their own house in order.

So, at Washington, there is a better chance than ever before that the Senate will act to raise its standards and to regain public confidence.

PUBLIC ACCOMMODATIONS ORDINANCE—STATEMENT BY MR. JUSTICE WHITTAKER

Mr. RUSSELL. Mr. President, all of us remember the brief, though distinguished, services on the Supreme Court of Mr. Justice Charles Whittaker. He is one of the few members of that body in recent years who was a real lawyer and had prior experience as a trial judge and on the circuit court of appeals. He was appointed to the Supreme Court by President Eisenhower and had the confidence of the Congress. For some reason—whether it was because of the frustrations he encountered in dealing with amateur psychologists there or not, I do not know—the Judge lost his health and was compelled to retire.

I had the good fortune of coming into possession of a very brief, off-the-cuff statement made by Mr. Justice Whittaker to the Advertising and Sales Executive Club at Kansas City, Mo., on the day after a referendum was held in that city on a public accommodations ordinance. I had hoped to read and elaborate upon this statement in a speech on the floor, but the gag rule imposed prevents it.

I have never found more sense or philosophy or a finer statement of fundamental Americanism than were presented in a few words in the comments of Judge Whittaker. They are pearls of wisdom above price and are wasted upon the callous politicians of today.

In order that they may be available to the American people, I ask unanimous consent that they be printed in the RECORD.

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

TRANSCRIPT OF OPENING OFF-THE-CUFF PORTION OF THE SPEECH DELIVERED BY JUSTICE WHITTAKER TO THE ADVERTISING AND SALES EXECUTIVE CLUB AT KANSAS CITY, APRIL 8, 1964

Mr. Chairman, distinguished guests, and my friends of the Ad Club, I am proud to be able to greet you as friends. But, perhaps, in the light of the result of yesterday's election, I should greet you as the operators of "public accommodations." Under our Constitution, we Americans have always, at least until very recently, considered it to be fundamental that we have both "public" and "private" accommodations—that those which are owned by the people in common; i.e., by the Government, State or Federal, are "public," and, hence, are subject to "public" use and governmental control; but those which are owned by individuals are "private," and, if not devoted to the conduct of commerce between the States, are not subject to "public" use or control. Until the political determination of yesterday, I thought, and supposed that you thought, that you were the operators of "private," not "public," businesses. But, today, that seems to be a lost concept—that if you are engaged in any business other than a barbershop, a beauty parlor, or in a "Mrs. Murphy's" boardinghouse, you are operating what now must be regarded as a "public accommodation."

I believe that the end, which some hopefully believe was attained yesterday, is desirable. But I do not believe that all ends justify all means. Nor do I believe that our people—even our thinking people—understand and realize that yesterday, for the determination of a constitutional right, we forsook the courthouse for the ballot box. To any thoughtful student of government, that concept would be ludicrous were it not actually being widely accepted as "righteous," and were its true portent to liberty—particularly to the liberty of minorities—not so obviously disastrous.

Now—the constitutional question having been submitted to the ballot box—I accept and will obey the verdict reached at the polls on yesterday, and I also hope you do, first, because that is the American way, and, second, because if the result had gone the other way, I would have thought it to be the duty of the losers to accept and obey it. But do you really think they would have done so? Indeed, were we not publicly and repeatedly told that it was imperatively necessary to uphold this ordinance at the polls to avoid open lawlessness in the streets? The ordinance was upheld, and I shall hope, as was promised, that it will insure racial peace. But do you really think it will? Do you believe that the appetite of any group, minority or majority, that has so fed on the fruits of pressure can be thus permanently satisfied? Or will it be but a step upon which to regroup for a new, and even more intensely pressurized campaign?

Long years of serious study and experience have caused me to think that the proper quasi-public places to teach and to learn the lessons of morality and of brotherly love, admittedly necessary to the good order, and certainly to the assimilation, of a heterogeneous populace, are the churches and the synagogues; and I did not expect to see the day when—after only a very brief and inadequate try—the effort to accomplish those ends in those places would be abandoned by those institutions in favor of the political device of enforcing conformity to their concepts of brotherly love by the punitive and painfully divisive processes of a criminal law.

For some weeks, culminating in yesterday's election, those who have been publicly styled—doubtless correctly as to most of them—the "good people" of our city have alined in favor of this ordinance. Such, of course, was their right to do. But when people permit themselves to be alined on one side of an issue as the "good people," they necessarily and automatically characterize—and most divisively—those of a contrary view as the "bad people." But perhaps we can take some comfort from the fact that yesterday's result shows that the "good people" of our city outnumber the "bad people" by 1,743. However, if we consider only the vote of the white folks, we are not so flattered, for, among them, the "bad" outnumbered the "good" by about 20,000 out of 70,000.

Also, during these weeks we were told by the spokesmen and media for the "good people"—by the strongest implication and inference if not direct statement—that in supporting this ordinance at the polls they were repelling "bigotry" and supporting God. The implication was therefore made plain that, in their view, anyone who entertained and voiced a contrary view of the ordinance was breeding "hatred" and, indeed, opposing God.

Now, we all know the difficulties of defeating even Santa Claus in an election, and surely no religious community—and we are a religious people—would vote against God. And some people who deeply support the principle of equality of economic opportunity, but equally deeply opposed the principles of this ordinance, were fearful—under the heat of such ignominious aspersions—to stand up, speak out, and be counted. But complete candor requires the surely justified observation that no segment of our population, however well-meaning, has any corner or monopoly on either morality or wisdom—nor, I should add, on "information." Nor, I submit, has any segment of the population any legal or moral right erroneously—and that word is used in charity—to cast what is really a secular issue into such an aura of divinity as must necessarily remove it from the field of any legitimate debate.

SPEECH TO BE MADE TODAY BY GOVERNOR SCRANTON OF PENNSYLVANIA

Mr. SCOTT. Mr. President, at 2:30 today, in Baltimore, Gov. William Scranton, of Pennsylvania, will make a major statement regarding his intentions as to his candidacy for the nomination for President by the Republican Party.

Our party is strong enough and tolerant enough to welcome open, free, and vigorous competition of ideas and statements in our platforms of our beliefs and in the competitions at the convention

between candidates who hold firm beliefs.

I believe the statement of Governor Scranton will be timely and of interest to the American people.

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

Mr. SCOTT. I am glad to yield.

Mr. KEATING. I am happy to hear these remarks by the distinguished Senator from Pennsylvania. I have known Governor Scranton quite well over a period of years and have a very deep admiration for him, for his ability, for his integrity, and aggressiveness.

I wish him well in whatever endeavors he may have in mind. I welcome his availability as a nominee of our party. Governor Scranton's position, like Governor Rockefeller's, reflects the sound progressive principles of Republicanism. Their candidacies will help assure an open convention and the nomination of a candidate and adoption of a platform true to the heritage of our party.

Mr. SCOTT. I thank the distinguished Senator.

EXCESSIVE MILITARY SPENDING

Mr. McGOVERN. Mr. President, soon after the conclusion of the civil rights debate the Senate will have before it the Defense Department appropriations bill, a measure which accounts for more than half of every Federal tax dollar spent.

The subcommittee still has a week or more of hearings on the measure, I am advised. The markup will take some time. I hope that there will be time after printed hearings are available for the Members of the Senate to give most serious consideration to this huge spending measure; to examine the hearings and obtain any additional information they may need to act and vote wisely.

Because of the requirements of military security, some parts of executive sessions and hearings on the measure have to be deleted from the public record. The justification for billion-dollar items—items far exceeding the total dollars involved in measures which we contest vigorously on the Senate floor—cannot be discussed during debate. They must be studied off the floor, and off the record, if we are to act responsibly.

We are most fortunate in having as our present Secretary of Defense, Robert McNamara, who brings a rare combination of courage, intelligence, energy, and business experience to the formidable problems of the largest Federal agency. With his amazing energy, McNamara has succeeded in mastering the intricacies of the huge Department he heads, and as a result has brought an unprecedented measure of fiscal control in military spending. He deserves the praise of every one of us for saving the American taxpayer billions of dollars while building the mightiest military force in history.

I mean no disrespect to Secretary McNamara or his associates when I suggest that Congress ought to look more closely than it has in the past at the defense appropriation bill as it comes before us. It is partly his zeal in correcting instances of waste that inspires my efforts to prevent unnecessary military spending.

Nor do I mean any criticism of the highly regarded chairman of the Senate Armed Services Committee [Senator RUSSELL], who serves with equal distinction as head of the Defense Subcommittee of the Appropriations Committee, when I suggest that substantial cuts can still be made in our defense budget without in any way weakening our military posture.

The fact remains that despite the strictest vigilance by Secretary McNamara and by Senator RUSSELL and the congressional committees, unnecessary spending in the Defense Department continues, at amounts that might be reckoned in the hundreds of millions if not billions of dollars.

There are aspects of our defense spending which may not be covered in the hearings—although I hope the subcommittee will have time to go into them thoroughly and deal with them and with remedial steps which have been taken in regard to them in their report on the appropriations bill.

I refer to startling instances of waste and unnecessary spending by Defense agencies which have been reported to Congress by the General Accounting Office, and particularly those reported during the past year.

Congress most effective tool for ferreting out instances of waste in Federal agencies is the General Accounting Office, under the direction of the Comptroller General of the United States, Mr. Joseph Campbell. Over the past several years, GAO has issued a series of reports covering unnecessary spending by the Department of Defense. At my request, GAO has compiled a summary of these audit reports for a 1-year period from May 1, 1963, to May 1, 1964. These reports indicate that during that year a total of $486,928,073—almost half a billion dollars—of unnecessary expense was incurred or scheduled to be incurred. This amount is more than the cost of running the entire Department of State for the same period—in fact, it is over $100 million more. It is in excess of three times the cost of running the entire legislative branch of the Government for the year.

Moreover, the total amount is figured very conservatively, since for many of the instances of waste noted by the GAO the actual amount of loss could not be fully estimated. In this category, are such items as "noncompetitive procurement of military aircraft forgings from Aluminum Co. of America at prices substantially higher than current and expected costs of production," and "continued use of uneconomical first-class air travel accommodations by employees of defense contractors." On this last item, employees of defense contractors continued to charge the Government for first-class air travel, after the GAO had pointed out in an earlier report that such expenses were unjustified.

Some of the instances of waste cited by GAO are relatively small, such as $68,000 of unnecessary cost incurred because the Army and Marine Corps were unable to agree on whether the trousers of their summer uniforms should have flaps on the hip pocket or not.

Other items show instances of waste of large proportions.

One of these is the unjustified expense of $209 million for the P–6M seaplane. This project, on which the Navy spent almost half a billion dollars over a 10-year period, failed to produce a single serviceable plane. According to the GAO report, the Navy ordered quantity production of this plane before a satisfactory prototype had been developed.

In another instance, $300 million was spent on a missile known to have little or no operational value due to guidance and other defects.

In recent weeks the GAO reports have drawn some mention in the press and an occasional editorial. For instance, some controversy was stirred by the GAO report that Government commissary stores operating in competition with private business were frequently an unjustified expense to our taxpayers.

More often than not, however, the GAO reports are largely ignored by the press and the public. Perhaps more importantly, they have not had significant attention in Congress. We, as representatives of the taxpayers of the Nation have allowed wastes involving hundreds of millions of dollars to occur without determined action, known to the public, to prevent repetition.

The General Accounting Office summary in regard to the waste of $209,200,000 on P–6M seaplanes reads as follows:

WASTE AND MANAGEMENT

The Navy spent more than $445.4 million over a 10-year period and did not receive a single serviceable P–6M seaplane. Quantity production of 24 operational aircraft were ordered before a reasonably satisfactory seaplane had been developed, and it was known that there were serious unsolved problems with the prototype aircraft. This resulted in the expenditure of $209.2 million which might have been saved if these contracts had not been awarded. Also, significant cost increases were incurred by the Navy because of design and engineering errors committed by the contractor as well as a failure by contractor to adhere to the Navy's aircraft testing procedures.

I think we ought to know, Mr. President, what has happened in relation to this seaplane, whether the new appropriations bill contains further funds or if it has been abandoned; whether our national defense has been weakened by this apparent blundering and what assurances we have that further funds going into this project are going to get results.

We also ought to know what steps have been taken to prevent another $68,000 waste resulting from an argument over flaps on trouser pockets, for I think that the people who have to foot the defense bill are entitled to have available in the public record an assurance that such wastes are not ignored as inconsequential.

Certainly other Members of the Senate will want to be able to advise their constituents how some of these wastes came about and what has been done, not only about the tremendously costly errors already made, but also to be sure that the billions for defense we will be

asked to vote in the next few weeks will not include billions for blunders.

Let me repeat that these remarks are in support of—and not critical of—either Defense Secretary McNamara or the Chairman of the Appropriations Subcommittee. I believe very strongly, Mr. President, that we uphold their hands when we make it apparent that Congress will not tolerate such wastes, that they are not going to be overlooked, and that we are not going to let Uncle Sam be a domestic Uncle Sucker who finances military boondoggles with no more than a shrug here at the Capitol.

In the General Accounting Office findings are examples of overpayment to defense contractors, overcompensation of Defense Department employees, excessive costs for spare parts and services, instances of poorly designed and constructed military items, overstatement of costs on defense contracts, and inefficient use of Government materials. Steps doubtless have been taken to remedy some of these situations, and I have no doubt that every effort will be made by responsible Defense Department officials to correct the others. The fact remains, however, that unnecessary spending does take place in the Department of Defense, the amounts involved are staggering, and we have in the past virtually ignored, at least insofar as the taxpayers and most Members of Congress are aware, these tremendous wastes of taxpayer funds.

We have a patriotic responsibility to make certain that for every dollar invested in national defense, we receive a dollar's worth of well-planned defense. Each of us has a responsibility to our constituents to know that every dollar voted is needed, that wastes have been stopped and steps taken to prevent fure wastes insofar as possible. I hope that Senators will examine the list of GAO reports carefully, and will prepare themselves to ask meaningful questions and get out the facts to which their constituents are entitled when the Defense appropriations bill is before us.

Mr. President, I ask unanimous consent that the list of GAO reports on the activities of the Department of Defense for the past year be included at this point in the RECORD.

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

U.S. General Accounting Office, Defense Accounting and Auditing Division—Summary of audit reports issued to the Congress for the period May 1, 1963, through May 1, 1964

Title	Waste and mismanagement	Estimated unnecessary costs incurred or scheduled to be incurred
Review of the procurement by the Army of defective canvas end curtains for ¾-ton and 2½-ton cargo trucks. B-146783, May 16, 1963.	Canvas end curtains containing obvious defects, procured for $315,000, were accepted by the Army without an adequate inspection. As a result, (1) curtains that have been or will be issued will probably require premature replacement or repair and (2) curtains had to be fabricated at costs of $24,000 to meet urgent demands while defective curtains were withheld from issue. On the basis of Army estimates, it would cost $200,000 to repair or replace the defective curtains.	$224,000
Examination of the abnormally high prices of Polaris missile parts under subcontracts awarded to the Brush Beryllium Co. by Lockheed Aircraft Corp. and charged to the Navy under a cost-plus-fixed-fee contract. B-146756, May 17, 1963.	Lockheed issued 8 fixed-price purchase orders to Brush without being furnished adequate information on prior cost or other evidence to support the reasonableness of the prices. Brush refused to furnish detailed cost information. Lockheed was not aware that the quoted price of $2,839,420 for 259 parts was 38 percent, or $785,906, greater than prior cost based on the latest available cost experience.	(1)
Realinement of item management responsibilities in the Air Force Logistics Command pursuant to implementation of the Federal cataloging program, Department of the Air Force. B-146778, May 17, 1963.	Inadequate coordination between organizations involved in conversion from the Air Force system to the Federal cataloging program system and failure of the Air Force Logistics Command to effectively supervise resulted in material valued at more than $9,000,000 being lost to management control and, in some cases, unnecessary procurement actions were initiated. Also, deficiencies in requirements determination at one installation resulted in procurement actions not being canceled when material was no longer required. When we brought the additional assets and deficiencies in requirements determinations to the Air Force's attention purchase actions of about $4,000,000 were canceled.	4,000,000
Examination of catalog prices charged for airborne radar beacons developed with Government funds and supplied to the military departments and their prime contractors under noncompetitive procurements with ACF Electronics Division, ACF Industries, Inc., Paramus, N.J. B-146781, May 20, 1963.	Prices charged by ACF Industries, totaling $1,229,000, under noncompetitive procurements for airborne radar beacons, exceeded its current costs of production by $595,000, or an average of 94 percent. The prices were based on a commercial-type sales catalog even though ACF had never sold this beacon commercially. Prior to accepting these catalog prices, agency and contractor procuring activities, in some instances, asked ACF to furnish cost and pricing data but ACF refused.	(1)
Review of ineffective programing, delivery, and utilization of aircraft and related equipment furnished to the Portuguese Air Force under the military assistance program. B-146785, May 29, 1963.	This report is classified	(1)
Unnecessary costs incurred because of delay of the Army in equipping M-151 utility trucks with necessary fixtures to facilitate use in airborne operations. B-146793, May 29, 1963.	Unnecessary costs estimated at $405,000 were incurred to modify M-151 utility trucks with certain fixtures to facilitate air delivery of the vehicles because of the Army's failure to assure that the desired fixtures would be included on the vehicles at the time of production.	405,000
Excessive costs incurred for rehabilitating to original appearance and serviceability military equipment donated to foreign nations under the military assistance program, Department of Defense. B-133280, May 31, 1963.	Military departments spend millions of dollars each year to rehabilitate materiel, given to foreign nations as grant aid under the military assistance program, to higher standards of appearance and serviceability than materiel normally furnished to U.S. forces overseas.	(1)
Ineffective utilization of supply items resulting from deficiencies in the Federal catalog system within the Department of Defense. B-146778, May 31, 1963.	Weaknesses in cataloging procedures have permitted assignment of 2 or more stock numbers to identical supply items, resulting in ineffective utilization and unnecessary purchase of supplies.	100,000
	Also, lack of defensewide system of identifying interchangeable or substitutable items led to assets not being considered to fill needs.	230,000
	Unnecessary costs incurred because stock numbers are maintained for supply items that are inactive or not recurrently used.	(1)
Substantial amounts of little used nontactical construction equipment being held on Okinawa by the military services. B-146791, May 31, 1963.	According to standards established for the use of nontactical construction equipment, the 8 nontactical military units on Okinawa had equipment valued at about $725,000 that was excess to the services' needs on a consolidated basis. Despite these excesses the services were ordering additional items of identical type valued at $387,000.	387,000
Unnecessary costs incurred because the Navy failed to purchase leased automatic data processing components offered at reduced prices B-146796, June 17, 1963.	The Navy failed to purchase components of the ADP systems being rented by Norfolk and Portsmouth Naval Shipyards although it could have been predicted that savings of about $165,000 would result in May 1961 when the manufacturer offered the components for sale at reduced prices. They Navy later deferred the replacement dates for the components, so savings from purchase would have been about $339,600. As a result of our review, the Navy bought the system at Norfolk, resulting in savings of $70,300.	339,600
Excess costs of milk purchased by the Naval Supply Center, Norfolk, Va., for the Guantanamo Naval Station, Guantanamo Bay, Cuba. B-146797, June 18, 1963.	The Supply Center at Norfolk has been buying milk in ½-pint containers for general messes serviced by Guantanamo Naval Station, while it has been buying milk in bulk lots for other activities at a lower price. If the supply center purchased milk for Guantanamo in bulk lots, after an initial cost of $4,800 for milk dispensers, annual savings of as much as $130,000 would result.	[2] 130,000
Unnecessary costs incurred by the Department of the Navy in procurement of RPM comparators. B-146794, June 21, 1963.	The Government incurred unnecessary costs of about $108,000 because the Bureau of Naval Weapons did not act promptly in a canceling production of RPM comparators, a component of the HSS-2 helicopter, when they were no longer needed.	108,000
Government's loss of capability to competitively procure replacement spare parts for military gas turbine engines developed under contracts with United Aircraft Corp., East Hartford, Conn. B-146734, June 25, 1963.	The Government invested $400,000,000 with UAC for research and development of gas turbine engines and acquired related technical data together with the unrestricted right to use the data for any Government purpose, including reprocurement. This capability was lost by the Navy's failure, on follow-on production contracts, to acquire unlimited rights to use current data which gradually replaced the unrestricted data. The effect was costly to the Government, as it established UAC as a virtual sole-source supplier of replacement parts.	(1)

See footnotes at end of table.

U.S. General Accounting Office, Defense Accounting and Auditing Division—Summary of audit reports issued to the Congress for the period May 1, 1963, through May 1, 1964—Continued

Title	Waste and mismanagement	Estimated unnecessary costs incurred or scheduled to be incurred
Unnecessary expenditures for exterior storage facilities serving family housing by the Department of the Army at Fort Dix, N.J. B-133102, June 25, 1963.	About $295,000 was unnecessarily expended at Fort Dix to construct exterior storage facilities for Wherry housing occupants instead of modifying existing interior storage facilities that would have provided equal or more space at a relatively small cost.	$295,000
Overpricing of teletypewriters procured under Department of the Army negotiated contract with Kleinschmidt division, Smith-Corona Marchant, Inc., Deerfield, Ill. B-146795, June 26, 1963.	The Government's price was increased by about $194,000 because the contract price was based on cost estimates for material and labor that were higher than those justified by information available to the contractor at the time of its proposal or before the contracting officer completed his analysis of the proposed price.	194,000
Unnecessary payment by the United States of costs properly chargeable to Japan for administrative and related expenses of the military assistance program for Japan. B-132913, June 27, 1963.	Substantial amounts of appropriated funds have been expended unnecessarily because the Military Assistance Advisory Group (MAAG) failed to adequately review and analyze administrative expenditures and obtain reimbursement from Japan for expenses chargeable to Japan. As a result of our review, the MAAG reviewed prior and current expenditures. Reimbursements totaling $403,000 have been obtained and deposited in the U.S. Treasury.	403,000
Unnecessary expenditures of more than $1,000,000 for storage of petroleum in a commercial facility at Plattsburgh, N.Y., Department of Defense. B-133149, June 28, 1963.	A requirement of the Air Force, the using agency, resulted in negotiation of a contract by Defense Petroleum Supply Center, the contracting agency, for storage at Plattsburgh at prices in excess of amounts that were initially offered to the Government by the contractor for this service. For 4 years from September 1959 to September 1963, increased prices total $1,111,000. If the Government renews the contract annually through 1970, increased prices will be reduced by $210,000 to a total of $901,000.	901,000
Unnecessary costs to be incurred under the military departments' proposals for continued operation of separate Army and Navy hospitals in the San Francisco Bay area, California. B-133226, June 28, 1963.	The Department of Defense will incur unnecessary annual costs of about $8,200,000 under a plan for the continued separate operation of Letterman Army and Oakland Naval Hospitals in the San Francisco Bay area.	[2] 8,200,000
	Also, plans being considered for construction of separate new hospitals at these locations will result in costs of $10,000,000 more than necessary to provide adequate hospital facilities for joint service use.	10,000,000
Followup review of noncompetitive procurement of aeronautical replacement spare parts within the Department of the Army. B-133396, June 28, 1963.	The Army had increased competitive procurement from 3.8 percent noted in our earlier review to 17.6 percent in last half of fiscal year 1962. However, little or no progress had been made in improving technical data files.	[1]
	During 1962, a number of noncompetitive procurements could have been made by other means, with savings of $309,000.	309,000
Overprocurement of transponders for the Nike-Hercules guided missile system by the Department of the Army. B-118755, June 28, 1963.	The Army incurred $1,400,000 of unnecessary costs in production of Nike-Hercules missiles through its failure to recognize availability of excess transponders and to provide them to the production contractor.	1,400,000
Overpricing of adaptation kits for M-113 vehicles under Department of the Army contract negotiated with FMC Corp., San Jose, Calif. B-146802, June 28, 1963.	The contract price for adaptation kits for M-113 vehicles was overstated by $83,000 because of improper cost adjustments made after specifications were significantly changed.	83,000
Illegal transactions under the Army stock fund. B-145331, June 28, 1963...	This report is supplemental to B-145331 of June 13, 1962, on certain uneconomical or illegal practices identified in connection with stock fund operations. The Department of Defense advised us that it did not agree 2 of the transactions were illegal. We point out again the illegality of (1) the obligation of $232,123 of consumer funds at Fort Lewis after the authority to obligate these funds had expired and (2) the increase of $662,484 in available consumer funds at Benicia Arsenal through stock fund credits that were given to the improper appropriation.	----------
Overprocurement of magnetos and distributors for reciprocating aircraft engines by the Department of the Navy. B-146727, June 28, 1963.	During the 7-year period ended Dec. 31, 1962, the Navy purchased more magnetos and distributors for reciprocating engines than were needed to meet its needs during the period because of the Navy's practice of leaving these items attached to uninstalled engines.	761,000
Failure of the Department of the Navy to fully recover excessive administrative cost allowances included in fixed prices negotiated with Brown-Raymond-Walsh (a joint venture) under contract NOy-83333 for the Spanish base construction program. B-118763, June 28, 1963.	The fixed price negotiated in conversion of a portion of contract NOy-83333 from cost plus a fixed fee to fixed price included administrative cost allowances $6,700,000 in excess of a reasonable estimate. We reported this to Congress in 1960 (B-118763, Dec. 30, 1960) and the Navy made recovery of $3,000,000. After completion of the contract $3,700,000 was still outstanding.	[3]
Followup review of noncompetitive procurement of aeronautical replacement spare parts in the Department of the Air Force. B-133396, June 28, 1963.	Our followup review disclosed that the Air Force had increased competitive procurement, realizing savings of $41,800,000 in 1962. We noted certain weaknesses in current contracting practices and in contract administration which appear likely to restrict the extent to which engineering data being received can be used in the future for competitive procurement.	[1]
Uneconomical use of parts kits to support depot overhaul activities in the Air Force Logistics Command, Department of the Air Force. B-133303, July 12, 1963.	Air Force Logistics Command devoted insufficient attention to criteria prescribed for determining which parts should be included in repair kits at aircraft overhaul activities. As a result, kits contained many unneeded parts.	10,000,000
Unnecessary planned procurement of 36,000 B.t.u. air conditioners by the Department of the Army. B-146807, July 31, 1963.	Engineer Supply Control Office, St. Louis, Mo., planned to buy 200 unnecessary air conditioners because of unrealistic replacement criteria.	300,000
Impairment of combat readiness of a Department of the Army combat unit at Fort George G. Meade, Md., resulting from lack of repair parts. B-146799, July 31, 1963.	The 3d Armored Cavalry Regiment, a Strategic Army Corps unit, had the majority of its combat and combat-support vehicles out of commission because of lack of repair parts and inefficient inspection practices during the preparation for deployment to Berlin in 1961. The vehicles were not made completely combat ready after 18 days of intensive effort and the poor conditions dated back to 1959.	[4]
Overprocurement by the Department of the Navy of spare guidance components for the shipboard repair of improved Tartar missiles, B-146725, July 31, 1963.	The Navy procured about $1 million worth of spare guidance components in excess of needs for maintenance of improved Tartar missiles on board vessels.	1,000,000
Unnecessary annual expenditures by the Departments of the Air Force and the Navy for leasing commercial facilities to store petroleum products in the San Francisco, Calif., area instead of using excess Government-owned petroleum facilities at the Navy Fuel Department, Point Molate, Richmond, Calif. B-133149, July 31, 1963.	A Navy-owned petroleum storage facility was excess to needs since December 1960. A nearby commercial facility was being leased by the Defense Petroleum Supply Center for the Air Force and Navy to store aviation fuels at an annual price of $305,500. By converting the unused Navy facility for $348,280 and eliminating all commercial leases the Government could save the $305,500 a year. The conversion costs would be recovered in about 14 months.	411,500
	Also the Air Force planned to spend $106,000 for constructing facilities at Point Molate for transporting fuel by truck although facilities were available for more economical transportation of fuel by water and pipeline.	
Additional costs resulting from procurement of test equipment as special tooling under cost-plus-a-fixed-fee contracts awarded to Lockheed Aircraft Corp. Missile and Space Division, Sunnyvale, Calif., by the Departments of the Air Force and Navy. B-146788, July 31, 1963.	Lockheed acquired test equipment as special tooling under various cost-plus-a-fixed-fee contracts instead of industrial facilities under no fee facility contracts. If the equipment had been appropriately identified and described it could have been acquired under a no-fee contract thereby exempting it from fees of about $289,000.	289,000
The increased price for ballistic computers resulting from excessive estimated material costs under Department of the Air Force Contract AF 09(603)-34097 with Servomechanisms, Inc., El Segundo, Calif. B-146801, July 31, 1963.	The price proposed by Servomechanisms, Inc., and accepted by the Air Force without change, included estimated material costs that were excessive in relation to cost and pricing information at the time the price proposal was prepared.	83,800
Noncompetitive procurement of military aircraft forgings from Aluminum Co. of America at prices substantially higher than current and expected costs of production, Department of the Air Force. B-146784, July 31, 1963.	Alcoa consistently quoted prices substantially above its current and expected production costs. Although there was no competition, the company refused to furnish cost data to its military customers thereby precluding open negotiation of prices. These prices exceeded current production costs by $893,300 or an average of 51 percent. The company refused to accept subcontracts on any basis other than its own terms. As a result the military customers had to accept the prices offered without benefit of normal negotiation processes.	[1]
	We found evidence that the practices noted above are generally followed by Alcoa in the pricing of all Government business amounting to many millions of dollars annually.	

See footnotes at end of table.

U.S. General Accounting Office, Defense Accounting and Auditing Division—Summary of audit reports issued to the Congress for the period May 1, 1963, through May 1, 1964—Continued

Title	Waste and mismanagement	Estimated unnecessary costs incurred or scheduled to be incurred
Unjustified cost-of-living allowances paid in the Alaska Command to military personnel not accompanied by dependents—Department of Defense. B-146800, Aug. 7, 1963.	Cost-of-living allowance payments were made to officers and noncommissioned officers on the basis that adequate Government messing facilities were not available when in fact existing military dining halls were adequate to serve both officer and enlisted personnel. Army noncommissioned officers who were residing in bachelor enlisted quarters were authorized to mess separately, merely on the basis of such residency, and to receive cost-of-living allowance payments in addition to their basic allowance for subsistence. (Continuation of these payments will result in questionable expenditures of $241,000 annually if not corrected.)	$355,000
Unnecessary costs incurred in the procurement of radar altimeters—Department of the Navy. B-146774, Aug. 26, 1963.	The Government incurred unnecessary costs of $1,100,000 because the AN/APN-120 radar altimeter was built to operate in an unauthorized frequency band and the altimeters therefore could not be used for operational purposes. The Bureau of Aeronautics left selection of the frequency bands to the discretion of the manufacturer instead of obtaining approved frequency bands prior to development as required by written instructions.	1,100,000
Illegal use of operation and maintenance funds for rehabilitation and construction of family housing and construction of a related facility of the Department of Defense. B-133102, Aug. 30, 1963.	At 7 military installations operation and maintenance funds of about $1,100,000 were illegally spent (1) to finance rehabilitation work on Wherry housing ($800,000), (2) for supplemental work or additional features on Capehart housing projects ($190,000), (3) for construction of a gas distribution system ($92,000). The illegal use of operation and maintenance funds involving Wherry housing violated sec. 3678, Revised Statutes. The illegal use of funds involving Capehart housing and the gas distribution system violated secs. 3679, 3678, and 3733, Revised Statutes, and title VIII of the National Housing Act, as amended.	1,082,000
Continued use of uneconomical 1st-class air-travel accommodations by employees of defense contractors. B-133371, Aug. 30, 1963.	In a followup review of 20 contractors, we found that 9 contractors continued uneconomical use of 1st-class air accommodations, increasing costs under defense contracts.	(1)
Unreasonably high prices paid for nickel cadmium aircraft storage batteries under negotiated fixed-price contract AF 01(601)-22629 with Sonotone Corp., Elmsford, N.Y., Department of the Air Force. B-146805, Aug. 30, 1963.	Contract price of $1,901,200 exceeded costs by about $704,000 or 58 percent because significant cost and production information available to the contractor was not disclosed to the Air Force.	(1)
Increased costs resulting from failure to procure ships spare parts competitively or directly from the manufacturer, Department of the Navy. B-133058, Sept. 11, 1963.	Purchase of parts from sole-source suppliers without inquiry into feasibility of other sources, despite savings obtainable.	1,500,000
Unnecessary costs resulting from the noncompetitive procurement of aeronautical replacement spare parts, Department of the Navy. B-133396, Sept. 17, 1963.	Failure to appreciably increase competitive procurement over that in fiscal year 1961. Of $14,000,000 worth of noncompetitive spare parts reviewed we found that the Navy incurred $3,300,000 of unnecessary costs.	3,300,000
Procurement of defective rocker arm assemblies for combat vehicle engines from Hawk Tool & Engineering Co., Clarkston, Mich., Department of the Army. B-146803, Sept. 19, 1963.	Contractor produced defective rocker arm assemblies and the Army accepted them without adequate inspection.	156,000
Excessive cost to the Government for leasing instead of purchasing analog computer systems for use under negotiated defense contracts by Martin Marietta Corp., Orlando, Fla., Department of Defense. B-146812, Sept. 19, 1963.	Excess costs will be incurred by Government because contractor leased rather than purchased EDP equipment used primarily under cost-reimbursable contracts.	[2] 230,000
Overcharges by Westinghouse Electric Corp. for propulsion machinery for the aircraft carrier U.S.S. *Enterprise*, Department of the Navy. B-146733, Sept. 20, 1963.	Price proposed by the contractor and accepted by the Navy included unwarranted provision for contingencies.	1,353,440
Payments to Naval Reserve officers on annual active duty training for unnecessary days of travel and for days in which no training or travel is performed, Department of the Navy. B-146551, Sept. 30, 1963.	Unnecessary costs resulting from payments to Navy Reserve officers for authorized travel to and from active duty posts by automobile in excess of that which would have been required for air travel time and for commencing and terminating active duty assignments unnecessarily early or late when personnel lives within commuting distance of post of duty.	[3] 600,000
Unnecessary procurement of helicopter components, Department of the Navy. B-146794, Sept. 30, 1963.	Failure to obtain rotor assemblies which were excess to Army's needs ($757,700). Also Navy failed to identify usable gear boxes available from Army. DOD has not provided centralized management of aeronautical equipment and supplies. As recommended by GAO in September 1961.	757,700
Overstatement of needs and illegal use of commercial-type vehicles by the Kanto Base Command, Japan, 6100th Support Wing, Department of the Air Force. B-146816, Sept. 30, 1963.	Overstatement of requirements resulted in the 6100th Support Wing having on hand 100 more pickup trucks than needed. (Acquisition cost $193,000.) Also, military taxis were being used for unofficial purposes.	(1)
Unnecessary procurements of specially designed 60,000-B.t.u. air conditioners, Department of the Army. B-146807, Oct. 15, 1963.	Procured 557 unneeded 60,000-B.t.u. air conditioners—air conditioners are now in storage. Failure to determine actual needs.	2,100,000
Unnecessary procurement and repair costs by the Department of the Army for J-2 gyromagnetic compass components available in the military supply systems, Department of Defense. B-146814, Oct. 15, 1963.	Procurement or repair of J-2 compass components although sufficient stock was available in military supply systems. Procurement costs, $348,000; repair costs, $105,000; planned procurement, $920,000.	1,373,000
Unnecessary costs in the procurement of clutch pressure plates, Department of the Army. B-146817, Oct. 15, 1963.	Inappropriate use of formal advertising procurement procedures resulted in unnecessary costs of $28,000; planned inappropriate use of advertised contract that would have resulted in excessive costs of $56,023.	84,023
Department of Defense reply to B-118763, June 28, 1963. Failure of the Department of the Navy to fully recover excessive administrative cost allowance included in fixed prices negotiated with Brown-Raymond Walsh (a joint venture) under contract NOy-83333 for the Spanish base construction program, Department of Defense. B-118763, Oct. 21, 1963.	Negotiated price included administrative expense allowances of $6,700,000 in excess of a reasonable estimate of costs to be incurred. Navy felt it had recovered $5,100,000 of the overpayments through negotiation of lower administrative expense allowances in prices for additional work. Investigation showed recovery of only $3,000,000.	6,700,000
Excessive costs included in prices for FALCON missile components purchased from AVCO Corp., Crosley Division, Cincinnati, Ohio, by Hughes Aircraft Co., Culver City, Calif., under a negotiated contract, Department of the Air Force. B-125071, Oct. 24, 1963.	Prices of missile stabilizers and flippers were excessive in relation to available cost data, acceptance of prices without appropriate review and evaluation.	158,110
Unnecessary costs incurred because of failure to standardize tropical wool trousers, Department of the Army and Marine Corps. B-133177, Oct. 28, 1963.	Procurement and supply of 2 types of trousers, trousers without flaps and trousers with flaps on hip pocket. Failure to refer this matter of practical standardization to the Defense Supply Agency.	68,000
Use of former Government surplus parts without authorization under Contract DA-23-204-TC-1695 with Aerodex, Inc., Miami, Fla., Department of the Army. B-118694, Oct. 29, 1963.	Government paid Aerodex $321,854 for a portion of a lot of surplus parts which Aerodex purchased from a surplus parts dealer for $71,858. At least some of the parts were former Government surplus parts.	(4)
Unnecessary annual expenditures by the Departments of the Army and Navy for leasing commercial facilities to store Government-owned empty 55-gallon steel drums in the Los Angeles, Calif., area, Department of Defense. B-146827, Oct. 29, 1963.	The Army and Navy are incurring unnecessary charges of about $112,000 annually for storing Government-owned empty 55-gallon drums at 2 commercial facilities when Government facilities are available nearby.	[3] 112,000
Unnecessary costs incurred because of administrative negligence and poor design in the construction of two Capehart housing projects, Department of the Air Force. B-133102, Oct. 30, 1963.	About $36,000 was spent for repair and repainting of siding because of failure to use proper exterior paint in construction of 800 houses at Myrtle Beach. About $127,000 will be required to correct defects in the drainage system at Chanute AFB, which was known in advance of construction, and to repair damage from flooding.	163,000
Unnecessary costs incurred by use of an inadequate interior protective coating for fuel truck tankers, Department of the Army. B-146829, Oct. 30, 1963.	The Army used an inadequate protective coating in the interior of 380 fuel truck tankers. Officials directed the use of the inadequate coating material even though they had received reports on its ineffectiveness and knew that the Air Force was using an effective coating.	118,000
Illegal per diem payments to military personnel of the Navy and Marine Corps serving as military inspection representatives in Tokyo and Osaka, Japan, Department of the Navy. B-146822, Oct. 31, 1963.	Illegal payment of per diem because the personnel were improperly placed on temporary rather than permanent duty although they were at the same location for continuous periods up to almost 4 years' duration. Per diem payments, $265,000 minus $62,000 for allowances, inspectors would have been allowed if on permanent duty.	203,000

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U.S. General Accounting Office, Defense Accounting and Auditing Division—Summary of audit reports issued to the Congress for the period May 1, 1963, through May 1, 1964—Continued

Title	Waste and mismanagement	Estimated unnecessary costs incurred or scheduled to be incurred
Unsatisfactory condition of combat vehicles and equipment in the 3d Marine Division (reinforced), Okinawa, U.S. Marine Corps, Department of the Navy. B-146832, Oct. 31, 1963.	Equipment reports of 4 battalions showed that 24 to 45 percent of the major equipment assigned to these battalions was out of service for repairs during various periods in fiscal year 1962.	(4)
Unnecessary costs incurred by leasing rather than purchasing electronics data processing equipment at White Sands Missile Range, N. Mex., Department of the Army. B-146732, Nov. 13, 1963.	The Government incurred unnecessary costs of $1,300,000 during the period Jan. 1, 1961, through Aug. 31, 1963, because the Army leased, rather than purchased, 2 704 electronic computers and supporting equipment.	$1,300,000
Overprocurement of selected accessories for jet aircraft engines by the military services, Department of Defense. B-132989, Nov. 29, 1963.	Army, Navy, and Air Force bought selected accessories that would not have been needed if the services had removed accessories from uninstalled engines and used these accessories to meet the need for spare parts. (Estimated saving of $42,000,000 from January 1963 to June 1968 if the recommendations are followed.)	[7] 9,400,000
Uneconomical procurement of electronic equipment under contract AF 01(601)-31042 with Grumman Aircraft Engineering Corp., Bethpage, Long Island, N.Y., Department of the Air Force. B-146823, Nov. 29, 1963.	The Air Force did not furnish Grumman with pertinent information relative to past, current and contemplated procurements of electronic equipment by the military services and as a result the prices paid for the equipment by Grumman were about 61 percent higher than prices currently being obtained by the services.	1,150,000
Uneconomical management of commercially available items, Department of Defense. B-146828, Nov. 29, 1963.	Department of Defense centrally manages hundreds of thousands of low-volume minor items which could be bought directly from commercial sources with the result of saving millions of dollars each year in management and supply inventory costs.	[2] 50,000,000
Unnecessary procurement of office furniture for use in the Pentagon, Department of the Air Force. B-146835, Nov. 29, 1963.	The Air Force procured wood unitized office furniture to replace significant quantities of furniture that was in good serviceable condition without evidence that replacement was economically justified.	323,000
Overpricing of modification kits for interrogator sets under fixed-price contract with General Instrument Corp., Newark, N.J., Department of the Army. B-146736, Dec. 12, 1963.	Overpricing of modification kits for interrogator sets by the General Instrument Corp. and failure of responsible agency officials to adequately review the contractor's proposed prices.	143,400
Overpricing of spare parts purchased from Hughes Aircraft Co., Culver City, Calif., under fixed-price incentive contract AF 33(600)-38280, Department of the Air Force. B-125071, Dec. 16, 1963.	Overpricing of spare parts by the Hughes Aircraft Co. and failure of resident Air Force contracting officials to adequately examine the contractor's proposal resulted in excessive costs to the Government.	201,000
Procurement of inaccurate radiation measuring instruments, Department of the Army. B-146834, Dec. 17, 1963.	The Army awarded 5 contracts for 59,776 radiacmeters even though it was aware that the radiacmeters were not suitable for Army use, $663,000 was expended for modifications and an estimated $200,000 will be incurred for work stoppages. At least 10,800 radiacmeters were scrapped.	[8] 863,000
Excessive price paid for propulsion reduction gears purchased from Westinghouse Electric Corp., Sunnyvale, Calif., Department of Navy. B-146833, Dec. 19, 1963.	A contract for gears for an amphibious transport dock vessel included rework cost although Westinghouse had successfully produced identical gears without having to perform any rework. Had Westinghouse advised Navy of this fact it would have been in a position to obtain a lower price.	64,900
Unnecessary costs being incurred as a result of the Navy's refusal to accept the standardized officers' dress shoes agreed upon by the Army, Air Force, and Marine Corps, Department of Defense. B-133177, Dec. 19, 1963.	Navy is incurring unnecessary costs because the Navy refuses to discontinue using brown dress shoes and to use only the black shoes as used by the Army, Air Force, and Marine Corps.	[2] 158,000
Unnecessary cost incurred for temporary storage of household goods for military personnel, Department of Defense. B-146779, Dec. 20, 1963.	Unnecessary costs are incurred for the storage of household goods because of the failure of transportation officers to have goods delivered to available quarters and the failure of transportation and housing officers to coordinate on the availability of quarters.	[2] 1,200,000
Erroneous reporting of taxable income and taxes withheld from pay of military personnel, Department of the Air Force. B-125036, Dec. 20, 1963.	The Air Force has inaccurately reported the taxable income and taxes withheld from the pay of members of the Air Force which has resulted in a potential loss of revenue to the Government.	(4)
Excessive cost of leasing compared with buying certain electronic data processing equipment at Kirtland Air Force Base, N. Mex., Department of the Air Force. B-146732, Dec. 24, 1963.	The Air Force would unnecessarily expend millions of dollars if it did not take advantage of the purchase option offered by Control Data Corp. for its 1604 electronic data processing system which the Air Force leases.	[2] 1,780,000
Overestimated costs included in prices negotiated for modification of aircraft engine test stands under fixed price contracts with Space Corp., Dallas, Tex., Department of the Air Force. B-114808, Dec. 30, 1963.	The Government incurred unnecessary costs in contracts for the modification of 32 jet engine test stands because Space Corp., did not supply the Air Force officials with all the cost data and the Air Force contracting officials did not perform a thorough review of the contractor's price proposal.	213,000
Erroneous purchase of a technical data package from Westinghouse Electric Corp. for $1,010,000, Department of the Navy. B-146035, Dec. 31, 1963.	The Navy contracted to pay Westinghouse for a technical data package although it had already acquired unlimited rights to use all the significant data included in the package.	1,010,000
Increased costs resulting from the procurement of spare parts under contracts for related aeronautical equipment, Department of the Air Force. B-133396, Jan. 10, 1964.	During years 1959 through 1961, Air Force procured spare parts costing about $50,800,000 under contracts for related equipment although the parts could have been bought under spare parts contracts, generally from other suppliers for $18,700,000 less.	18,700,000
	Also spare parts were purchased although they had previously been declared obsolete.	300,000
Improper disposition of refunds of group insurance premiums by Grumman Aircraft Engineering Corp., Bethpage, N.Y., Department of the Navy. B-146780, Jan. 13, 1964.	Grumman did not give the Government credit for a portion of refunds it received from a group insurance plan it maintains in its company. Since about 90 percent of Grumman work was on Government contracts during this period, the majority of the refunds would have accrued to the benefit of the Government thus reducing the contract price.	449,000
Overbuying and unnecessary overhaul costs resulting from failure of the Air Force to follow the Navy's practice of separating accessories from spare reciprocating aircraft engines, Department of the Air Force. B-132989, Jan. 14, 1964.	The Air Force has incurred unnecessary costs during the period of 1950 to 1962 by failing to remove accessories from spare aircraft reciprocating engines and buying extra accessories. By using the accessories from spare engines it reduces the number of accessories the services have to buy and it minimizes the amount of time the accessories are idle.	6,149,000
Unnecessary procurement initiated for 9,000 B.t.u. air conditioners, Department of the Army. B-146807, Jan. 16, 1964.	The Army initiated a procurement for 214 air conditioners for which firm requirements did not exist. The Signal Corps failed to advise the Corps of Engineers in a timely manner that the units were not needed.	161,500
Unnecessary cost incurred in the procurement of AN/ARN 21C tacan radio components through failure to accept option offer, Department of the Air Force. B-146836, Jan. 24, 1964.	Air Force incurred unnecessary costs of over $1,000,000 by its failure to incorporate into a contract an option offered by the supplier of tacan radio components to furnish additional quantities at the original contract price.	1,000,000
Unnecessary costs relating to reassignment of management responsibility for tool sets, Department of the Army and Defense Supply Agency. B-146856, Jan. 28, 1964.	The Defense General Supply Center, under the Defense Supply Agency, had in process or planned unnecessary procurement of $261,000 worth of handtools and $13,000 worth of needed tools were disposed of as a result of failure to transfer $1,200,000 worth of excess Army handtools to the DGSC. Moreover, the cost of complete tool sets purchased by DGSC could have been reduced by $82,000 if DGSC had furnished its contractors some of the tools needed which were available from the excess stocks.	356,000
Overbuying and unnecessary overhaul costs resulting from the failure of the Army to follow the Navy's practice of separating accessories from spare reciprocating aircraft engines, Department of the Army. B-132989, Jan. 30, 1964.	The Army bought aircraft engine accessories costing $1,014,000 during the 6-year period ended Dec. 31, 1962, and incurred overhaul costs estimated at $421,000 during fiscal years 1961 and 1962 that could have been avoided by following the Navy's practice of removing accessories from spare engines.	1,435,000
Excessive charges for components for M-60 tanks under contract with Chrysler Corp., Detroit, Mich., Department of the Army. B-133295, Jan. 31, 1964.	The revised final contract price for M-60 tanks under Department of the Army contract with Chrysler Corp. contained duplicate and excessive costs which increased the contract price by about $315,200 for components made at certain of the contractor's plants. Summary cost data submitted by the contractor as basis for negotiating the final price were prepared after the tanks were produced and the contractor should have been aware of the incurred costs. The procuring agency (1) failed to obtain a certification on the cost data, despite a contract requirement for such a certificate and (2) accepted the summary cost data without an adequate review.	315,200
Increased costs incurred for ammonium perchlorate purchased during 1961 for solid propellent missile motors, Department of the Air Force. B-146843, Jan. 31, 1964.	The Government incurred increased costs, estimated to be $500,000 in 1961, in procuring its requirement of ammonium perchlorate because prices paid by Air Force contractors generally were higher than prices paid by the Navy under contracts negotiated directly with 1 of the principal suppliers.	500,000

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Title	Waste and mismanagement	Estimated unnecessary costs incurred or scheduled to be incurred
Overpricing of ship propulsion boilers purchased under fixed-price contract Nobs-76301 negotiated with Foster Wheeler Corp., New York, N.Y. Department of the Navy. B-146733, Jan. 31, 1964.	The price that the Bureau of Ships negotiated with Foster Wheeler for boilers amounting to $1,722,300, was at least $132,200 greater than the costs Foster Wheeler could reasonably expect to incur plus profit at the rate of 10 percent of such costs, the rate used in Foster Wheeler's price proposal.	$132,200
Excessive stocks at selected bases of U.S. 5th Air Force in Japan and Korea, Department of the Air Force. B-146844, Jan. 31, 1964.	At selected bases, over $4,300,000 worth of excess stocks were on hand or on order from U.S. depots. The excesses accumulated because of failure to appropriately consider (1) prior usage, (2) large number of items on hand in maintenance shops, and (3) available substitute or reparable items.	4,300,000
Overpricing of nuclear reactor components purchased from Westinghouse Electric Corp., Pittsburgh, Pa., under cost-plus-a-fixed-fee contracts awarded by the Bureau of Ships, Department of the Navy. B-146733, Feb. 6, 1964.	Plant Apparatus Division, Westinghouse, under Navy cost-plus-a-fixed-fee contracts, awarded a subcontract for 35 pumps and 16 casings to Atomic Equipment Division, Westinghouse, without obtaining AED's estimated cost of performance or information as to actual incurred costs in prior production of similar components.	705,000
Unnecessary costs resulting from Government production of M-14 rifle repair parts rather than procurement from commercial sources, Department of the Army. B-146848, Feb. 7, 1964.	The government incurred unnecessary costs of $216,000 because the Army Weapons Command placed orders for certain repair parts for M-14 rifles with Springfield Armory without first comparing costs to be incurred by the armory with prices it was currently paying to commercial sources for the same parts.	216,000
Overpricing of B-58 aircraft bomber recording systems by Melpar, Inc., Falls Church, Va., on fixed-price purchase order 509 with General Dynamics Corp., Fort Worth, Tex., Department of the Air Force. B-118695, Feb. 7, 1964.	A firm price was negotiated by General Dynamics and Melpar, and approved by the Air Force, for production of bomber recording systems under purchase order 509 in the absence of certain data and without consideration of other cost and pricing data available. As of Sept. 1, 1963, Melpar's price exceeded incurred costs by about $821,200, or 41 percent, and it appears that a significant part of this was attributable more to negotiation of a price based on overstated cost estimates than to Melpar's efficiency.	(4)
Unnecessary costs incurred in the enlistment and discharge of unqualified applicants for Regular and Reserve forces, Department of the Navy. B-146852, Feb. 11, 1964.	In 1962, the Navy incurred unnecessary costs of more than $1,245,000 because it enlisted some 1,900 Regular and Reserve applicants who were mentally unqualified and had to be discharged from military service during recruit training.	1,245,000
Overpricing of nuclear submarine components purchased by Plant Apparatus Division, Westinghouse Electric Corp., under 2 subcontracts awarded to Edwin L. Wiegand Co., Pittsburgh, Pa. Department of the Navy. B-146760, Feb. 12, 1964.	Plant Apparatus Division acting as a prime contractor for the Navy, awarded 2 subcontracts to Wiegand Co. for 5,664 S-5W pressurizer heaters and heater terminal connectors on a negotiated basis for $671,000. The Navy paid (1) $234,000 more than was warranted because the prices were negotiated without obtaining and analyzing Wiegand's most recent experienced costs and (2) $46,000 more than warranted for connectors because Wiegand charged higher prices than other suppliers would.	280,000
Deficiencies in administration of Government quarters, messing facilities and military leave at Dow Air Force Base, Maine, Department of the Air Force. B-125037, Feb. 17, 1964.	(1) Unnecessary per diem payments were made because personnel on temporary duty were issued certificates showing that messing facilities or quarters were not available when they were.	[3] 47,900
	(2) Unused leave for which service members got lump-sum payments upon discharge was erroneously carried forward to new leave accounts upon reenlistment.	[3] 22,000
	(3) Members were not being properly charged for leave taken in conjunction with travel to new duty stations.	[3] 10,000
Unclassified letter to the Congress of the United States which transmitted a secret report on ineffective program planning and uneconomical utilization of personnel assigned to the Air Force Reserve recovery program (January 1964, B-146831), Department of the Air Force. B-146831, Feb. 17, 1964.	Because the Air Force established Reserve recovery squadrons at 200 airports in the United States before ascertaining the needs of the major Air Force commands which these squadrons were intended to serve, over 100 of these squadrons have been assigned or are being considered for reassignment to airports that are so situated that the squadrons are of little value to the using commands in the event of an emergency. Unless the Air Force can find a way of utilizing these squadrons, over half of some $30,000,000 appropriated to date for the recovery program will have been largely wasted.	(4)
The Uneconomical replacement of vehicles by the U.S. 5th Air Force, Fuchu Air Station, Japan, Department of the Air Force. B-146844, Feb. 17, 1964.	Between Jan. 1, 1961, and June 30, 1962, the 5th Air Force prematurely disposed of certain usable military (M series) vehicles, which had been used about ½ of their estimated useful life and would have been retained on the basis of Air Force regulations criteria.	1,000,000
Improper payments to military personnel for travel of dependents, Department of the Army. B-146861, Feb. 17, 1964.	During calendar years 1958 through 1962, Army personnel claimed reimbursement and were paid for travel of their dependents, although the Government had already paid the common carriers directly for such transportation. This was due to fraud or error on the part of service personnel coupled with an absence of controls to prevent the improper claims.	181,000
	In addition, administrative costs were incurred to investigate cases and collect overpayments.	
Overprocurement of spare fuse component used for repair of improved Tartar and Homing Terrier missiles, Department of the Navy. B-146725, Feb. 18, 1964.	The Bureau of Naval Weapons unnecessarily purchased 199 units, valued at $353,000, of a fuse component used for repair of missiles because the requirements were based on outdated engineering judgments instead of actual usage experience. Due to a recent design change, there is no known current or future need for the items.	353,000
Unclassified summary of findings in classified report on development, procurement, and deployment of an unsatisfactory missile system, Department of the Army (February 1964, B-146762). B-146762, Feb. 18, 1964.	The Army spent $300,000,000 for development and production of a missile system which was unsatisfactory because of (1) its unreliable accuracy and (2) serious tactical problems in use, such as stringent maintenance requirements and high degree of susceptibility to electronic interference. The unsatisfactory characteristics were known at times when the Army ordered increasing quantities of equipment and missiles.	(4)
Unnecessary procurement initiated or planned because equipment requirements were overstated by White Sands Missile Range, N. Mex., Department of the Army. B-146807, Feb. 19, 1964.	The Army awarded contracts for $338,000 for air conditioners it did not need and planned future procurement for $3,000,000 worth of other unneeded equipment because the White Sands Missile Range overstated its requirements. These overstatements resulted from failure of White Sands Missile Range to assure that only actual needs were submitted to the Engineer Supply Control Office.	3,338,000
Overpayments made under a cost-plus-a-fixed-fee contract for the procurement of nuclear submarine components from Combustion Engineering, Inc., New York, N.Y., Department of the Navy. B-146846, Feb. 19, 1964.	The Navy paid Combustion $200,000 more than it was entitled to under the provisions of cost-plus-a-fixed-fee contract NObs-72363 because the Navy paid fixed price for certain components that should have been paid for on a cost-plus-a-fixed-fee basis.	200,000
Plans for purchase of leased automatic data processing components in use at military installations, Department of Defense. B-146796, Feb. 25, 1964.	A review of Department of Defense plans initiated in response to our previous reports discloses that equipment costing over $225,000,000 can be purchased at an economic advantage to the Government, and after the break-even point is reached, the Government will realize annual savings of nearly $66,000,000. (This report was submitted to keep Congress advised of the progress being made.)	(1)
Excessive interest expense included in price negotiated for petroleum storage under contract ASP-21801 with New England Tank Industries, of New Hampshire, Inc., Department of Defense. B-146813, Feb. 25, 1964.	The Government will incur increased costs under a contract for petroleum storage in a new commercial facility because interest expense included in the 5-year price was excessive in relation to information available to the contractor during negotiations.	253,100
Unnecessary costs incurred as a result of awarding without competition a contract for overhaul and modification of aircraft engines, Department of the Army. B-133396, Feb. 28, 1964.	The Army incurred unnecessary costs because it did not acquire technical data at the time it was first known that there would be a continuing need for aircraft engine overhaul and modification.	193,000
Overpricing of CAX-12 aerial reconnaissance cameras by Fairchild Camera & Instrument Corp., Syosset, N.Y., under negotiated fixed-price contract AF 33(600)-38860, Department of the Air Force. B-146854, Feb. 28, 1964.	The Air Force negotiated firm prices without making an adequate evaluation of the contractors proposal, and was not aware that the proposed prices were based on cost estimates which included provisions for contingencies, clerical errors, and inadequate cost data. The final contract price was $814,000, or 64 percent greater than the cost of producing the items.	(1)
Overpricing of steam generators for nuclear aircraft carrier, Department of the Navy. B-146733, Mar. 5, 1964.	Generators costing over $4,000,000 were purchased from Foster Wheeler Corp. by Westinghouse Electric Corp., as prime contractor, for use under Navy cost-plus-a-fixed-fee contract NObs-72205, without either the Navy or Westinghouse reviewing Foster Wheeler's cost estimate, which contained undisclosed contingency allowances and provisions for costs that were not likely to be incurred.	489,600

See footnotes at end of table.

U.S. General Accounting Office, Defense Accounting and Auditing Division—Summary of audit reports issued to the Congress for the period May 1, 1963 through May 1, 1964—Continued

Title	Waste and mismanagement	Estimated unnecessary costs incurred or scheduled to be incurred
Shipment of household goods improperly classified as professional items by military personnel to avoid payment for excess weight, Department of the Army. B-146867, Mar. 5, 1964.	Army military personnel improperly claimed weight for more professional books, papers, and equipment than they actually had shipped. Improper claims were allowed because shipments were not examined to ascertain if the weight was for professional items. Also, there were no clear definitions in the travel regulations of what should properly have been classified as professional books, papers, and equipment.	[2] $250,000
Overpricing of contracts negotiated for T-38A electrical power systems with Westinghouse Electric Corp., Department of the Air Force. B-146845, Mar. 6, 1964.	The Government incurred unnecessary costs because negotiated prices for the power systems included overstated cost estimates for material. The cost estimates proposed by Westinghouse were accepted by the Air Force and Westinghouse furnished pricing certifications for the three contracts involved.	190,000
Wasteful practices in the management of age-controlled aeronautical spare parts, Department of the Air Force. B-146865, Mar. 10, 1964.	Air Force depots condemned and committed to disposal $4,800,000 worth of spare parts without examination to determine their serviceability. Ineffective control over the storage of age-controlled parts in warehouses and technical orders which were lacking in clarity further prevented the Air Force from obtaining benefit of these parts while still serviceable.	[1]
Unnecessary costs incurred in furnishing ammunition for test firing M-14 rifles, Department of the Army. B-146848, Mar. 17, 1964.	The Government incurred unnecessary costs because the Army shipped to a contractor, for use in test firing rifles, ammunition that either had been (1) manufactured and shipped to Army depots by the rifle manufacturer, (2) unnecessarily packaged and then unpackaged by the same contractor, or (3) manufactured by a different contractor and shipped to the rifle manufacturer.	145,000
Excessive costs incurred as a result of multiple management of supplies at the Atlantic Missile Range, Department of the Air Force. B-146866, Mar. 17, 1964.	Over $1,000,000 a year in administrative costs could be saved if supply management at the missile range were consolidated under the control of either the Air Force or Pan American World Airways, Inc. Savings would result from the anticipated decreased volume of supply actions and need for fewer personnel; also, savings from a reduction in inventories.	[2] 1,000,000
Overpricing of the nuclear frigate U.S.S. *Bainbridge* purchased from the Bethlehem Steel Co., Quincy, Mass., Department of the Navy. B-146718, Mar. 18, 1964.	The Navy contracted to pay Bethlehem about $5,000,000 more for the construction of the U.S.S. *Bainbridge* than was warranted based on available cost data and circumstances existing at the time of negotiations, since Bethlehem included provision for contingencies and cost overstatements in its statement of actual and estimated costs.	5,000,000
Unnecessary cost to the Government in the leasing of electronic data processing systems by the Aerospace Division of Martin Marietta Corp., Baltimore, Md., Denver, Colo., Orlando, Fla., Department of Defense. B-146812, Mar. 18, 1964.	The Government will incur unnecessary costs of about $7,700,000 over a 5-year period if the contractor continues to lease the systems because the contractor will pay rentals greater than the full purchase and maintenance cost to the Government, including interest on the investment. Amount of unnecessary cost will increase to $13,000,000 at end of 6 years and $37,000,000 by the end of 10 years.	7,700,000
Excessive costs incurred in using contractor-furnished personnel instead of Government personnel by the Pacific region of the Ground Electronics Engineering Installation Agency, Air Force Logistics Command, Department of the Air Force. B-146824, Mar. 19, 1964.	The Air Force practice of using contract technical services personnel to augment in-service manpower is costing the Government more than it would cost if civil service employees were used.	[3] 230,000
Followup review of the failure to use excess spare parts and assemblies in aircraft production, Department of the Navy. B-146727, Mar. 20, 1964.	At the time of our earlier review, the Navy had $294,000 in excess parts usable in the production of S2-type aircraft. These excess items were not used for that purpose because the Navy delayed so long in furnishing the items that Grumman's production schedule would not permit it to wait for a transfer from the Navy.	294,000
Unnecessary per diem payments for military personnel reporting early for temporary duty assignments, Department of the Navy. B-146551, Mar. 23, 1964.	Unnecessary per diem payments estimated at over $600,000 annually, are made by the Navy because military personnel report to temporary duty assignments during transfers between permanent posts of duty and are paid per diem prior to the dates that the temporary duty for which the member has been assigned to that station is scheduled to begin.	[2] 600,000
Additional costs incurred in the procurement of P6M seaplanes from Glenn L. Martin Co., Baltimore, Md., Department of the Navy. B-146885, Mar. 23, 1964.	The Navy spent more than $445,400,000 over a 10-year period and did not receive a single serviceable P6M seaplane. Quantity production of 24 operational aircraft were ordered before a reasonably satisfactory seaplane had been developed, and it was known that there were serious unsolved problems with the prototype aircraft. This resulted in the expenditure of $209,200,000 which might have been saved if these contracts had not been awarded. Also, significant cost increases were incurred by the Navy because of design and engineering errors committed by the contractor as well as a failure by contractor to adhere to the Navy's aircraft testing procedures.	209,200,000
Overpricing of B-58 electrical power systems purchased from Westinghouse Electric Corp. by General Dynamics Corp. under a cost-plus-a-fixed-fee prime contract, Department of the Air Force. B-118695, Mar. 30, 1964.	The Government incurred excessive costs because the prices negotiated for major components of the B-58 electrical power systems included overstated cost estimates for material, labor, and overhead.	81,000
Unnecessary per diem payments to military personnel during construction of nuclear-powered submarines, Department of the Navy. B-146740, Mar. 30, 1964.	The Government incurred unnecessary costs because the Bureau of Naval Personnel placed prospective crew members of nuclear-powered submarines at construction sites on temporary duty rather than permanent duty and paid them per diem. We found $6,100,000 in unnecessary costs in per diem paid to members assigned to construction sites of 33 nuclear-powered submarines; in addition, if the Navy were to continue this policy, the propsective crews of other nuclear-powered submarines under contract at October 1963 would receive per diem, which would result in unnecessary costs to the Government totaling about $9,200,000.	6,100,000
Unnecessary planned procurement of major assemblies for the M151 utility truck, Department of the Army. B-146793, Mar. 31, 1964.	The Army was preparing to incur unnecessary costs of $284,000 procuring spare engines and other major assemblies for the M151 utility truck. The Army officials either misunderstood or were unaware of the Army's policy of prohibiting rebuild of M151 major assemblies and trucks, and providing for procurement of only a limited quantity of replacement major assemblies. The planned procurement was canceled after we brought this to the attention of the Army.	284,000
Unnecessary costs incurred in the procurement of the M405 rocket handling unit, Department of the Army. B-146870, Mar. 31, 1964.	The Army incurred unnecessary costs of $7,400,000 in the production of a new trailer for transporting the Honest John rocket when knowledge was available that it had design limitations and did not represent an improvement over existing ground-handling equipment. The Army procured the new design at a cost of $10,400,000 when the same number of a design already in use would have cost $3,000,000. Additional orders were placed which will increase unnecessary costs by $297,000.	7,400,000
Excessive costs of duplicate automatic teletype switching centers in the military services, Department of Defense. B-146872, Apr. 3, 1964.	Military services will incur unnecessary expenditures from July 1964 through December 1966 because Department of Defense is delaying closing duplicate automatic teletype switching centers at Stockton, Calif., and Cheltenham, Md., until calendar year 1966 although they could be completely closed by Dec. 31, 1964.	3,570,000
Excessive costs resulting from the operation of separate departmental public information offices, Department of Defense. B-146880, Apr. 3, 1964.	The Government incurred excessive costs due to the operation of separate departmental public information offices. Consolidation of these offices under a single Defense organization would permit improved workload distribution, more efficient utilization of personnel and save more than $1,000,000 annually.	[2] 1,000,000
Improper charges to Government cost- and incentive-type contracts held by Grumman Aircraft Engineering Corp., Bethpage, N.Y., Department of the Navy. B-146877, Apr. 8, 1964.	Grumman improperly charged Government cost- and incentive-type contracts with $188,000 in costs incurred under other contracts from 1958 through 1961. The other contracts were for research and development projects that were of primary interest to Grumman.	188,000
Uneconomical practices in the management of mobilization reserve stocks of construction equipment and commercial-type vehicles, Department of the Navy. B-146765, Apr. 9, 1964.	The Navy incurred unnecessary cost of $66,400 because of inadequacies in the management of mobilization reserve stocks of commercial vehicles and construction equipment.	66,400
Unnecessary costs incurred for the naval radio research station project at Sugar Grove, W. Va., Department of the Navy. B-149775, Apr. 9, 1964.	Unnecessary costs were incurred by the Navy in the construction and cancellation of the radiotelescope and other facilities because (1) stated urgent military need for the project for national defense purposes which led to the decision to concurrently design and construct the project and (2) the delay of almost 2 years by the Department of Defense in deciding that the project would have to be canceled.	[4]

See footnotes at end of table.

U.S. General Accounting Office, Defense Accounting and Auditing Division—Summary of audit reports issued to the Congress for the period May 1, 1963, through May 1, 1964—Continued

Title	Waste and mismanagement	Estimated unnecessary costs incurred or scheduled to be incurred
Unnecessary procurement resulting from failure to review requirements for nonrecoverable spare parts during fiscal year 1963, Department of the Air Force. B–146874, Apr. 13, 1964.	The Air Force initiated procurement for $13,000,000 worth of nonrecoverable spare parts which were already in excess of current requirements. The need to reduce excess parts under contract or to be procured was not detected because the Air Force knowingly excluded nonrecoverable spare parts from mid-fiscal-year 1963 review of supply requirements.	$13,000,000
Unnecessary cost incurred by the Government by not using surplus stockpiled materiels to satisfy Defense contract needs, Department of the Air Force. B–125071, Apr. 13, 1964.	Although the Government owns, and is storing titanium and aluminum surplus to current stockpile requirements, the Air Force is procuring through its contractors substantial quantities of these materials for use in the manufacture of Minuteman weapon system. The Air Force had not considered obtaining the surpluses because the Government's disposal policies are not clearly defined.	[1]
Failure to curtail operation at Government expense of military commissary stores in continental United States where adequate commercial facilities are available, Department of Defense. B–146875, Apr. 16, 1964.	Although competitive food stores are located near most military commissary stores in the United States, commissary stores have continued in operation and increased number despite the statutory requirement since 1953 that such stores be authorized only if reasonable prices are not otherwise readily available. Their authorization has continued because the criteria established by the Department of Defense defeat the purpose of the law. Under any realistic criteria, more than half the commissary stores in the United States would be closed.	[4]
	Additionally, Department of Defense conducts surveys yearly at all stores in the United States for compliance with the criteria, costing the Government about $100,000 annually or $1,000,000 since 1953.	1,000,000
Unnecessary interest costs incurred by the Government because of improper retention of overpayments by Burroughs Corp., Detroit, Mich., Department of the Army. B–146747, Apr. 17, 1964.	The Government incurred unnecessary interest costs of $208,000 because the contractor improperly retained for long periods of time about $4,900,000 of progress payments made by the Government.	208,000
Improper utilization of trained enlisted personnel, Department of the Army. B–146890, Apr. 20, 1964.	The Army has misassigned about 35,000 trained enlisted personnel throughout the Army, with the result that $48,700,000 in training costs is being wasted. Because of deficiencies in the Army's personnel system, personnel are assigned to installations where they are not needed and utilized for duties other than those for which they are trained.	48,700,000
Unnecessary cost to the Government in the leasing of electronic data processing systems by the Boeing Co., Airplane Division, Wichita, Kans., Department of Defense. B–146732, Apr. 23, 1964.	The leasing of an EDP system by Boeing is substantially more costly to the Government, in the form of reimbursable costs and as elements of Government contract prices, than it would be for the Government to purchase this equipment and furnish it to the contractor for use on Government work. For the equipment at Boeing, Wichita, the leasing costs exceeded purchase costs by $3,700,000 over a 5-year period, $6,300,000 over a 6-year period, and $17,300,000 over a 10-year period.	[5] 3,700,000
Overpricing of B–58 aircraft components under cost-plus-incentive-fee purchase orders issued to Sperry Gyroscope Co. Division of Sperry Rand Corp., Great Neck, N.Y., by Convair, a division of General Dynamics Corp., Fort Worth, Tex., Department of the Air Force. B–118695, Apr. 27, 1964.	In negotiations for primary navigation systems for B–58 airplanes, Sperry proposed and Convair accepted target costs which were overstated by $3,289,000 because Sperry (1) estimated unit prices for proposed purchased parts at prices higher than Sperry was already paying; (2) applied an arbitrary increase of 100 percent to the estimated unit price for each purchased part proposed; and (3) added a 10-percent provision for contingencies to the estimates. These overstatements will result in increased costs to the Government for target and incentive fees of about $1,084,000.	1,084,000
Unnecessary costs to the Government in the leasing of an electronic data processing system by the Chrysler Corp., Defense Operations Division, Center Line, Mich., Department of the Army. B–146732, Apr. 28, 1964.	The leasing of an EDP system by Chrysler is more costly to the Government than it would be for the Government to purchase it and furnish the equipment to Chrysler for use on Government work. For the equipment at the Chrysler plant, leasing costs exceed purchase costs by $56,000 over a 5-year period, $141,400 over a 6-year period, and $505,000 over a 10-year period.	[5] 56,000
Unnecessary costs to the Government in the leasing of an electronic data processing system by the Continental Aviation & Engineering Corp., Research Division, Detroit, Mich., Department of Defense. B–146732, Apr. 29, 1964.	Leasing by the contractor of an EDP system is more costly to the Government than it would be if the Government purchased the equipment and furnished it to the contractor for use on Government work. At Continental, leasing costs exceed purchase costs by $72,400 over a 5-year period, $139,000 over a 6-year period, and $414,300 over a 10-year period.	[5] 72,400
Impairment of combat capability and unnecessary costs due to inefficient and uneconomical supply and maintenance practices for communications and electronic equipment within certain units of the 8th U.S. Army, Korea, Department of the Army. B–132990, Apr. 30, 1964.	The capability of certain units within the 8th Army to perform sustained combat during fiscal year 1963 was seriously impaired because significant quantities of required communications and electronic equipment had been inoperable for periods up to 150 days, because (1) responsible personnel failed to fulfill management responsibilities and stock the parts, (2) maintenance personnel were misassigned and lax in repairing materiel, and (3) unit commanders failed to aggressively comply with instructions from the commanding general, 8th Army to correct known deficiencies.	[4]
	Material was prematurely or needlessly ordered from United States and Japan, and, for a portion of this material returned from Korea to the United States, handling and transportation costs were incurred.	2,687,300
Payments to Army and Air Force Reserve officers on annual active duty training for days on which no training or necessary travel was performed, Department of Defense. B–146551, May 4, 1964.	Army and Air Force Reserve officers were paid for days on which no training or necessary travel was performed because of deficiencies in regulations.	620,000
	Total	486,928,073

[1] Not determined.
[2] Per annum.
[3] See B–118763 of Oct. 21, 1963.
[4] Indeterminate.
[5] 5 years.
[6] Not estimated.
[7] 12-year period.
[8] Plus an undetermined amount for items scrapped or to be scrapped.
[9] Estimated for fiscal year 1963.

TRIBUTE TO SENATOR EVERETT DIRKSEN

Mr. McGOVERN. Mr. President, this morning's Washington Post carries a well-deserved tribute to the distinguished minority leader, Senator DIRKSEN, by the columnist Marquis Childs. Yesterday's Washington Star included an equally moving column on the Illinois Senator by Mary McGrory.

There can be no doubt of the essential role which the Senator from Illinois has played in the historic civil rights debate this year.

When I came to the Senate a year ago as a freshman, I was strongly prejudiced against the Senator from Illinois, but no Member of the Senate has since gone up more in my personal rating.

I have found him to be a strong and consistent Republican partisan who is proud of his party and who understands its historic role in American life, but I have also found that on crucial matters of national interest, he always places the Nation first.

It is one of the interesting characteristics of American politics that those who maintain the greatest pride in their own political party also hold the Nation's interest most dearly.

As one of the younger, less experienced Democratic Members of the Senate, I take my hat off to the Republican Senator from Illinois.

I ask unanimous consent that the articles by Mr. Childs and Miss McGrory be printed at this point in the RECORD.

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

[From the Washington (D.C.) Star, June 11, 1964]

DIRKSEN ENJOYS LAST WORD

(By Mary McGrory)

EVERETT MCKINLEY DIRKSEN, fittingly, had the last word before the vote on cloture in the civil rights debate.

The galleries were crowded, so was the Chamber. All expected a virtuoso DIRKSEN performance. But the great organ voice was muted. He has used a greater register and more throbbing notes to speak of the duck on

the wing, for instance, or the petunia in summer glory.

The master was constrained. And no wonder. He was, for once, speaking of civil rights as a moral issue, and moral issues are matters he likes to leave to the shriller tongues in the Senate. It pains him to appear as a man of principle.

He took refuge in Victor Hugo: "Stronger than all the armies is the idea whose time has come."

He was much more at home in a passage of sheer burlesque. The minority leader, even at such a historic moment, could not resist a mad moment of self-caricature.

In describing the difficulties the bill has encountered in the 3 months of its life on the floor, he painted perfectly his own conduct.

OFFERS FLORID PASSAGE

"Nor is it the first time in our history that an issue with moral connotations and implications has swept away the resistance, the fulminations, the legalistic speeches * * * and the machinations."

Since March 8, no one has resisted more floridly, fulminated more eloquently or made more legalistic speeches of melancholy doubt. Senator DIRKSEN's obfuscations, his tortuous passage through every line of the bill, digging in at a comma here, staking his honor on a "whereas" there, have so confused the issue that some of his best friends were not sure where he stood on civil rights, even though his name was on the bill.

Nor has any Senator more lamented what he regards as the unconscionable public interest in and public pressure on the bill. And in his final address, he could not forbear chiding those partisans who insisted on pressing their views on him. Senator DIRKSEN has never given out any pious nonsense about the Senate's business being the public's interest. While other Senators feel the need to give lipservice at least to the "constitutional right to petition," Senator DIRKSEN has always deplored it, hinting that public concern merely causes private inconvenience.

With delicate distaste, he touched on a matter he holds close to his heart, a lack of proportion on the part of civil rights advocates.

"The bill has provoked many long-distance telephone calls, many of them late at night or in the small hours of the morning," he said reproachfully.

But perhaps his most guileful touch was his evocation of the name of Herbert Hoover, one not often used in the promotion of liberal causes.

"Herbert Hoover," said the minority leader, "in his day was reviled and maligned. He was castigated and calumniated."

AIDED NEGROES

The reference may have been subjective. Senator DIRKSEN, who helped the Negroes as much as any man in America on Wednesday, was abandoned by them in his 1962 fight for reelection.

It could not have been more timely. The conservatives are riding high, since their victory in California. It could also have been a sop to Senator GOLDWATER, who walked on the floor at that exact moment, and four of whose most ardent supporters Senator DIRKSEN had lured away to vote for cloture by such resistance, fulmination and legalistic speeches as above mentioned.

Senator DIRKSEN had other reasons to embrace Mr. Hoover. He is currently in danger of becoming the darling of the liberals. He is getting rave reviews in leftist journals. To the progressives of his party, who have suffered through one of the worst weeks in their history, he may well become a shining hero, a prospect which fills him with possibly genuine horror. His personal following in the Senate derives chiefly from Goldwater conservatives.

ROLLCALL BRINGS SURPRISES

When the roll was called, it was full of surprises. All but one, Senator CANNON, Democrat of Nevada, the first Senator from his State to vote for cloture, were produced by Senator DIRKSEN. When Senator CURTIS, of Nebraska, who campaigned for Senator GOLDWATER in California, answered "aye," the galleries gasped. He was followed by Senators HRUSKA, of Nebraska, MUNDT, of South Dakota, and MILLER, of Iowa.

Senator GOLDWATER, the presumptive new leader of the party, led a little band of five the other way.

Minority Leader DIRKSEN went off and had lunch with his own flock, including Senators CURTIS and HRUSKA.

The wonderworker was charactistically modest in victory. When Senator MCNAMARA, Democrat of Michigan, clapped him on the back and said, "I didn't believe you could do it," the Senator ho-hoed like a department store Santa Claus.

When reporters gathered around him to ask him how he had done it, he said, with that ambiguity which is the only predictable strain in his nature, "When you need the oil can, you use the oil can."

[From the Washington (D.C.) Post, June 12, 1964]

TWO REPUBLICANS: A CLEAR CHOICE

(By Marquis Childs)

In the solemn hush during the vote closing off debate on the longest filibuster in the Senate's history it was possible for a moment to see in perspective what has gone before and what the future seems to promise. It is easy to be cynical about motives. But the achievement of Senator EVERETT MCKINLEY DIRKSEN, the minority leader, in carrying all but six Republicans with him, will stand for a long time in the annals of a body in which maneuver and manipulation are a fine art.

Without oratorical flourishes of any kind he spoke the last words in the debate and they were moving words. The warning to his party was without equivocation. The Whigs compromised, temporized and disappeared. Does the Republican Party, he asked, deserve a better fate if it compromises on the issue of freedom? With no reference to candidates or campaigns he was clearly looking forward as well as backward.

Senator BARRY GOLDWATER, of Arizona, was one of the six Republicans voting against closing off debate. This is a traditional stand for Senators from the States with small populations. They are fearful that in the pinch they will need the filibuster as protection from a roughshod majority. The Democratic Senator from Arizona, the venerable CARL HAYDEN, President pro tempore, voted against cloture. So did another Democrat from a more or less empty State, Senator ALAN BIBLE, of Nevada.

But GOLDWATER is no longer just a Senator from Arizona. Short of the ritual of ratification at the convention in San Francisco, he is his party's candidate for President. Every move he makes, large and small, will be examined in that light.

Whether he will vote for the civil rights bill when it comes up for the final passage is still uncertain. Certainly, the measure could never have been voted on without a two-thirds majority to shut off debate. Among leading Republicans attending the recent Governors' conference in Cleveland the Goldwater stand on all issues, and particularly on civil rights, was the subject of earnest and often deeply apprehensive speculation.

The consensus of the moderates was roughly as follows: GOLDWATER will on most issues be perfectly agreeable to a moderate stand so long as the platform is put out under an innocuous label such as a "Declaration of Principles." After all, he has said with a certain hard-boiled realism that political platforms are a meaningless bunch of platitudinous promises.

But on civil rights he will insist on what can be interpreted as a States rights position. The concern of the moderates is that this will open the way to exploitation whether directly or indirectly of the white backlash. This conceivably could get votes if in the long, hot summer ahead rancor erupts into violence. There is little doubt of the growing emotion in white and fringe communities in the cities as demonstrations and lawless outbreaks make existence all but intolerable.

There could be in a Goldwater campaign a high road for obvious public consumption and a low road winding through the jungle of prejudice and hate. This has happened before. This is the fear of the moderates not alone for their party but for the Nation in a time of deep and bitter division that must somehow be healed. A vicious campaign fought on the low road could do incalculable damage.

Competition for the backlash vote will come from Gov. George C. Wallace, of Alabama. He has boasted that he means to get on the ballot of 20 to 30 States. His aim is in a close election, to carry enough Southern and border States so that the final outcome would be determined in the House of Representatives with the delegation of each State having a single vote.

But this is largely an empty boast. The law in most States makes it difficult to get on the ballot and particularly at this late date. The aim is to keep off crackpots who run for publicity and their nuisance value.

The party of DIRKSEN is the Republican Party in the Senate, as he has proved again in this instance. It is the third time that he has set his sights high. For the Kennedy administration he saved the United Nations bond issue. GOLDWATER voted against it. DIRKSEN helped to provide the sizable margin for the nuclear test ban treaty which might otherwise have been rejected or have been a dubious cliff-hanger. GOLDWATER voted against the treaty. The choice, as the minority leaders so bluntly stated, is clear.

PRIVATE OWNERSHIP AND TOLL ENRICHMENT OF NUCLEAR FUELS

Mr. McGEE. Mr. President, on Tuesday of this week, Robert W. Adams of Rawlins, Wyo., president and chairman of the board of directors of Western Nuclear, Inc., appeared before the Joint Committee on Atomic Energy and presented a statement in regard to his views on private ownership of special nuclear materials which was under consideration by the joint committee. His statement will, of course, be printed in the record of these hearings and made available to Members of Congress through this medium at a later date. I did wish to invite all Senators' attention to this statement at this time, however, since I feel it is significant and will be of interest to them.

Mr. Adams' statement, I believe, reflects a confidence and optimism in the future of his company and of the future of the uranium industry which I find most refreshing. He also asserts his faith and confidence in the free enterprise system which I likewise find most refreshing. In his statement, it is quite clear that Mr. Adams does not fear competition from foreign sources or elsewhere, but welcomes it and feels that he and his company, through proper management, can survive and expand under such competitive conditions.

Those of us who have known Bob Adams, and who have followed the success and growth of his company, can well understand the attitude as reflected in his statement. It is the same faith in the future that gave rise to the formation of this company, or its predecessor, a relatively few years ago by Mr. Adams and his associates, and which has seen this company grow and expand to one of Wyoming's finest industrial concerns. It is the same principle and philosophy which has made our free enterprise system and this country itself great. It is the same type of thinking and confidence in the future which will continue to add to the strength and greatness of our country and its free enterprise system.

Mr. President, I ask unanimous consent that Mr. Adams' statement may be printed in the RECORD.

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

TESTIMONY OF ROBERT W. ADAMS, PRESIDENT AND CHAIRMAN OF WESTERN NUCLEAR, INC., CONCERNING PRIVATE OWNERSHIP AND TOLL ENRICHMENT OF NUCLEAR FUELS

Gentlemen, we welcome this opportunity to participate in your hearings on private ownership of special nuclear material and to present our thoughts to you.

Our company is a relatively small independent producer of yellow cake from ore deposits in Wyoming. We believe we are an aggressive young business and that we can grow and prosper in a competitive atomic energy industry.

We feel that the legislation you are considering is of major importance in its impact on the growth of nuclear power and it could well be a matter of life or death to us.

To begin with, we strongly urge that private ownership of special nuclear materials for power use be permitted as soon as possible. The statements of the atomic industrial forum and reviews by others have outlined the reasons for this more ably than I can, and I concur in their basic analysis.

There are two areas, however, in which I am not in total agreement. One is concerned with foreign uranium and the other with the U.S. stockpile.

First of all, we are not concerned about low cost foreign uranium destroying our domestic industry. I believe that we can do better in a competitive market than some operators think we can.

Basically, I believe that if we wish to compete all over the world for the sale of reactors and reactor systems, we had better be willing to compete all the way down the line, including fuel.

It has been argued that in the period from 1970 to 1975 quotas, embargos, or tariffs should be used to keep out low cost African uranium. It does not make sense to me that African producers are going to dump uranium in the international market at distress prices in the face of a growing demand for fuel.

For the very reason that their supply is a byproduct, sales are not a requirement to stay alive. I think it is reasonable, therefore, to assume that they will hold off for a higher price on their limited production.

We are considerably less alarmed about the Africans than we are about the U.S. stockpile. It seems important that a clear policy be established which would defer the sale of uranium from the Government stockpile until a healthy nuclear fuel market exists. While I do not know the size of this stockpile, it must certainly be many, many times the quantity estimated as being required for fuel use in the next 10 years, and as such its improper disposition could wreck all of us.

Most of us in the uranium ore milling business have a considerable respect for the wisdom of the atomic energy legislation. We also admire the impartiality and skill of the AEC in handling the difficult problems of the cutback and stretchout. This same sort of skill and wisdom needs to be exercised where this stockpile is concerned. I trust that it will be.

Specifically, I would like to recommend that the Government stockpile be reserved until such time as the free world uranium market has once again climbed to levels of 12,000–15,000 tons per year. At that time its disposition could be made at price levels which would represent a profit to the Government. Furthermore, its existence over the immediate future would help lend assurance to the public utility industry that sufficient fuel will be available to amortize the vast capital cost of reactors and, in addition, provide for defense requirements for which it was originally created.

I would like to illustrate one of the very important reasons for this recommendation. It has to do with planning. We all understand the need for the long range research in thermonuclear energy being conducted by the AEC and are glad that these affairs are guided by men who can look ahead and take action now to insure our future. The same sort of thinking must guide the activities of small companies such as ours. What will be our corporate strength 10 years from now?

My answer is that we uranium producers must be suppliers of a complete line of nuclear fuel materials. We believe that private ownership and toll enrichment will permit us to get in this position. We believe that by proper research on our part we can learn to produce specification grade uranium oxide or metal or carbide at our own mill site for sale to fabricators. We believe that such production, even of low enrichment material by blending, will cut the cost of nuclear fuel for power reactors.

In order to get in this position it is necessary for us to invest in research facilities, build our staff, develop our sales capabilities, and alter our flow sheets at the mill. This takes time as well as money, and it takes decisions now.

As a very practical matter we want to make the decision to go ahead and produce nuclear fuels cheaper, but we cannot start making plans until we know clearly that the Government stockpile will not be disposed of in a manner that will cut the ground from under our feet. Therefore, we think that the Government's stockpiling policy should be formulated along the lines I have suggested and announced immediately. A clear statement of such a policy will give the domestic uranium industry the confidence and ability to plan for and compete in a free world market.

We want to have the chance to compete in the world nuclear fuel market but we cannot do so if our competition is the Government stockpile.

In summary then, as a small but healthy uranium producer, I urge you to pass legislation making private ownership of nuclear fuel possible, manage your stockpile wisely, and trust in our ability to compete with the rest of the world.

Sincerely,

WESTERN NUCLEAR, INC.,
ROBERT W. ADAMS,
President and Chairman of the Board.

TROMBLY TRADE SCHOOL IN DETROIT—SPECIAL PROGRAM AND PETITION ON CIVIL RIGHTS BILL

Mr. HART. Mr. President, on Monday of this week I was privileged to attend a special program at Trombly's Trade School in Detroit.

On this occasion, young men between the ages of 16 and 26, some of whom have already had military service, presented to me, for myself and my distinguished colleague, the Senator from Michigan [Mr. MCNAMARA], a petition which reflects their high hopes that the Senate soon will enact the civil rights bill.

It was a memorable and moving program, and I ask unanimous consent that an outline of the program be printed in the RECORD together with the petition which accompanied it, which were presented to me. These young men acted in the finest tradition of citizens of a free society; I was proud of them and grateful they would have invited me.

Mr. HART subsequently said: Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 30 seconds.

Mr. HART. Mr. President, earlier today, I asked and received unanimous consent to have printed in the RECORD a petition and other material given to me by students of the Trombly Trade School, of Detroit. I now ask unanimous consent that the names of the signers of the petition also be printed in the RECORD.

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

There being no objection, the program and petition with signatures were ordered to be printed in the RECORD, as follows:

TROMBLY TRADE SCHOOL SPECIAL PROGRAM,
JUNE 8, 1964

Pledge to the Flag.
"The Star-Spangled Banner."
Remarks, Mrs. Mary Kastead.
Russell Taylor, presentation of petition.
Senator PHILIP A. HART.
Mr. George D. McWatt, principal.

TROMBLY TRADE SCHOOL,
Detroit, Mich., April 27, 1964.

Senator PAT MCNAMARA,
Senator PHILIP HART,
U.S. Senate,
Washington, D.C.

DEAR SENATORS MCNAMARA AND HART: We want you to know that we are pleased with the work you are doing to promote the civil rights legislation and we hope you will continue to do everything you can within your offices to support this legislation.

We believe all citizens, no matter what their origin, race or religion may be or where they live, should have the same and equal rights.

We know that this proposed civil rights legislation is not everything we would like it to be but it is an improvement over the present law and it is a step forward.

We are not voters, Mr. Senators, because our ages range between 16 and 20. However, we wanted you to know that we are interested in the improved rights for all citizens.

We also wanted to thank you for your help in trying to move this proposed legislation to become law.

Yours very truly,
STUDENTS OF TROMBLY TRADE SCHOOL.

SIGNATURES

Leroy Carson, Sam Vitale, Wesley Ballard, Thomas Jackson, Gary Marcinkowski, Albert Gooden, Gary Balowski, Willie Edwards, Ronald Spadafore, Bruce Matt, Stanley Akers, Francis Holschen, Robert J. Pollard, Alvin Richmond, Frank DePassio, Stanley H. Taylor, Rickie Jacobs, James Caldwell, Benney J. Brook, Jr., Paul Kuzera, Walter Cunning-

ham, Russell Taylor, James Allport, Jerry Jarrells, Vernon Langford, Daniel Head, Thomas Rissmann, Richard Mery, Daniel Buszek, Gary Temczyk, Willie Foster.

Tom Speagle, Jim Liagre, Barry Jackson, Larry Stone, Cleveland Smith, Herbert Seidel, Karl Groenewold, Raymond Walters, Joseph Joshua, Michael Lupo, Ray Martinez, Jerry A. Ntkowiak, Robert Petroskey, Marshall Dodson, James Hubbard.

Zygmond Bogumil, Lyn Mays, Dave Zander, Roger Kowalski, Ronald Kowalski, Kenneth Ashford, Donald Lassin, Lester Gamble, James Durrah, Elmer Pearson, Marcellus Washington, Eugene Jackson, Willie Bolden, Bill Kokenos, Ralph Ervin, Gregory Balogh, Larry Szeszycki, Jim Sandeen, Berney Brooks, Jr., Stanley H. Taylor, Robert J. Pollard, Richard Phillips, Bill Smallwood, Tony Palazzola, George Fortson, Jr., Richie Jacobs, Anthony L. Affer, Robert J. Ventline, Joseph F. Wier, Ray Huldred, David Skenske, William Schulte, Jerry Boekhaut, Harold Sandirk, Rufus Granberry.

Richard Johnson, George Rodgers, George Moore, Richard Thompson, George Balkevitch, Gary Dowler, Jack Olekszyk, Robert Rendjikowski, William Hill, Jerry Powell, Robert Kobylski, Eddie Trosper, David Gallo, Martin Rhode, Eugene Stanfill, Danny Patterson, Richard J. Augustyniak, Eric Peyton, Amos Hosey, Danny Radisevich, Ralph Fleming, Thomas Briggs, Thomas Sealey, Robert Koyza, Alex Young, Bob Paxton, Louis Woods, Charles Rhodes, Douglas Harvey, Karl P. Whitner, John Rypkowski, Jimmy Walker, George Sadowski, Merrill Watt, Gene Cole.

Nick Clark, Joseph Jordon, Richard Kulich, Stanley Lawson, Amos White, Theodore Walker, Mark Kokowicz, James Keyes, Kenneth Franklin, Gerald Blount, Horace Hamilton, Randolph Smith, Ernest Hunt, Jr.

Thomas Motyl, Paul Cook, William Morgan, Randall Dockery, Robert Thomas, Elroy Harris, Norman Wray, Richard Daenzer, Edward Boyd, Paul Chorn, Art Nowak, Marvin E. Davis, Delbert Bartley, Paul Cooley, Richard Mosqueda, Ronald Jacobs, Ronald Stokes.

WAR ON POVERTY PROGRAM

Mr. HART. Mr. President, for some time I have been aware of the isolation of the Senate. Over and over, we are summoned to work our wisdom on problems with which few—or any of us—have any firsthand knowledge. Certainly, it is a physical fact that we cannot go out—100 strong—and personally inspect every area of the country which would be affected by each of the thousands of pieces of legislation handled in every Congress. For that matter, it is also a very real fact that if 100 Senators did appear on the scene, the information gathered might, indeed, be slanted a number of degrees away from the true situation.

But, granting that we try to compensate in various ways for the separation of Senators and the problems with which we deal, the fact remains that such a separation does exist.

Seldom has this distance appeared so great to me as it does with President Johnson's war on poverty.

Here we sit: in a Chamber beautiful to the point of grandeur. Here we are: surrounded by mementos of the great history of this country. Surely it is understandable if some of us find it difficult to imagine that there could be poverty in our country—let alone to picture its true face.

This is why I am glad to be able today to invite the attention of all Senators to an article entitled "Another Face of America," written by Andy Sufritz in Contact, the magazine of the Michigan Credit Union League.

The article details Mr. Sufritz' trip into the mining area of Kentucky. He and his wife went there—using vacation days—to deliver a carload of clothing and food to this area which has been suffering from its own private depression since 1950.

In brief, this is the flesh-and-blood story of what—at least one aspect—the war on poverty is all about.

There is more in this piece than a description of privation. There is dignity and pride—pride in those whom circumstances have made the sufferers, and pride in those Americans who have made themselves the helpers.

Mr. Sufritz once was a miner himself. It was natural, perhaps, that he sent a box of clothing to miners in Hazard, Ky., with a note that he understood times were hard and that perhaps the clothing would help.

To those who proclaim that the war on poverty would aid those who care not to help themselves, I should like to invite attention to this paragraph from the article:

> A reply came, describing the terrible need and suffering. But it was not a letter of defeat. The words urged aid, not for a people who were sitting back waiting for handouts, but for a people who were doing all that their limited material and human resources could accomplish. They were not words of a people searching for a lost dignity. The words proclaimed their pride and dignity, as well as their determination to endure what had to be endured and to do what had to be done to restore a decent standard of living to the area.

This, the critics may say, is the author's interpretation of the need of the people. However, I think the reader will agree, upon finishing the article, that the opinion has foundation.

Many of Mr. Sufritz' coworkers read the letter, and it was their outpouring of help—of clothing and food—that necessitated Mr. Sufritz' trip to Kentucky and thus the report was born.

Mr. President, certainly I am as aware as anyone that only a small percentage of the articles inserted into the CONGRESSIONAL RECORD each day are read by Senators. However, I do hope each will find the few minutes necessary to read this one. There is no question in my mind that it will yield a better understanding of what the war on poverty means.

There is one P.S. I should like to add to this article, and I add it with special pride in the people of Michigan.

Apparently the carload of material which Mr. and Mrs. Sufritz delivered to Kentucky was only the beginning. Soon after, members of UAW Local 212 gathered up about 2 tons of clothing and food. The Teamsters Union undertook the delivery of this.

As a result, the Teamsters themselves are organizing a drive to help these miners. As one of the drivers who went to Hazard, Ky., said:

> If I can accomplish what is in my heart, ours will be a whopper of a drive.

Several other groups, Mr. Sufritz informs us, are also considering food and clothing drives for the miners.

Mr. President, I ask unanimous consent that Andy Sufritz' article published in the April 1964, magazine of the Michigan Credit Union may be printed in the RECORD. As I do so, let me point out the obvious. All the good that it has wrought already is only a drop in the bucket to what we Members of Congress can accomplish. For these proud and dignified people need not only food and clothing to sustain them from day to day, but they also need the means once more to become contributing members of our labor force. These means are ours to give through President Johnson's war-on-poverty program.

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

ANOTHER FACE OF AMERICA

(By Andy Sufritz)

(EDITOR'S NOTE.—Contact's associate editor added a couple of vacation days to a weekend in order to make the trip on which he here reports. Staff bylines do not often appear in Contact, but this is a story in which Andy's personal experience and occupational past are important elements.)

A note tucked in the pocket of a jacket sent in a box of clothing to Hazard, Ky., started it all. The note simply stated that my wife Olga and I knew unemployed miners and their families in the Hazard area had long struggled against poverty; hoped the clothing would help; and encouraged a reply by enclosing a self-addressed stamped envelope.

The reply came, describing the terrible need and suffering. But it was not a letter of defeat. The words urged aid, not for a people who were sitting back waiting for handouts, but for a people who were doing all that their limited material and human resources could accomplish. They were not words of a people searching for a lost dignity. The words proclaimed their pride and dignity, as well as their determination to endure what had to be endured and do what had to be done to restore a decent standard of living to the area.

It was a moving letter. Anyone receiving it would have felt compelled to try to do something to help. Experience permits saying that League staff personnel who read the letter felt the same, for they responded with generous offers of food and clothing.

The contributions swelled, and within 2 weeks the stairway to my upstairs apartment became virtually impassable, piled high with food and clothing. Costs of mailing the collected material would have been prohibitive, so my wife and I decided to deliver the food and clothing ourselves. Thus, on Friday morning, March 6, we left Detroit, our car sagging from the weight of the food and clothing jammed into every available inch of space.

The hours rolled by with us as we sped southward on the seemingly endless dual highway always stretching into the horizon ahead of us. Slowly, a feeling of unreality crept into my mind, along with a vague sense of confusion that kept nagging me.

ROAD, NATURE DENY POVERTY

The feeling persisted for a long time, until we had crossed over from Ohio into Kentucky and were climbing the highway slashed through the mountainside. Suddenly the reason for the confused unreality snapped sharply into focus: it was the tremendous contradiction between being in a car loaded with food and clothing for people

suffering poverty and traveling along a magnificent road that blotted out everything but its own overwhelming grandeur. I was reminded of Detroit and its network of expressways. There, too, drivers flash by slums daily—and never notice them.

In contrast to the monotonous flat land of Michigan and Ohio, majestic mountain ranges loomed a deep purple ahead of us. This too, this beauty of nature surrounding us, defied all thoughts of poverty and its ugliness. But we knew this would come later, and so we marveled as the mountains enveloped us.

At a point only 87 miles from Hazard, we finally left the dual highway. The road to Hazard is more in keeping with those I remembered back in West Virginia, where I had worked for 10½ years as a coal miner before coming to Detroit. The narrow road wound around perilously steep hills, often curving a full 180 degrees. This road hid nothing, and now we were seeing evidence of the poverty.

APPALACHIA LONG DEPRESSED

It must be remembered that coal-rich Appalachia, sprawling from Pennsylvania down through West Virginia, Kentucky, North and South Carolina, Georgia, Tennessee, and Alabama, has been in a state of chronic economic depression since 1950, the year automation was introduced into the mining industry.

Miners were the first to raise their voices in protest to automation. They saw the machines come in and the men go out. Not all at once, but gradually, a little more each year. They protested in vain, for automation, gorging on fantastic increases of productivity (national average of 11 tons per man per day versus as much as 85 tons per man per day in automated mines) and reduced labor costs (two-thirds to three-fourths of the work force could be laid off) spread to engulf the whole of Appalachia. In its wake lay closed marginal mines, slashed work forces in mines remaining in operation—and a grinding poverty to plague families whose economic base had suddenly disappeared.

A decline in coal markets further aggravated the situation, along with the mushrooming of the strip-mining industry which requires fewer men and less expensive machinery than deep mines. Perhaps the enormity of the combined effect of these forces is best revealed in one comparison: in 1950 there were some 450,000 miners; today there are about 120,000.

No place was hit harder than southeastern Kentucky, a fact which became ever more obvious as we neared Hazard. Sagging tarpaper-roofed shacks, with outhouses standing like sentinels by each, dotted the hillsides.

CAR BODIES EVERYWHERE

Curiously, car bodies of various vintage and partially stripped could be seen everywhere: along the roadside, beside almost every shack, along the Kentucky River's shore which bordered the road, up on hillsides and down in chasms. We later learned that as the economic squeeze tightened, leaving no money for even food, the cars were simply parked and stripped of salable parts.

In sharp contrast to the shacks appeared occasional beautiful modern homes, with brick or stone siding, large picture windows, and two or three new cars parked in driveways. These, we were told, were homes of coal operators, owners of one or more of the many mines in the area.

Our destination was not Hazard proper, but a small community on the outskirts called Combs. There lived the family of Mr. and Mrs. Charles Moore, the people with whom we had established contact.

Their house stood at the end of two rows of wooden frame houses separated by a dirt road, deeply rutted, full of craters, and now a sea of water and mud from a recent rain. But we sloshed, heaved, and scraped our way through in our car to the front of the house.

At the door, we were met by the wife, Lola, who welcomed us with a warm friendliness. The pile of food and clothing seemed like a substantial amount when it was in our stairway in Detroit, but as we unloaded the car to line a wall in her bedroom, it had already shrunk in comparison to the need we had seen. Lola explained that they had a local union hall where large truckloads were delivered for distribution, but that her home often served as a way station for loads of our size.

Over a cup of coffee and a bologna sandwich (we had brought food with us, but could not eat it realizing that every mouthful we had literally would be depriving someone else), Lola answered questions and described the desperateness of the people. Her husband, she explained, was attending a meeting of unemployed miners who were always busy trying to find ways to get aid into the area.

CONDITIONS DRAW STUDENTS

One of the most interesting developments Lola related is the very close rapport established between the unemployed miners and idealistic college students who have been drawn there in response to national publicity about the area. Over 100 such students—some staying a few days, others spending 2-week holiday vacations, and still others voluntarily interrupting their educations to devote full time to help in the area—have come from widely scattered campuses.

When Lola's husband returned, we learned that Charles Moore is a leader of the unemployed miners, ranking with more widely known Berman Gibson in the respect he commands. A veteran of World War II, Moore had had the right side of his back blown off by shrapnel from an exploding enemy grenade in battle. Returning to work in the mines after his discharge, his weakened back eventually gave way. Operations could not restore his back to withstand the heavy physical strain required in his work. He was forced to leave the mines, but always maintained his union membership in good standing and participated actively in his union's affairs.

Fortunately for Charles and other miners, the United Mine Workers Union had established a chain of 12 hospitals in medically isolated regions of Kentucky, West Virginia, and Virginia. Six of these were erected in Kentucky at a cost of $21 million, one of them at Hazard.

WELFARE FUND BENEFITS

These hospitals were financed and staffed through the union's welfare fund, into which operators of unionized mines paid 40 cents for each ton of coal mined. This fund, first negotiated in 1947, provided money for the hospital program, as well as benefits to miners' widows and dependents, a pension of $100 a month to retirees, unemployment benefits to injured miners, death benefits, and complete payment for all hospital and medical care of miners and their dependents.

The fund was a tremendous achievement. For the first time in the history of this Nation, men working in one of the most hazardous industries were provided with adequate and often lifesaving medical care.

But as the coal crisis deepened with each year, depleted welfare funds forced cutbacks in programs. Injury compensation was eliminated, followed by widow benefits and nonessential medical attention. In 1959 miners pensions were cut to $75 a month, and the next year a fund ruling completely eliminated fund benefits of all miners unemployed for 12 months or more.

The latter ruling dealt a devastating blow, embittering thousands of miners who had been unemployed for 2, 3, or more years. They had fought long and hard battles, marked by bitter strikes and deprivation, to win the fund and its benefits. Now, they suddenly found themselves and their families without any protection whatsoever.

The union strived vainly to stem the flow of area operators who canceled union contracts and reverted to nonunion operations. In Perry County, where Hazard is located, there had been nine union mines. The last union-operated mine there canceled its contract with the United Mine Workers this month.

CONFLICTING FORCES

As crisis followed crisis, strong passions were unleashed. Some men who had long been with the union, faced with starving families, returned to work. The instinct for self-preservation clashed head on with long-established traditions of unionism, splitting families and driving a deeper wedge between miners and operators.

And then came the final blow. Last year the UMW announced its decision to sell the six hospitals in Kentucky. The six hospitals, built at a cost of $21 million, were sold to the State for $3.7 million. The Presbyterian Church volunteered to administer the hospitals and maintain a semblance of medical service.

NO STAFF DOCTORS

According to Lola, who had worked for years as a dietician at the Hazard Hospital but resigned when it changed hands, there had been a staff of some 18 doctors, including interns, at the hospital. Now, she said, there is not one single doctor on the staff; only emergency cases are admitted; and one of three or four local privately practicing physicians must be called in to treat patients.

We saw the beautiful hospital, pictured here, and I could not help but feel some of the frustrations I knew the miners must feel every time they go by the hospital. With the destruction of the union went the destruction of all that had been achieved by the miners.

Moore told of men working for as little as $3 or $4 a day, and of one instance where a miner had worked for 60 hours 1 week and his take-home pay amounted to $16.40. I asked how this could be when Federal law requires a minimum pay of $1.25 an hour for all workers producing goods in interstate commerce, such as coal certainly is. He just smiled and shrugged his shoulders, "You know it, I know it, the men know it, and the operators know it," he said. "But just stick around a while, you'll learn and see a lot of things you wouldn't believe were possible."

The Moores invited us to stay with them. Their eldest of three sons at home was sent to stay with a neighbor, and they insisted on turning over their own bedroom to me and my wife. At 2 o'clock in the morning, Moore was awakened from his sleep. Six students had arrived from George Washington University in Washington, D.C., and he went to help find a place for them to stay.

We met the students the next day at a meeting we were invited to attend of a committee the unemployed miners established in January of this year to help coordinate and have voice in efforts designed to lift the economic blight in the area.

NO CREDIT UNIONS

No one I talked with knew of any credit unions in Hazard, and if anyone ever needed them, these people do. They would not solve all of their problems by any means, but they would have helped soften the hard blows staggering the people there.

After the meeting, where we were introduced along with the students and spoke briefly of our mission there, Lola took us to visit a miner, his wife, and their 10 children. The outside appearance of the shack we were approaching served to prepare one psychologically to expect almost anything inside.

But as I stepped into the dark gloom of that suffocatingly hot room, the horrible impact of what was inside had the physical force of a sledge-hammer blow. My first instinct was to run, to escape what was there. I now understood completely the story Moore had told the day before of a student visiting a miner's family on a hill and cracking up. The student refused to leave the place until something was done for the family, and had to be forcibly dragged out of the place.

WAITING SHROUD

As I stood there literally paralyzed my eyes became accustomed to the gloom that fought against the light coming through the open doorway. Figures seemed to emerge from the walls—gray figures, seeming almost lifeless. The only thing I could think of was that this gloom was a shroud, waiting patiently to claim the humanity it even now covered.

In this room crowded the family and a visitor, a relative. Several of the children were barefooted, others had on what were once shoes, but they now denied that description. Ravages of malnutrition were evident from skin diseases that blotched the natural beauty in the children's faces.

In the eternity that lasted a half hour or 45 minutes we were there, not once did a smile light the face of anyone in that family. The pictures speak much more forcefully than any words I could write.

THE 2-MONTH RUPTURE

What the pictures do not show, however, is a rupture the size of two adult fists that the youngest boy, 2 years old, had carried for 2 months at the time we were there. I fought back a powerful urge to scream as they showed the rupture to me, and the vision of that beautiful hospital—only 2 miles away—suddenly jangled in my mind. And I was reminded of Moore's words of the day before, that I would see things that I had not believed possible.

Lola talked to the mother, and got the 10 children's shoe sizes, but of the 30 to 40 pairs of shoes that we had brought with us, only 7 pairs could be found to fit.

One statement the mother made will probably haunt me always. Looking around at the surrounding poverty, in a half-apologetic, half-defiant tone, she said, "I know we don't have much, but we've been blessed with children." It just seemed impossible that anything there could be even remotely related to a blessing.

SLEEP CROWDED OUT

Sleep didn't come easily that night. Sleep was crowded out by accusing looks in the haunted eyes of children who no longer smiled; by the haggard lines of worry that transformed a mother of 30 to 35 years into an old woman long before her time; of the appeal in the eyes of a husband whose face also bore the scars of unending worry.

The next morning, Sunday, we awoke to a pouring rain. Planned visits were automatically canceled by the impassible condition of the dirt roads that were the only access to the people we had made arrangements to see.

By noon, the rainstorm had grow in fury, and we all decided it would be wise for us to leave if we didn't wish to be stranded there—possibly for days. It rained all of the way back to Detroit, but nothing could ever wash away what we had experienced.

EXPLANATION OF VOTE YESTERDAY ON AMENDMENT NO. 539

Mr. STENNIS. Mr. President, I was present in the Chamber yesterday and voted on all the yea-and-nay votes except the last one. During that time I was interested in the amendment No. 539 of the Senator from Arkansas [Mr. McCLELLAN]. However, as interested in the amendment as I was, I was compelled to be away from the Chamber on business of the utmost importance for the State of Mississippi.

I offer this explanation because I had suggested to the Senator from Arkansas that he call up his amendment at that time, but then I had to leave the Chamber.

Had I been present I would have voted in favor of the amendment.

ESTABLISHMENT OF A NATIONAL COMMISSION ON FOOD MARKETING

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House to Senate Joint Resolution 71.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer, which was, to strike out all after the resolving clause and insert:

That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members, including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(c) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades, in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency;

(5) The effectiveness of the services, including the dissemination of market news, and regulatory activities of the Federal Government in terms of present and probable developments in the industry; and

(6) The effect of imported food on United States producers, processors and consumers.

(b) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and conclusions to the President and to the Congress by July 1, 1965.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency available information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the

Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) The Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and the executive director, with the aproval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

(b) The executive director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46c) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *Provided further,* That the Commission shall not be required to prescribe such regulations.

(e) Ninety days after submission of its final report, as provided in section 4(b), the Commission shall cease to exist.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $1,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

Mr. MAGNUSON. Mr. President, I ask unanimous consent that action taken by the Senate on June 5 agreeing to a conference with the House on Senate Joint Resolution 71 and the appointment of the conferees be rescinded.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there objection?

Mr. RUSSELL. Will the Senator state the title of the joint resolution?

Mr. MAGNUSON. I shall explain it. Senate Joint Resolution 71 was reported unanimously by the Senate Commerce Committee, and at the same time the House passed a similar resolution in which there were some minor differences. At that time, the Commerce Committee thought the Senate might have a conference with the House on the matter rather than concur in the House amendment. To expedite the matter, we have since come to the conclusion that we would accept the House amendment. It is not a matter of substance.

The joint resolution provides for the establishment of a commission, proposed by the President, to make inquiry into food-marketing practices in the United States, including the price spread between the producer and the consumer.

The inquiry started in our committee under the able direction of the senior Senator from Wyoming, who concentrated upon the cattle problem as it involved the price to the producer and the price to the consumer.

The Senator from Wyoming conducted in-depth hearings on the matter. This joint resolution will now give the President authority to create the Commission. The difference between the House and Senate resolution is that the Senate provided for 2 years, and the House for 1 year. We were hoping that we might resolve this difference because the inquiry is complex and significant.

I do not like to call it an investigation, because we are not witch hunting, or pointing a finger at the villains of the piece, but we are trying to find out what the problem is in marketing and what the reason is for the spread between the farmer's price and the consumer's price.

In many cases it may be justified. A prime example being used is the 22-cent loaf of bread, and the 2 cents worth of wheat which the farmer provides.

Mr. ELLENDER. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. Let me finish my explanation, and then I shall be glad to yield to the Senator from Louisiana.

The Senator from Wyoming and our committee found real problems involved in meat marketing, including the role of chainstores, the role of the producers and the packers, and how it affects the housewife.

This is the purpose of the inquiry. I believe I have stated it fairly well. The President is desirous that we proceed immediately with the inquiry. Both resolutions now provide that there shall be five Members of the Senate, five Members of the House, and five public members on the Commission.

I believe that this inquiry is long overdue. The American people are anxious to understand the problem and know where the real difficulties lie in the great spread between the cost to the producer and to the consumer.

I suggested during the hearings that we talk a little about fruit, in which many people are interested. Take the cost spread in apples, for example. A producer receives 2½ cents a pound for a real fine Washington Delicious apple, whereas in the store it will be sold for 2 pounds for 35 or 39 cents.

In all fairness, I say that there may be good reason for this disparity in the price, but I believe that we should find out what the reason is for that disparity.

Now I am glad to yield to the Senator from Vermont, first, because he has been waiting a long time to be recognized.

Mr. AIKEN. I have been very much interested in what the Senator from Washington has just said. Although there are half a dozen agencies——

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 additional minutes.

Mr. MANSFIELD. Mr. President, I am constrained to object, because we are trying to accommodate as many Senators as we can and we have already gone 25 minutes beyond the original 15 minutes agreed upon.

I will not object at this time.

Mr. AIKEN. Mr. President, I should be glad to have 2 minutes of my 60 minutes used for this purpose.

Mr. MANSFIELD. I will not object.

Mr. AIKEN. Mr. President, although there are half a dozen agencies which have carried on a study of this nature, it has continued for a long time, and nothing has been done. The real reason for the trouble has not been brought to light, so it now behooves Congress to take such action in this field as may be necessary.

The Senator from Washington mentioned the meat situation. I do not know whether he has been reading the financial reports of the packing companies which have been issued reecntly; but the one that had the poorest record this year, compared with last year, shows a gain of 32 percent in profits over last year.

The one I have seen shows the highest increase in profit to be 79 percent. There may be good reason for it. Perhaps it is due to investments abroad. That may be the answer. If that is the answer, I believe the public is entitled to know that that is the reason. The public should know why prices constantly drop to the farmer and still do not drop to the consumer. I compliment the Senator.

Mr. MAGNUSON. The Senator from Vermont makes a good point. A correlated effort must be made by the various agencies. They must not be going off in different directions.

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

Mr. MAGNUSON. I yield.

Mr. ELLENDER. I expressed the hope earlier that the Commission would be organized. The question is whether the method of appointing the 15 members has been changed. Are the Senate Members to be appointed by the presiding officer of the Senate?

Mr. MAGNUSON. Yes; and the House Members by the Speaker. The President will appoint the public members.

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

Mr. MAGNUSON. I yield.

Mr. MILLER. I merely wish to add my hope that the Commission will do a good job. It is a very important one. I should like to add the suggestion that when the Commission is established, par-

ticularly with respect to the public members, great care be exercised in the appointment of the public members, so that the public will have confidence in the report and in the work of the Commission. For example, it might well be that a member of the livestock industry should serve on the Commission. There are members of the livestock industry and then there are members of the livestock industry, if the Senator knows what I mean. The same is true of members of the apple industry. I am sure the Senator from Washington understands. The appointments should represent the consensus of the majority members of the industry involved, so that people can look with confidence at the work of the Commission.

Mr. MAGNUSON. I am sure the President of the United States will take those matters into consideration. I wish to yield to the Senator from Wyoming [Mr. McGEE] on his time. He has done an excellent job in getting this program off the ground in a series of hearings. He knows a great deal about the subject.

I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Will the Senator restate his motion?

Mr. MAGNUSON. I move that the Senate concur in the House amendment to Senate Joint Resolution 71.

The PRESIDING OFFICER. Does the Senator have the official papers to present at the desk?

Mr. MAGNUSON. I shall wait. I believe the papers are on the way. When they are received I shall be notified, and then I shall renew my motion.

I yield to the Senator from Wyoming.

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

The question is on agreeing to amendment No. 1052, proposed by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], in the nature of a substitute.

Mr. McGEE. I believe the Senator from Washington has yielded to me.

The PRESIDING OFFICER. All time has expired under the unanimous-consent agreement.

Mr. McGEE. I yield myself 30 seconds from my own time on the civil rights bill.

In order to conserve the time of the Senate, and to preserve my 60 minutes, should I need them later, I am pleased that the Senate is taking this action today. I concur in the House amendment and I urge that the Senate concur in the amendment so as to get this vital study under way. I ask unanimous consent that my full statement be made a part of the RECORD at this point.

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

STATEMENT BY SENATOR McGEE

I am pleased that the Senate is taking action today which will expedite the establishment of a National Commission on Food Marketing. However, there is one provision of the pending bill which concerns me. This is the limitation of the Commission to a 1-year duration and $1½ million in funds.

It is doubtful whether the job which we are expecting the Commission to do can be completed in this time and with these funds.

Once the bill is passed, the members of the Commission must be appointed and brought together. The Commission must recruit and organize a professional staff. It must develop operating procedures. It must review and evaluate a massive volume of existing data and research findings. It must determine what additional information is needed and how and where it can be obtained. It will be expected to hold public hearings throughout the country. It must assemble additional information from many sources, including field surveys, personal interviews, inspection of books and records, reports and questionnaires, correspondence, and by other appropriate methods. It must cover a wide range of important agricultural commodities. It must include all stages of the marketing process from the producer through the assembler, processor, wholesale and retail distributor to the consumer. It must evaluate all of this material, make statistical analyses and arrive at significant findings and conclusions. It must prepare written reports covering all of its findings and conclusions.

Many people have been conducting research on the structure of the food industry for many years. These studies have provided partial insights into specific commodity and functional areas. However, they have not filled enough of the gaps to provide a real understanding of how our food marketing system works.

We cannot gain the necessary understanding with another partial effort. This study must get into areas of market operations which have not been covered by past research. It must provide a much needed understanding of the marketing system as a whole and not just a series of descriptive reports on individual commodity or problem areas.

Secretary Freeman has said that "This is the most significant inquiry to be proposed since the late Senator Joseph C. O'Mahoney launched the historic Temporary National Economic Committee (TNEC) in the late 1930's." I agree with this judgment. I would remind my colleagues that the work of the TNEC extended over nearly a 3-year period. The law establishing the TNEC was approved on June 16, 1938, and the Commission completed its work on April 3, 1941. It published 43 monographs on important areas of economic activity, and an additional 31 volumes and 6 supplements covering the public hearings which it held during this period.

You also are acquainted with the more recent work of the bipartisan Hoover Commission which was set up in 1947 to study the organization of the executive branch of the Government. The Hoover Commission spent 2 years and issued 15 reports in the course of its initial study. In 1953 a second Hoover Commission was established, and it spent an additional 2 years following up on the work of the first Commission.

I believe that we should expect the National Commission on Food Marketing to do the same type of job which was done by the TNEC and by the Hoover Commission.

I concur in the House amendment so that the work of the Commission can be started now and the potential pitfalls of a conference, so close to the end of the session, can be avoided. I shall certainly be prepared next year, however, to support an extension of the life of the Commission so that its work may not be prematurely foreclosed.

LAOS AND SOUTH VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article, published today in the Washington Post, on a statement, emanating from the State Department, seeking to rationalize further its course of illegal action in Laos and South Vietnam.

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

U.S. REPORTS LAOS ACCORD ON FLIGHTS

(By Warren Unna)

The United States and Laos Premier, Prince Souvanna Phouma, have reached a "clear understanding" on continuing the controversial U.S. jet photo-reconnaissance flights over Laos at necessary intervals, the State Department declared yesterday.

But in the Laotian Capital of Vientiane, Souvanna gave a slightly different twist to the matter. He told a news conference the U.S. jet flights had been provisionally suspended, but would be resumed if there is evidence of further (Pathet Lao) troop movements.

These comments came just as the Communists, for the second time within a few days, charged that U.S.-made AT-6 and T-28 planes bombed and strafed Pathet Lao headquarters.

State Department officials countered that no U.S. pilots were flying these propeller-driven planes, but that Lao pilots, for some time now, had been using these U.S.-supplied planes for their own bombing missions.

On Capitol Hill yesterday, Senator WAYNE MORSE, Democrat, of Oregon, the administration's severest critic of its southeast Asian policy, accused the United States of acting like "an international outlaw in pursuit of its own nationalistic objectives."

MORSE warned that U.S. jet flights over Laos endanger "peace, security, and justice in the United States" and are serving to escalate this country into a full-scale war with Laos' neighbor, Communist China.

At stake are the Laos peace accords reached at the 1962 Geneva International conference. Both the United States and Premier Souvanna have accused the Pathet Lao and their Communist North Vietnamese backers of violating the Geneva strictures against defiling Laos' neutrality with foreign troops and new equipment.

Both the United States and Souvanna look upon observance of these accords as the only possible way to put the Laos pack of cards back together again.

But now Communist North Vietnam and Communist China, as well as Senator MORSE, have accused the United States of being the guilty party by introducing not only jet photo-reconnaissance planes but armed jet fighter escorts.

State Department spokesman Richard I. Phillips repeated yesterday that both the United States and Souvanna's government had agreed that these flights were necessary to assume preventive detection responsibilities no longer being met by the International Control Commission (ICC), composed of India, Canada, and Poland.

Phillips also said at his noon briefing that both the United States and Souvanna's government now have agreed not to discuss any "operational" aspect of the jet flights. This was regarded as a blackout on future news about the armed jet fighter escorts.

It was learned yesterday that Premier Souvanna, distressed by the Pathet Lao anti-aircraft fire on the U.S. jets, had agreed to the U.S. request for the armed fighter escorts—but on the assumption that the escorts would be Lao planes piloted by Lao pilots.

The United States, aware that the planes it has been giving the Lao Air Force are only propeller driven and incapable of keeping up with jets, worked on the contrary assumption that U.S. owned and piloted escort jets were needed. And U.S. officials went

ahead and introduced them into Lao air space.

Souvanna had been out of circulation until yesterday because of consultations with King Savang Vatthana in his isolated capital of Luang Prabang.

The moment Souvanna returned to Vientiane yesterday, U.S. Ambassador to Laos Leonard Unger conferred with him and word of the "agreement" emerged.

Mr. MORSE. Mr. President, in commenting on the falsification which emanated yesterday from the State Department, by means of its spokesman, in attempting to rationalize its illegal course of action in regard to Laos and South Vietnam, the fact still remains that the United States now stands in violation of both the Geneva accords of 1954 and 1962, and the United Nations Charter, and in violation of the Constitution of the United States. It objects to my use of the word "outlaw." But the sad fact is that the United States has joined the outlawry of Red China, Laos, North Vietnam, and South Vietnam.

I ask unanimous consent to have printed in the RECORD an editorial which is published today in the New York Times. At long last, the editor of the New York Times is beginning to read something besides his own editorials. He is beginning to recognize the desirability of participation by the United States in a 14-nation conference on southeast Asian problems in keeping with the framework of international law. At long last he recognizes that the United States should return to the observance of international law. I am delighted to find that a realization of the necessity for observance of international law is beginning to dawn on the editor of the New York Times.

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

ASIAN CONFRONTATION

Two U.S. planes have been shot down in Laos and now American armed fighter plane escorts are shooting back. The situation is deteriorating in Vietnam as well as in Laos and, by reflexion, in Cambodia, Thailand, and all of southeast Asia. When or how is the shooting going to end? When or how is the steady, if slow, advance of the Communists in the region going to be stopped?

The power factor in southeast Asia that really counts is the confrontation between the United States and Communist China. They are still at some distance from each other, but the gap is closing. When Under Secretary Ball and President de Gaulle conferred the other day, they agreed that southeast Asia should be denied to the Communists, but they disagreed on how this goal was to be achieved.

General de Gaulle insists with reason that no settlement of the Indochina conflict is possible without the concurrence of the Communist Chinese. This is the dominating factor. China is there; the United States is 10,000 miles away. Chinese power radiates over the whole of Asia from India to Korea.

The nub of the question is the American belief that a withdrawal of our military support would leave a vacuum which the Red Chinese would inevitably fill—not to mention the fact that, for better or worse, we have commitments that we must honor. The De Gaulle argument is that China has enough problems with Russia in the north, India in the west, and the United States in the east, not to mention a strained economy, to be willing to leave southeast Asia more or less alone—on the condition that China felt there was no longer any reason to fear a threat from the United States in that area.

There is no ideal solution; but it has seemed to this newspaper that the most practicable one is, in the broadest possible terms, a guaranteed neutralization of all states that formerly made up Indochina. What this means is that the interested powers—including particularly the United States, the Soviet Union, and Communist China—would mutually and gradually withdraw militarily from that area and would at the same time guarantee the independence of the respective states, possibly with a U.N. presence to enforce it.

Obviously such a solution is risky and might not work out in practice, but the risks will be great no matter what is done, and will be still greater if the outcome is left to the hazards of military escalation.

The entire problem deserves exploration in another conference of the 14 nations, Communist China included, that have been concerned with southeast Asia since the Geneva Conference of 1962. The decisive confrontation of the United States and Red China should be over a negotiating table, not with arms. In the long run, this will only be possible when Communist China is a member of the United Nations and when Washington can speak to Peiping in the normal course of diplomatic exchanges between two nations that recognize each other.

The U.S. Department of State is caught in its own web of gross misrepresentation of warmaking policy in South Vietnam and Laos. Yesterday I pointed out in a Senate speech and on an American Broadcasting Co. television interview that we are an outlaw nation in South Vietnam and Laos. The State Department, obivously stung by my statement, issued a statement to John Scali, of ABC, who covers the State Department for ABC. John Scali, over a telecast last night, June 11, 1964, reported as follows:

TEXT OF A BROADCAST BY JOHN SCALI, OF ABC NEWS, FOLLOWING A FILM OF SENATOR MORSE'S COMMENTS ON LAOS, ON THE RON COCHRAN NEWS, ON ABC–TV, 6:30 P.M., JUNE 11, 1964

Here at the State Department, the highest officials flatly and emphatically disagree with Senator MORSE's contention we've become an outlaw nation in southeast Asia.

In sending American reconnaissance planes over Laos, even those protected by jet fighters, the State Department takes the position we're responding to an appeal for help from the legitimate government of Laos, as we are in Vietnam.

And such emergency assistance is not banned by any article of the United Nations Charter.

As for Senator MORSE's claim this is the way to start a war, the State Department replies this show of force is the only way to stop a little war before it becomes a big war.

The alternative—to do nothing, to rush to the U.N. instead—would only give the Communists time to grab all of southeast Asia while the diplomats argue about what to do.

This is John Scali at the State Department.

The alibi of the spokesman for the State Department is such gross misrepresentation that it amounts in fact to lying to the American people. It is time that someone properly label the misrepresentations of the State Department for what they are.

When the State Department tries to justify the use of American planes over Laos, both unarmed and armed, it fails to tell the American people that the Geneva accords prohibit such action by any country.

When the American planes dropped bombs and strafed they committed acts of war and made our country an aggressor nation. When our country resorted to acts of aggression instead of taking the violation of the Geneva accords to the United Nations, it walked out on its obligations under the United Nations Charter. It violated not only articles 33, 37, and 51 of the charter but it violated the entire spirit and content of the charter. It violated our pledge to seek peaceful procedures for the settlement of threats to the peace rather than resort to military might.

When the State Department denied that our country's military course of action endangered peace in Asia it simply did not tell the truth. It knows that since the United States started its illegal military action in South Vietnam there has been an increasing mobilizations of Red Chinese troops along parts of its borders nearest to Laos and South Vietnam. The State Department knows that Red China cannot be counted upon to stand by militarily immobilized in the face of American military actions in Laos and South Vietnam. If the United States escalates the war with North Vietnam the State Department knows the probabilities are great that Red China will start moving her millions of soldiers into action against our forces.

Mr. President, I regret to have to say it but it should be said. The State Department should stop misleading the American people. It should stop lying to them.

It is shocking that the State Department should try to deceive the American people into accepting the alibi for our illegal action in South Vietnam by saying, "This show of force in southeast Asia is the only way to stop a little war before it becomes a big war." Shades of Hitler—that lie was also uttered by Hitler. Making war anywhere, big or little, endangers the peace of the world, and the State Department knows it. The State Department lies again when it seeks to leave the impression that those of us who are urging United Nations action in southeast Asia are urging a do-nothing policy in South Vietnam which "would only give the Communists time to grab all of southeast Asia while the diplomats argue about what to do."

When the State Department spokesman said that he lied about our position. From the beginning of this historic debate those of us who have opposed McNamara's war in South Vietnam, and the State Department's illegal course of action in respect thereto, have urged that all of our SEATO allies should be asked to join with us in maintaining a peacekeeping force in South Vietnam until a United Nations peacekeeping corps would be sent in.

We have argued that the United States should stop making war in South Vietnam and start joining with our SEATO allies in making and preserving peace. There is a great difference—

the difference between lawful conduct under international law and treaty obligations and international outlawry.

The State Department knows our position. Why does it lie about it? I think the only reason is this: The State Department knows we are right and it knows it cannot answer us with truthful answers. In my opinion the American people are beginning to see through the misrepresentations of the State Department.

The PRESIDING OFFICER. The extension of time in the morning hour has expired.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the Mansfield-Dirksen substitute, amendment No. 1052.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 305 Leg.]

Aiken	Hart	Morton
Allott	Hayden	Moss
Anderson	Hickenlooper	Mundt
Bartlett	Hill	Muskie
Bayh	Holland	Nelson
Bennett	Hruska	Neuberger
Bible	Humphrey	Pastore
Boggs	Inouye	Pearson
Brewster	Jackson	Pell
Burdick	Javits	Prouty
Byrd, Va.	Johnston	Proxmire
Byrd, W. Va.	Jordan, N.C.	Randolph
Cannon	Jordan, Idaho	Ribicoff
Carlson	Keating	Robertson
Case	Kennedy	Russell
Church	Kuchel	Scott
Clark	Lausche	Simpson
Cooper	Long, Mo.	Smathers
Cotton	Long, La.	Smith
Curtis	Magnuson	Sparkman
Dirksen	Mansfield	Stennis
Dodd	McCarthy	Symington
Dominick	McClellan	Talmadge
Douglas	McGee	Thurmond
Eastland	McGovern	Tower
Edmondson	McIntyre	Walters
Ellender	McNamara	Williams, N.J.
Ervin	Mechem	Williams, Del.
Fong	Metcalf	Yarborough
Goldwater	Miller	Young, N. Dak.
Gore	Monroney	Young, Ohio
Gruening	Morse	

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent on official business.

I also announce that the Senator from Indiana [Mr. HARTKE] is necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator.

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). A quorum is present.

Mr. STENNIS. Mr. President, I call up my amendment No. 570 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 54, between lines 7 and 8, it is proposed to insert the following new title:

"TITLE XI—TRANSPORTATION OF PERSONS OR MATERIAL INTO STATE TO VIOLATE STATE LAW

"SEC. 1101. (a) Part I of title 18, United States Code, is amended by adding after chapter 113 the following new chapter:

"'CHAPTER 114—TRANSPORTATION OF PERSONS OR MATERIAL TO VIOLATE STATE LAW

"'Sec.

"'2351. Transportation of persons or material to violate State law

"'§ 2351. Transportation of persons or material to violate State law

"'Whoever—

"'(a) moves or travels in interstate or foreign commerce with the intent and purpose to commit a criminal offense under any law of any State, District, Commonwealth, or possession of the United States; or

"'(b) aids and abets any person to move or travel in interstate or foreign commerce with the intent and purpose that such person commit such a criminal offense; or

"'(c) transports any person, or aids and abets in the transportation of any person, in interstate or foreign commerce with the intent and purpose that such person commit such a criminal offense; or

"'(d) transports any material, or aids and abets in the transportation of any material, in intersate or foreign commerce, with the intent and purpose that such material be used to commit, or be used in the commission of, such a criminal offense—

shall be fined not more than $5,000, or imprisoned not more than five years, or both. Nothing in this section shall be construed as indicating an intent on the part of the Congress to deprive any State, District, Commonwealth, or possession of the United States of any jurisdiction over any offense over which it would have jurisdiction in the absence of such section.'

"(b) The analysis of part I of title 18, United States Code, immediately preceding chapter 1 of such title, is amended by adding

"'114. Transportation of persons or material into State to violate State law'

after

"'113. Stolen property'".

On page 54, line 8, strike out "XI" and insert "XII".

On page 54, lines 9, 14, 22, and 25, strike out "1101", "1102", "1103", and "1104", and insert "1201", "1202", "1203", and "1204", respectively.

Mr. STENNIS. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I have prepared some special points on the amendment. I ask that they be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

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

I especially call this amendment to the attention of the Senate because I firmly believe that favorable action by the Senate to incorporate the amendment in the bill would prevent much strife, violence, even bloodshed, and perhaps even save lives. The amendment is what has been called by the press at one time the freedom riders amendment. It is a simple proposal.

The amendment would make it a Federal crime to cross a State line for the purpose of violating a State law. It is that simple. The amendment is well bottomed upon precedents of more than 50 years.

We already have what is called the Lindbergh law, passed some 30 years ago regarding kidnaping. Then there is the law which makes it a Federal crime to cross a State line with a stolen automobile. We have a Federal criminal statute dealing with fleeing across a State line to avoid prosecution. A forerunner of that law is the so-called White Slave Act, making it a violation of the law to cross a State line for the purpose of committing an immoral act. Also, there are the Federal gambling statutes that apply in the same way.

The activity of the freedom riders started in 1961, when people gathered in New York and other States and announced in advance that they would proceed into the Southern States for the express purpose of violating the laws of those States so as to be arrested and put in jail.

I refer particularly to the incidents in Greenwood, Miss., in 1963, when the people of that fine little city, with great patience and endurance, were kept under tension, stress, strain, and turmoil for something like 60 days. All kinds of marches, trespasses and blocking of traffic took place. The mayor, the police, and other responsible officials performed extraordinary service at that time in order to quell the disturbances. In the end, no one was seriously injured. However, there were times when the city was on the verge of the most serious kind of trouble.

According to press announcements, Mississippi and other States are already marked as special targets for hordes of people to be brought in to conduct schools and engage in activities of the kind I have described.

From the very beginning until now, there has been very little discouragement of this kind of activity by those in high authority in the Federal Government. In fact, statements by many officials in high positions have clearly tended to encourage such activity, as have, unfortunately, some Supreme Court decisions. However, I shall not discuss that situation now.

I have read that groups in the city of Washington are planning to go to the State of Mississippi and to Alabama and other States to take part in public demonstrations, and are urging a panel of prominent Americans to ask that President Johnson guarantee Federal approval and guarantee their safety when they are engaged in this kind of project.

In other words, they are now asking for Federal aid and Federal protection before they leave. They plan to create strife and violence and will then expect Federal troops to be sent for their protection.

My amendment would really constitute Federal aid. It would afford protection for the people of the State, because it would tell the visitors in advance that those who go for the purpose of violating the law will be held accountable under a Federal act.

I presume that the Department of Justice is against my amendment. The Department would not want to take part in the activity of enforcing such a proposal. It would not want the responsibility. But the Senate has already made up its mind to pass the bill, so a duty and a responsibility now go with the decision that has been made.

Mr. President, according to press reports, Martin Luther King, Jr., who has been in Florida for the past few days and was arrested yesterday, announced in advance that he was going there expecting to be put in jail. At least, that was the story which the Senator from Mississippi heard in a radio announcement. I have before me a UPI dispatch stating that he is spearheading a fresh attack.

Mr. President, may we have order in the Senate? If there is one Senator who wishes to hear what I have to say, I want that one Senator to hear it.

This is what the UPI dispatch stated. I am speaking on limited time; I hope Senators will listen to what I am saying.

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

Mr. STENNIS. I yield myself 5 more minutes.

I read from the UPI news dispatch of yesterday.

> Negro leader Martin Luther King, Jr., spearheading a fresh attack of racial violence, said he would attempt to eat in a segregated restaurant today in "act of civil disobedience" aimed at dramatizing for an integration campaign.
>
> "If we have to go to jail, we are going," King told a crowd of 400 Negroes last night.

He was in St. Augustine, Fla., when he made this statement. He further said:

> We are determined to make this city the kind of place that the oldest city in our Nation ought to be.

That is what Martin Luther King, Jr., proposes to do by unlawful means, according to his statement. According to a radio announcement, he said he was going to violate the law. However, the article I have just read does not use those words.

But that is not all. Not only are many Federal officials in high places tolerating statements like that, but other leaders in high position are actually encouraging them.

It is sad to have to read what I am about to read, but according to a New York Times article on June 8, the U.S. Ambassador to the United Nations, Mr. Adlai Stevenson, while addressing the graduating class of Colby College, made this amazing and astounding statement:

> Ambassador Adlai E. Stevenson said today that with American students participating "in the great struggle to advance civil and human rights, even a jail sentence is no longer a dishonor but a proud achievement."
>
> Mr. Stevenson, U.S. representative at the United Nations, went on, "perhaps we are destined to see in this law-loving land people running for office not on their stainless records but on their prison records."

Mr. President, it is a sad and tragic day when such statements are made. I deplore and condemn the making of such statements—statements made by our Ambassador to the United Nations, a man with the whole world for an audience, who was supposed to be giving those young, patriotic American citizens sound advice as they started out to make their own life in the world.

Mr. President, that is a tragic situation. It shows how far some of our people have heedlessly and recklessly gone. Today Martin Luther King is in jail in Florida, as the press reports state.

So, Mr. President, I plead with Senators, in the name of innocent people who will suffer unless something is done. What about their civil rights? Does not a person have a right to protection of the law—protection of his person and of his possessions and of his home and of his right to walk on the street unimpeded?

Mr. President, this behavior has occurred since cloture on the bill now before the Senate was voted.

At this time I shall quote three short paragraphs from an editorial about the reign of terror in the city of New York, published on June 2 in the Memphis Commercial Appeal:

> And to whatever causes of this reign of terror that may have been suggested (poverty, lack of education, poor housing, and the like), we can add one that is obvious. Racial extremists, such as the leaders of CORE, have laid the groundwork for violence of this sort by glorifying en masse violation of the law.
>
> Police have been vilified. The public has been intimidated. Courts have been castigated. A new generation has been taught, by demonstration and riot and open contempt for law, that anything goes.
>
> That is at least one of the primary reasons that cruelty and terror stalk the streets of New York.

Mr. President, I urge the adoption of this amendment, for the protection of all the people. I do not urge adoption of the amendment as a censure of any leader or as a rebuke for what anyone has said. Instead, I urge adoption of the amendment for the protection of all the people—the white people, the colored people, and all others.

EXHIBIT 1

ARGUMENTS IN FAVOR OF STENNIS AMENDMENT MAKING IT A FEDERAL CRIME FOR PERSONS TO CROSS STATE LINES FOR THE PURPOSE OF VIOLATING STATE LAWS

The pattern of organized and well-planned trips from State to State for the purpose of violating the laws of those States, regardless of motives, can only lead to anarchy. The fact that in the eyes of some a law is unpopular, of doubtful validity, or does not meet the approval of some people is no excuse for the willful violation of the law. Such actions are not only a disrespect for lawful authority but encourages others to disregard the same laws, or those laws they might disagree with.

In recent years and in recent months (and with alarming frequency within the last few months), the press has reported countless incidents of organized trips from one part of the country to another, crossing State lines, with the well-publicized intent of the travel in advance, to violate a State law in a place far from his own residence.

One of the most publicized expeditions of this kind was the so-called freedom riders of 1961, when bus loads of racial agitators gathered in New York and Washington and announced their intention to travel to the Southern States and violate the laws of those States and thus invite arrest, conviction, and unavoidable violence. Of course, many were arrested and put in prison. They could expect nothing else under the circumstances.

These incidents have been multiplied many times over in the months and years since that time, creating additional disrespect for lawful authority.

Those who seek the passage of new laws, whether on the subject of civil rights or some other subject, are in a poor position when they will not obey those laws now in existence. There are lawful ways in which to express disagreement for such laws and there are lawful ways to seek redress and amendments to, or repeal of, those laws.

However, the answer is not in the wholesale violation of those laws and the endless streams of demonstrators—many of them paid by extremist organizations—to break their way into jail to publicize the cause of their leaders. The end result of this continued activity can only lead to anarchy.

All of us share the concern of the officials of the city of New York as well as those of other States where there has been widespread terrorism of law-abiding citizens in recent weeks. We deplore the actions of these hoodlums, snipers, murderers, and thieves.

But what can we expect when racial agitators and zealots, month after month, have encouraged the violation of the law?

What can we expect when our churches advise their members that it is all right to disobey man's law if they feel it is inconsistent with God's law?

What can we expect when the U.S. Ambassador to the United Nations in a public speech announced that a "jail sentence is no longer a dishonor but a proud achievement" and suggests that we might be destined to see in "this law-loving land people running for office, not on their stainless record but on their prison record?" I do not see how any citizen of the United States, worthy of his salt, can encourage the wholesale violation of the law, even if he disagrees with that law.

In a commencement address at Colby College in Waterville, Maine, on June 7, 1964, Ambassador Adlai E. Stevenson, U.S. representative at the United Nations, made the following statements, according to the New York Times in a story on June 8. Quoting from the New York Times story:

"Ambassador Adlai E. Stevenson said today that with American students participating 'in the great struggle to advance civil and human rights, even a jail sentence is no longer a dishonor but a proud achievement.'

"Mr. Stevenson, U.S. representative at the United Nations, went on, 'perhaps we are destined to see in this law-loving land people running for office not on their stainless records, but on their prison records.'"

For generations we have taught our children to obey the law and respect duly constituted authority. We have tried to establish the best police forces and have given them the most modern equipment and facilities to deal with those who violate the law. We have the FBI. We have an intricate system of State and Federal courts and spend millions of dollars each year to prosecute and punish those found guilty of violating our State and Federal laws. We spend millions of dollars for jails and prisons to

punish criminals and to deter others from committing a violation of our laws.

It is a sad day indeed when a high public official such as the U.S. Ambassador to the United Nations, whose world is his audience, in effect counsels the violation of the law. Such a statement from a high government official would be inexcusable at any time, but when made to a group of young college graduates just starting out to make their way in the world, it is reprehensible.

Already the press reports an approaching well-organized and, apparently, well-financed summer program for Mississippi. We see leaflets which refer to the Mississippi summer projects and other leaflets announcing a summer stock repertory theater in Mississippi. And these pamphlets are hardly off the press before a further call is made for a "panel of prominent Americans to ask that President Johnson guarantee Federal action to guarantee the safety of those engaged in the Mississippi summer project."

The time for action is now, action to stop these people with nothing better to do and encourage them to stay at home and obey the laws of their own State rather than to travel thousands of miles to break into jail.

There is ample precedent for a Federal law making it a Federal crime to travel from one State to another for the purpose of violating a law of that State. For many years we have had a Federal law making flight from a State to avoid prosecution under the laws of that State a crime under the Federal law. We have a Federal law prohibiting the transportation of a stolen automobile across a State line. We have a law prohibiting the transportation of a female person across State lines for immoral purposes. If we are to preserve law and order in this country and respect for our Government, we must prohibit these mobs from going from State to State solely to stir up trouble.

My amendment is a reasonable one. It does not prevent any citizen of a State from testing in the courts, or in any lawful manner he choose, any law of his State with which he might not agree. But it does make it a Federal crime for a person to travel from the State of New Jersey to the State of New York for the purpose of violating a law of the State of New York.

In closing, let me quote just one part of an excellent editorial which appeared in the Memphis Commercial Appeal of June 2, 1964.

For emphasis, I quote only three short paragraphs as follows:

"And to whatever causes of this reign of terror that may have been suggested (poverty, lack of education, poor housing, and the like), we can add one that is obvious. Racial extremists, such as the leaders of CORE, have laid the groundwork for violence of this sort by glorifying en masse violation of the law.

"Police have been vilified. The public has been intimidated. Courts have been castigated. A new generation has been taught, by demonstration and riot and open contempt for law, that anything goes.

"That is at least one of the primary reasons that cruelty and terror stalk the streets of New York."

I urge the adoption of this amendment.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield, if I have time in which to do so.

Mr. HOLLAND. Mr. President, I shall speak on my own time.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I commend the Senator from Mississippi for his restraint in the discussion of a most difficult situation.

One of the lead items in the Associated Press dispatch of this morning uses the following words:

ST. AUGUSTINE, FLA.—Equal numbers of integration marchers and policemen came through almost unscathed as firm law enforcement methods kept order on the third straight night march through downtown streets.

With their leader, Dr. Martin Luther King, Jr., of Atlanta, in jail as the result of a sit-in, the numbers of demonstrators last night were about 200—half that of previous nights when they were attacked by gangs of 100 or so whites in the downtown plaza around the old slave market.

Mr. President, I think it is very greatly to the credit of the white people of Mississippi and of Alabama, Florida, and other Southern States that we have rather patiently endured this invasion by do-gooders from outside our area, who have come there to break our laws and to make trouble. Despite that, they have found protection there—as did the paraders, last night, in St. Augustine. In St. Augustine, they were protected by an equal number of officers. I do not have to point out to Senators that 200 police officers in St. Augustine are a number completely beyond the normal for that small and peaceful city.

Mr. STENNIS. May I interrupt to say that it is clear that other things of that sort will occur if this bill is passed. The bill should not be passed.

Mr. HOLLAND. Mr. President, our people have been patient and long suffering, and we have done all within our power to prevent outbreaks of violence.

At this point I wish to state—in view of the clear intimation that the bill now before us will be passed—that anyone who will do what Dr. King is doing now shows vastly more enthusiasm than he does good judgment, because everyone knows the whole Nation is confronted with very great difficulties; and passage of this proposed law is imminent—a proposed law which involves, among other things, situations similar to the one Dr. King complains of. He is now in jail because yesterday he broke the law in St. Augustine, by seeking to go into a segregated eating place. All of us heard on the radio, last night, the statement that the manager of that eating place, who politely and quietly told him it was the policy of the company which operates that eating place to operate it on a segregated basis, and that he could not change the policy; and he asked Dr. King to depart in peace; but, instead, Dr. King insisted, and the manager had to send for officers, and Dr. King was arrested.

Mr. President, if this is an indication of the kind of thing we have to put up with, when Senators, who, I think, have behaved themselves rather well during this debate, are going to be there, trying to counsel patience and observance of the law, instead of law violations, we have some bad days ahead of us, not only in the South, but also elsewhere in the Nation.

Mr. President, I have no illusions about the result of the forthcoming vote on this amendment, but I am grateful to the Senator from Mississippi for having raised this point, because when Martin Luther King comes from Atlanta and tries to make trouble in our State by violating its laws and traditions, he is protected, at great expense to our people. Last night he and his allies were protected by 200 or more officers, on the streets of St. Augustine, at a time when most of the eating places there were closed, and they chose to parade at a time when such a demonstration would have been almost completely meaningless. Yet they were protected, and things of this sort continue to occur.

Mr. President, is that good judgment on the part of people for whom Members of the Senate who believe in this bill have worked diligently and for long hours? They have been patient.

Is it ordinary gratitude when a man such as Dr. King exhibits a complete lack of good judgment by doing things of the type Dr. King has done in Florida in recent days?

I shall pass over, without discussion, the act of Mrs. Peabody, a few weeks ago, because passage of this bill was not imminent then; the situation then was somewhat different.

But we have been subjected to such things for so long that it should now be evident that it is time for patience, good judgment, and law observance to be shown.

Mr. President, much as I detest the portions of the bill which would bring about such a radical change in our part of the country, I will continue to counsel patience and obedience to law, but I shall have great difficulty in impressing the importance of law observance on the people there if such things continue to be done by members of the Negro race who come from other States into our States, and constantly try to make trouble for us.

Mr. President, there in the oldest city in the United States—a city which will be 400 years old next year, where a great celebration will take place at that time—into which the Catholic Church is putting a large amount of money because of the important place that it had in the establishment of that original European settlement, to become permanent, and into which the Government of Spain is putting a large amount of money in order very adequately to celebrate their leading part in that settlement there 400 years ago, we see these demonstrations. To have this man and others like him go down there looking for trouble, merely to demonstrate their complete lack of respect for the laws of the State, which is host to them and is taking pretty good care of them while they are there, I believe is a demonstration of mighty little judgment and much less respect for our law.

Mr. President, it is a travesty against the patience of men such as the present Presiding Officer, the Senator from Connecticut [Mr. RIBICOFF], and men such as the Senator from Rhode Island [Mr. PASTORE], who generally are so patient, and others who have fought long in order to accomplish the passage of the act only to have this kind of showing of lack of understanding and lack of gratitude by a leader of this race which has so

much to gain, according to their own statements, from the passage of the bill.

Mr. COOPER. Mr. President, will the Senator yield on my time?

Mr. HOLLAND. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. I should like to ask the Senator a question with regard to his amendment. Under the first amendment, the right of the people to petition the Government for a redress of grievances is secured. The right to petition includes the right to engage in peaceful demonstrations.

Let us consider the possible effect of this amendment. Assume that in a certain city—in the South or elsewhere—that Negroes were demonstrating peacefully, as they have the right to do, under proper ordinances. And assume also that the State or community had enacted a statute or an ordinance prohibiting marches, or peaceful demonstrations, or limiting them in such a way that demonstrations could not really be considered an exercise of the right to petition under the first amendment. A clear constitutional right would then be limited by a State law or a community ordinance. If Negroes or others violated such a statute or ordinance by holding a peaceful demonstration or march, is it not true that such a demonstration or march would be made a Federal crime under the amendment?

Mr. HOLLAND. I am not able to say to the Senator whether it would or not. I know that cities throughout our land have the right by ordinance to issue or to refuse to issue the right to parade. After all, it will be a question for the courts to determine whether those who hold that a parade through the peaceful business section of St. Augustine at night, when a great many of the places are closed, is a proper demonstration, or whether it is a parade that requires a license. That point has not been raised by the city authorities of St. Augustine so far as I am advised. But I believe that question is beside the point. The question is merely whether we can expect this kind of violation of decency and respect for the laws of our cities and our States, or whether we must look forward to violence and invitations to violence when the act is passed.

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

Mr. HOLLAND. I yield on the Senator's time.

Mr. COOPER. I yield on my time.

Mr. STENNIS. The Senator's question is a natural question, and the answer is obvious. The statute or ordinance would have to be valid and one which would be upheld by the Federal courts before there could be any violation of the provisions of the amendment or before an offense could be made out. If the court should hold for any reason that the ordinance was not valid, no Federal offense would be committed. That would apply in any case, and that is settled law.

Mr. COOPER. The chief reason I support the civil rights bill is that I believe it is constitutional and moral. But another reason for my support is that I have hoped that the passage of a civil rights bill would help to settle some of the issues that confront the country in the field of civil rights and lead away from the trend toward lawlessness and violence which has developed. Acts of lawlessness and violence—and their condonation—cannot be excused on the grounds of a worthy purpose, and are alien to our system of government.

I must oppose the amendment because it could be used to make a Federal crime of peaceful demonstrations which as exercised under the first amendment right to petition are being used to secure the very rights which we are now trying to assure in this bill. The right to demonstrate peacefully is a right secured under the first amendment. But under the present amendment it would be possible for a State or a community to pass a statute or an ordinance under its police powers, which would prohibit even peaceful demonstrations, and subject a person who violated such a statute or ordinance to the charge of committing a Federal crime. Of course, the constitutionality of the statute or ordinance could be tested, but the burden would be on the person denied a constitutional right, to bring such a case.

I know this is not the purpose of the Senator from Mississippi—a great judge and lawyer and one who is deeply concerned about violence. But it could be the result of the amendment.

We should pass the civil rights bill, and assure Negroes and all other citizens of their equal rights under the law—and make it known that further violent and unlawful demonstrations—exceeding the constitutional right to petition will not be condoned.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. COOPER. I yield.

Mr. STENNIS. The amendment would not apply to a person who lived in the State where such an incident might happen. He would not cross a State line. The amendment would apply only to a person who would go into a State for the purpose—and that must be proved—of violating a law of that State. It has to be a law that is valid and would be upheld by the courts and determined to be in every way constitutional. Otherwise, I point out that the Attorney General under the bill we are asked to pass would be armed with power to test every conceivable law he could find, and I think we can expect that the Attorney General of the United States would test those laws.

Mr. COOPER. In order for a person to escape penalty for a breach of the peace, or for violating the State statute in question, he would have to take the case almost to the Supreme Court to first determine whether the statute was valid under the first amendment. Such delay would only increase the chances for violence, while the constitutionality of the State statute is being considered by the courts. Is that not correct?

Mr. STENNIS. They go that way sometimes, but the subject would be in the hands of the Attorney General, who would have the responsibility of enforcing the law. He would not proceed in a case unless he thought the statute or ordinance was valid to begin with.

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

Mr. STENNIS. I do not have the floor. The Senator from Kentucky yielded to me.

Mr. HOLLAND. Mr. President, I have already said that I have no illusions about the fate of the amendment, but I will say what I believe should transpire. I think the President of the United States, who has been silent during all of these demonstrations and these invitations to violence, should assert himself. He is supporting the proposed legislation. The Attorney General of the United States, who has been much in evidence when any violence is threatened against members of the Negro race, should realize that there is much at stake and he should assert himself. I cannot speak with any advice that Dr. Martin Luther King will listen to, but I think he will listen to the President of the United States, the Attorney General, and others in high positions, including those in the Senate who are the strong advocates of the bill. I think it is a time for patience. I think it is the time to get away from these invitations to violence.

I know from very ugly personal experience something about what is involved when we get into open racial clashes, mobs in the streets or on the highways, and efforts to curb things of that kind, because I have been fighting them all my adult life—sometimes successfully—out at night pleading with the leaders of mobs to stay away from violence—as I say, sometimes successfully, and sometimes when the leaders of mobs were even threatening the homes of the National Guardsmen, whom we called out to try to keep the peace.

I am uttering these words of caution to my friends in the Senate. We are all friends. We are going to be friends after this bill is passed. I think it is completely incumbent upon the powers that be at certain high levels, in regard to this far-reaching national legislation, to use every influence they can to prevent such inroads as are now being made and the things we are talking about here. I am uttering these words of caution.

I shall be on the side of law observance. I shall be on the side of advising obedience to law. I am going to do everything I can to bring about that result. But I caution those who ought to assert themselves in this field that they are playing with the most dangerous kind of fire. When we get into the field of racial hatred and when we get into dealing with mobs, whether they be white or colored, forces can be released or unloosed that are among the most difficult to curb.

I know something about it. I am pleading that we insist that these matters be left—because the legislation will be passed in a few days—to the courts, to those who have some authority. Whether we believe in the objectives of this law or not—and I do not—once it is enacted, I shall counsel obedience to it.

I hope our friends in high places, regardless of their positions, or where they come from, will realize that in a part of

the Nation where live 50 million people in every kind of juxtaposition—some communities where the white people are in the majority, other communities where the colored people are in the majority, some well policed, some not policed at all—we cannot release those forces without exercising the greatest degree of caution and influence at the highest level of government, indeed, at every level, in the effort to cut down threats of race violence.

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

Mr. HOLLAND. I am glad to yield to the Senator, but it has to be on the time of the Senator.

Mr. TOWER. I should like to ask the Senator from Florida if it is not true that cases that arise in pursuance of this act will be initiated in Federal courts by Federal attorneys, and not by capricious State attorneys or by State governments. Therefore, would it not be up to the Federal courts, proceeding in the Federal process, to see to it that it is not likely that there will be abuses under this provision?

Mr. HOLLAND. Of course, most of the decisions will be made by the Federal courts. I call the Senator's attention, however, to the fact that local laws will not be suspended. They will not be completely revoked by the passage of this bill. Quite to the contrary, there will be tests as to whether the act covers certain State laws. There is a provision having to do with transferring local cases to the Federal courts and of remanding cases by Federal judges to local courts. So, on the face of it, the proposed law makes it quite clear that there will be cases in which it will have to be determined which law is in effect and what is the effect of differences in approach between Federal and State laws.

Final decisions will in most cases have to be made in the Federal courts, as the Senator from Florida sees it. There will be cases in the field of civil rights coming up in State and local courts under the proposed law, and the bill contemplates that there will be such cases.

Mr. TOWER. But wherever the defendant raises a question in the court of original jurisdiction, he has the opportunity, after he has exhausted his remedy at the State level, to move into the Federal court.

Mr. HOLLAND. He does if the judge feels it is a case appropriate to be moved from the local to the Federal court.

Mr. TOWER. Then the Senator will agree that there is adequate protection for the accused provided for, because the final determination will in most cases be made by the Federal courts, and they will in effect sustain the validity or find the invalidity of State law.

Mr. HOLLAND. There is a completely one-sided provision respecting the remanding by a Federal court of a case from the local court. The aggrieved defendants have the right to appeal a decision to remand to the local court, but not so as to the other parties to the case. It is a typical illustration of the one-sided and partial approach adopted in various portions of this bill.

Mr. TOWER. I thank the Senator.

Mr. HOLLAND. I yield the floor.

Mr. PASTORE. Mr. President, addressing myself to the pending amendment, I do not think the question is who initiates the action. The question is, What are we doing by this amendment? The amendment is absolutely inimical to, and absolutely in violation of the inherent rights under our Bill of Rights to peaceably assemble.

All I have to say about this amendment is that had we had it on December 16, 1773, we would not have had the Boston Tea Party, nor would we have had the burning of the *Gaspe* in Narragansett Bay.

I am not one who will encourage violence, but I think that people who feel their rights have been denied and who are aggrieved have a perfect right to travel across State lines and behave themselves in full dignity as American citizens, and be respected as dignified American citizens. They have a right, in peaceful manner, to demonstrate to their countrymen that their rights are being encroached upon, and that their rights are being infringed.

The mere fact that there have been some incidents of violence is no reason to say that Congress should enact a law to prevent an American citizen, of any color from traversing State lines when he thinks he is enforcing his constitutional, American rights, and then cause him to be indicted and tried. We would be violating what we did when we adopted the Bill of Rights to protect all Americans.

I hope the amendment will be overwhelmingly defeated. This is one amendment that is born in emotion, and should be defeated.

Mr. CASE. Mr. President, I yield myself 30 seconds. I agree completely with what the Senator from Rhode Island has said in his analysis of the effect this amendment would have. I think if anything were needed to prove it, it has been given to us satisfactorily in that the action of Dr. Martin Luther King last night would be a violation of this amendment.

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

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The Senator from New York is recognized for 1 minute.

Mr. JAVITS. To be practical, two things are clear. First, this is a question of jeopardy. This amendment may very well be deemed unconstitutional because it would inhibit the exercise of the rights guaranteed by the first amendment. The first amendment applies to the entire United States, not State by State, as the Senator from Rhode Island [Mr. PASTORE] has so properly stated.

Under this amendment, before a person undertakes a trip, crossing a State line, he will have to be sure that he is not running the risk—which he might be running—of violating any of the statutes of the State to which he is going. This is the "nubbin" of the situation. It involves the very kind of State statute which barred Rev. Martin Luther King from the motel yesterday and which is a completely unconstitutional statute. But who wishes to be prosecuted or to run the risk of being prosecuted in a Federal court in that particular area of the country because such a law is on the books?

There is a doctrine in the law called the doctrine of "clean hands"; before one can go into a court of equity to seek justice, he must himself have clean hands. This is not to discredit a lawyer or anyone who advocates it, but to discredit those States which advocate it. Those States have laws on the books which cannot stand up in the courts.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. To enact a law—which we are being asked to do in this amendment—which would help such States place people in jeopardy under that kind of law, is not coming into court with clean hands.

To show the kinds of laws some States have, I understand that there is a law recently enacted in the State of Mississippi which authorizes the State to declare a public emergency which will—once it is declared—prevent the free movement of people from one place to another.

There is a Federal law on the books now to protect fully against cases of unlawful violence: section 1073 of title 18 of the United States Code, which makes it a Federal crime to flee across State lines to avoid prosecution for, or the giving of testimony in regard to, a felony under State laws. That law is now on the books. It is broad law, so that any State law that can really stand up is fully protected by a Federal law; therefore, this amendment is unnecessary—unless it is to serve a purpose which is unconstitutional, to work against people who are seeking to protest an unconstitutional State law.

Mr. RUSSELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. RUSSELL. Time and time again I have complained about the double standards applying to matters of this kind. They are apparent to anyone who has a remote sense of justice and decency.

Without going into the merits of the case, I cite a headline entitled, "King Arrested in St. Augustine Racial Protest." He was arrested for demonstrating and violating public property. This is a big headline which will be discussed all over the country and Florida will be criticized. It attributes to the people of the South a purpose to oppress Negro people for committing acts that in New York are considered terrible violations of the law. Offenses on exactly the same state of facts in New York are punished, as properly they should be, but the South is condemned and New York is praised.

The same state of facts where humble people are involved are carried in two

short paragraphs under the headline "New York City," the following:

NEW YORK, June 11.—The real estate of the New York World's Fair is private property and persons who picket or demonstrate there are trespassing, Criminal Court Judge George Balbach ruled today in the case of four Florida girl civil rights protestors.

Balbach found the four young women pickets, arrested April 28, outside the Florida pavilion, guilty of disorderly conduct and intrusion on real property. He set June 17 for sentencing.

Mr. President, that is the reason why there will be a great deal of trouble enforcing the proposed law in the South. People know that a great deal of the pressure being applied to pass a bill is motivated by prejudice and a feeling amounting to hatred against the white people of the South. An invasion in the South of a southern law is praised. When the same law is violated in New York, the authorities are praised for punishing the culprits.

Mr. HUMPHREY. Mr. President, I yield myself 15 seconds.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 15 seconds.

Mr. HUMPHREY. I encourage law observance. I deplore disorder. I also deplore acts of Congress which make a local ordinance a Federal offense. The proposed amendment is one which may very well be a violation. The answer is that Martin Luther King should have been served a cup of coffee as an American citizen.

Mr. RUSSELL. How would the Senator answer the four Florida girls standing in front of the Florida pavilion?

Mr. HUMPHREY. Will the Senator from Georgia yield on his own time?

Mr. RUSSELL. I yield one-half minute.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for one-half minute.

Mr. HUMPHREY. I believe in law enforcement. I do not believe in making a violation of a local ordinance a Federal offense.

Mr. RUSSELL. That is no answer. That is camouflaged and persiflaged.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. STENNIS] (No. 570). On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Rhode Island [Mr. PELL] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Indiana [Mr. HARTKE] and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. HARTKE], and the Senator from Rhode Island [Mr. PELL] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Arkansas would vote "aye" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and if present and voting, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 21, nays 72, as follows:

[No. 306 Leg.]

YEAS—21

Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Johnston	Sparkman
Cotton	Jordan, N.C.	Stennis
Eastland	Long, La.	Talmadge
Ellender	McClellan	Thurmond
Ervin	Robertson	Tower
Hill	Russell	Walters

NAYS—72

Aiken	Gore	Metcalf
Allott	Gruening	Miller
Anderson	Hart	Monroney
Bartlett	Hayden	Morse
Bayh	Hickenlooper	Morton
Bennett	Hruska	Moss
Bible	Humphrey	Mundt
Boggs	Inouye	Muskie
Brewster	Jackson	Nelson
Burdick	Javits	Neuberger
Cannon	Jordan, Idaho	Pastore
Carlson	Keating	Pearson
Case	Kennedy	Prouty
Church	Kuchel	Proxmire
Clark	Lausche	Randolph
Cooper	Long, Mo.	Ribicoff
Curtis	Magnuson	Scott
Dirksen	Mansfield	Simpson
Dodd	McCarthy	Smith
Dominick	McGee	Symington
Douglas	McGovern	Williams, N.J.
Edmondson	McIntyre	Williams, Del.
Fong	McNamara	Yarborough
Goldwater	Mechem	Young, N. Dak.

NOT VOTING—7

Beall	Hartke	Young, Ohio
Engle	Pell	
Fulbright	Saltonstall	

So Mr. STENNIS' amendment was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 842 and ask the clerk to read it.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, line 7, of the substitute amendment No. 656, beginning with the word "where" delete down through and including the first comma on line 9, as follows: "where instruction is carried on predominantly in the English language."

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

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I allow myself 1 minute on the amendment.

Title I of the substitute provides that, in order for the proposed presumption of literacy to be applicable, the prescribed 6 years of schooling must be in English. This amendment would eliminate the requirement that instruction be in English. There are great numbers of Puerto Ricans in the State of New York who are literate but whose formal education has been in Spanish rather than English. The English language requirement of the substitute would, in effect, exempt from the provisions of section 101(b) the situation in which the Puerto Ricans in New York find themselves, although the substitute would make the provision applicable to situations in other parts of the country. If such a provision is to be passed, it should be generally applicable, and the purpose of the amendment is to make it so.

This is a fair and reasonable amendment. It should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. THURMOND]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the junior Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee, [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Indiana [Mr. HARTKE] and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from Indiana [Mr. HARTKE] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 19, nays 70, as follows:

[No. 307 Leg.]

YEAS—19

Byrd, Va.	Johnston	Stennis
Byrd, W. Va.	Jordan, N.C.	Talmadge
Eastland	Long, La.	Thurmond
Ellender	McClellan	Walters
Ervin	Russell	Yarborough
Hill	Smathers	
Holland	Sparkman	

NAYS—70

Aiken	Goldwater	Morse
Allott	Hart	Morton
Anderson	Hickenlooper	Moss
Bartlett	Hruska	Mundt
Bayh	Humphrey	Muskie
Bennett	Inouye	Nelson
Bible	Jackson	Neuberger
Boggs	Javits	Pastore
Brewster	Jordan, Idaho	Pearson
Burdick	Keating	Pell
Cannon	Kennedy	Prouty
Carlson	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Clark	Magnuson	Scott
Cooper	McCarthy	Simpson
Cotton	McGee	Smith
Curtis	McGovern	Symington
Dirksen	McIntyre	Tower
Dodd	McNamara	Williams, N.J.
Dominick	Mechem	Williams, Del.
Douglas	Metcalf	Young, N. Dak.
Edmondson	Miller	
Fong	Monroney	

NOT VOTING—11

Beall	Gruening	Robertson
Engle	Hartke	Saltonstall
Fulbright	Hayden	Young, Ohio
Gore	Mansfield	

So Mr. THURMOND's amendment was rejected.

Mr. HART. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I yield myself 2 minutes.

I call up my amendment No. 1051 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 44, line 15, immediately after the period, it is proposed to insert the following new sentence: "It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d))."

Mr. BENNETT. Mr. President, after many years of yearning by members of the fair sex in this country, and after very careful study by the appropriate committees of Congress, last year Congress passed the so-called Equal Pay Act, which became effective only yesterday.

By this time, programs have been established for the effective administration of this act. Now, when the civil rights bill is under consideration, in which the word "sex" has been inserted in many places, I do not believe sufficient attention may have been paid to possible conflicts between the wholesale insertion of the word "sex" in the bill and in the Equal Pay Act.

The purpose of my amendment is to provide that in the event of conflicts, the provisions of the Equal Pay Act shall not be nullified.

I understand that the leadership in charge of the bill have agreed to the amendment as a proper technical correction of the bill. If they will confirm that understand, I shall ask that the amendment be voted on without asking for the yeas and nays.

Mr. HUMPHREY. The amendment of the Senator from Utah is helpful. I believe it is needed. I thank him for his thoughtfulness. The amendment is fully acceptable.

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

We were aware of the conflict that might develop, because the Equal Pay Act was an amendment to the Fair Labor Standards Act. The Fair Labor Standards Act carries out certain exceptions.

All that the pending amendment does is recognize those exceptions, that are carried in the basic act.

Therefore, this amendment is necessary, in the interest of clarification.

The PRESIDING OFFICER. (Mr. RIBICOFF in the chair). The question is on agreeing to the amendment of the Senator from Utah. (Putting the question.)

The amendment was agreed to.

Mr. STENNIS. Mr. President, I am about to suggest the absence of a quorum, unless some Senator has an amendment to offer.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 308 Leg.]

Aiken	Gruening	Morse
Allott	Hart	Moss
Anderson	Hickenlooper	Mundt
Bartlett	Hill	Muskie
Bayh	Holland	Nelson
Bennett	Hruska	Neuberger
Bible	Humphrey	Pastore
Boggs	Inouye	Pearson
Brewster	Jackson	Pell
Burdick	Javits	Prouty
Byrd, Va.	Johnston	Proxmire
Byrd, W. Va.	Jordan, N.C.	Randolph
Cannon	Jordan, Idaho	Ribicoff
Carlson	Keating	Russell
Case	Kennedy	Saltonstall
Church	Kuchel	Scott
Clark	Lausche	Simpson
Cooper	Long, Mo.	Smathers
Cotton	Long, La.	Smith
Curtis	Magnuson	Sparkman
Dirksen	Mansfield	Stennis
Dodd	McCarthy	Symington
Dominick	McClellan	Talmadge
Douglas	McGee	Thurmond
Eastland	McGovern	Tower
Edmondson	McIntyre	Walters
Ellender	McNamara	Williams, N.J.
Ervin	Mechem	Williams, Del.
Fong	Metcalf	Yarborough
Goldwater	Miller	Young, N. Dak.
Gore	Monroney	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment in the nature of a substitute.

Mr. THURMOND. Mr. President, I call up my amendments No. 850, and ask to have them read.

The PRESIDING OFFICER. The amendments offered by the Senator from South Carolina will be stated.

The legislative clerk read the amendments, as follows:

On page 6, line 12, delete the words "injunctive relief against".

On page 9, beginning on line 24, delete all down through line 23 on page 14.

Between lines 23 and 24 on page 9, insert the following:

"SEC. 204. Any violation of the provisions of this title shall be punished by fine or imprisonment, or both: *Provided, however,* That the fine shall not exceed $1,000, nor shall imprisonment exceed a term of six months."

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

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I allot myself one-half minute on this amendment.

The amendment deletes the provisions of title II of the substitute providing for enforcement by injunction. It substitutes in place thereof normal criminal procedures and sets maximum punishment at a fine of not to exceed $1,000 or imprisonment for not to exceed 6 months. The practice of enforcement by injunction and the following punishment by contempt proceedings has become too widespread. This amendment would cut down on the use of injunctions and still provide adequate procedures for enforcement.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Indiana [Mr. HARTKE], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from California [Mr. ENGLE].

If present and voting, the Senator from Arkansas would vote "yea" and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay."

The Senator from Kentucky [Mr. MORTON] is necessarily absent.

The result was announced—yeas 23, nays 66, as follows:

[No. 309 Leg.]

YEAS—23

Byrd, Va.	Ellender	Hill
Curtis	Ervin	Holland
Eastland	Goldwater	Johnston

Jordan, N.C.	Simpson	Thurmond
Long, La.	Smathers	Tower
McClellan	Sparkman	Walters
Mechem	Stennis	Williams, Del.
Russell	Talmadge	

NAYS—66

Aiken	Edmondson	Miller
Allott	Fong	Monroney
Anderson	Gore	Morse
Bartlett	Hickenlooper	Moss
Bayh	Hruska	Mundt
Bennett	Humphrey	Muskie
Bible	Inouye	Nelson
Boggs	Jackson	Neuberger
Brewster	Javits	Pastore
Burdick	Jordan, Idaho	Pearson
Byrd, W. Va.	Keating	Pell
Cannon	Kennedy	Prouty
Carlson	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Clark	Magnuson	Saltonstall
Cooper	McCarthy	Scott
Cotton	McGee	Smith
Dirksen	McGovern	Symington
Dodd	McIntyre	Williams, N.J.
Dominick	McNamara	Yarborough
Douglas	Metcalf	Young, N. Dak.

NOT VOTING—11

Beall	Hart	Morton
Engle	Hartke	Robertson
Fulbright	Hayden	Young, Ohio
Gruening	Mansfield	

So Mr. THURMOND'S amendments were rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendments were rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I yield myself 2 minutes. I intend to call up an amendment which would address itself to the problem of discrimination on the part of trade unions.

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. TOWER. The amendment would provide that where a union is enjoying the benefits of union shop contracts and discriminated in its acceptance of members on the ground of race, creed, color, national origin, or sex, such contracts would be void.

I call up my amendment No. 607, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 15, after line 25, insert the following new section:

AGREEMENTS REQUIRING MEMBERSHIP IN A LABOR ORGANIZATION

SEC. 719. Section 8 of the National Labor Relations Act, as amended (29 U.S.C. 158), is amended by adding the following new subsection at the end thereof:

"(g) Any agreement, as authorized in subsection (a) (3), requiring membership in a labor organization as a condition of employment, shall to that extent be unenforceable and void if such labor organization, because of race, color, religion, national origin, or sex, denies membership therein to any individual on the same terms and conditions generally applicable to and with the same rights and privileges generally and uniformly accorded to all members of such labor organization."

Mr. TOWER. Mr. President, I ask unanimous consent to make a technical modification of my amendment. It does not change it substantively. It should be changed to read as follows: On page 45 of the substitute amendment, No. 1052, between lines 13 and 14, insert the following new subsection:

(k) Any agreement, as authorized in subsection (a)(3), requiring membership in a labor organization as a condition of employment, shall to that extent be unenforceable and void if such labor organization, because of race, color, religion, national origin, or sex, denies membership therein to any individual on the same terms and conditions generally applicable to and with the same rights and privileges generally and uniformly accorded to all members of such labor organization.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Reserving the right to object, may I inquire what the request is?

Mr. TOWER. It is a request for unanimous consent.

Mr. PASTORE. To what does it refer? Is the Senator modifying his amendment?

Mr. TOWER. Yes.

Mr. ALLOTT. Mr. President, reserving the right to object, may I propound a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Is the matter now pending before the Senate a request for unanimous consent?

The PRESIDING OFFICER. Unanimous consent is not necessary, because there is a general agreement, previously agreed to, to change all identifications of amendments.

Mr. ALLOTT. I understand. I still should like to have an answer to my inquiry, as to whether a unanimous-consent request is pending, regardless of any previous agreement.

The PRESIDING OFFICER. The Senator from Texas had made such a request, and has not withdrawn it.

Mr. TOWER. I withdraw my request if the matter is covered by a previous agreement.

The PRESIDING OFFICER. The Senator's unanimous-consent request is withdrawn. The question is on agreeing to the amendment, as modified.

Mr. TOWER. Mr. President, my amendment would nullify those provisions of any collective bargaining agreement which require membership in a union as a condition of employment in any case where the contracting union maintains an exclusionary policy with respect to membership based on race, religion, color, national origin, or sex.

For the past 30 years, labor unions have been the recipients of many special privileges, rights, and immunities enjoyed by no other form of private organization in our society, and conferred on them by Federal law. Among the most substantial of these union advantages is the power to contract with the employer to compel membership in the union as a condition of employment.

In 1935, Congress adopted the Wagner Act which the trade union movement refers to as its Magna Carta. A fundamental principle of the Wagner Act was that no employer could lawfully discriminate against an employee because of his membership or nonmembership in a labor union. This basic principle was embodied in section 8(3) of the Wagner Act which made it an unfair labor practice for an employer "by 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."

If section 8(3) had stopped right there, every form of compulsory union membership agreement would have been rendered unlawful. To avoid this, the Congress conferred a special immunity on labor unions by including a proviso to section 8(3) which permitted unions and employers to enter into compulsory union membership agreements without violating the law.

It was clearly recognized that this exception was in direct contradiction to the act's fundamental principle that an employee's job status was to remain completely unaffected by reason of his membership or nonmembership in a union.

In 1947, Congress recognized the need to narrow this broad and powerful immunity it had granted to labor unions 12 years earlier. Although, in enacting the Taft-Hartley Act, it continued to permit employers and unions to enter into compulsory union membership agreements, it narrowed the permissible scope of such agreements. Moreover, it also made explicit by writing into the new statute a principle which had previously been part of the unwritten law, to wit, the so-called right-to-work principle. Section 14(b) of the amended National Labor Relations Act specifically authorized the States to prohibit all forms of compulsory union membership. To date, 20 States have enacted such right-to-work laws.

Nevertheless, in the remaining 30 States, unions continue to enjoy the special privilege of lawfully being able to compel employees to join the union if they wish to hold on to their jobs. It is my firm conviction that this special privilege should be withdrawn from any labor union which denies fair and equitable treatment to qualified employees and applicants for employment and which discriminates in membership on the basis of race, religion, color, national origin, or sex.

For that reason, I am offering this amendment which, simply stated, merely renders null and void any provision in a collective bargaining agreement requiring union membership as a condition of employment, if the union which is a party to such an agreement, discriminates with respect to membership therein because of race, religion, color, national origin, or sex. If a union wishes to assert the prerogatives of a private organization to pick and choose its own members in any way it sees fit, it is inequitable for the Federal Government to grant it the special privilege of contracting for compulsory membership where the union exercises its prerogative unjustly, arbitrarily and in a discriminatory manner.

In closing I would like to point out that my amendment would not apply in any way in those States which have or which may enact right-to-work laws or which have or enact fair employment practice laws covering this matter. Inasmuch as the bill merely nullifies compul-

sory union membership contract provisions under certain discriminatory conditions, it can obviously have no application in any State where such provisions are already prohibited by State law.

Mr. President, this amendment is eminently fair. It is aimed at curbing discrimination by unions in their acceptance of members and in their apprenticeship program, and in all their activities. I believe strongly that if the unions are to enjoy Federal privileges that no other private organization enjoys, if they practice discrimination those privileges should be withdrawn.

Mr. COTTON. Mr. President, will the Senator yield for a question on my time?

Mr. TOWER. I yield.

Mr. COTTON. I yield myself 1 minute. I should like to ask the Senator from Texas as to who decides whether the union has been guilty of discrimination.

Mr. TOWER. That machinery has been established in title VII through the Equal Employment Opportunity Commission.

Mr. COTTON. Will the Senator tell us very quickly how it is decided?

Mr. TOWER. In the same way that discrimination is determined on the part of an employer.

Mr. COTTON. In other words, it is determined by a representative of the Government, and an appeal is provided for by the union to the Federal court. Is that correct?

Mr. TOWER. Yes. The union would enjoy the same privileges under title VII that an employer enjoys.

Mr. COTTON. I thank the Senator.

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

Mr. TOWER. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The amendment would add antidiscrimination teeth to the bill. In fact, a provision in title VII prohibits discrimination on the part of unions. However, the machinery for enforcement might require some time to be placed into operation. My amendment would have the immediate effect of invalidating union shop agreements in unions that discriminated to the extent that jobs were denied. Therefore, I urge the adoption of the amendment.

Mr. HUMPHREY. Mr. President, I yield myself 30 seconds.

I invite the attention of the Senate to page 41 of the revised substitute amendment, where employment practices of labor organizations relating to discrimination are made unlawful.

I feel that the amendment offered by the Senator from Texas is sweeping in its action and might utterly nullify entire contracts, resulting in great difficulty to both employers and employees.

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

The amendment would invalidate only the union shop aspect of the contracts; it would not touch fringe benefits or wage and hour conditions.

Since unions receive privileges that no other private organization enjoys under the protection of Federal law, those privileges would be withdrawn if a union discriminated.

I reserve the remainder of my time.

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

In this particular respect the amendment is very far reaching. It is impossible to tell from a reading of the amendment exactly what would happen, but it would probably void any union shop contract now in existence which in the past followed a pattern or a practice of discrimination. It is intended by the bill to stop such discrimination, and I believe the section provided for in the substitute amendment would accomplish the purpose adequately. If I did not think it would do so, I would vote to amend it.

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

Mr. ALLOTT. I yield myself an additional 30 seconds.

By this amendment, we would be declaring void a great many—perhaps thousands—of existing contracts which are now legal.

Labor unions, like everyone else, should have a chance to bring themselves into line.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER].

Mr. MILLER. Mr. President, I yield myself 20 seconds.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 seconds.

Mr. MILLER. Mr. President, I am troubled by this amendment, because of the possible conflict with the language on page 42 of the bill, which provides for an exception in the case of activities in which discrimination on the basis of religion, sex, or national origin relates to—

> A bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

I believe there is an inconsistency between the amendment and this provision of the bill. Therefore, I believe the amendment not a desirable one.

The PRESIDING OFFICER (Mr. NELSON in the chair). The question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER].

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

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote, I have a pair with the distinguished junior Senator from Virginia [Mr. ROBERTSON]. If the junior Senator from Virginia [Mr. ROBERTSON] were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Montana [Mr. METCALF], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. TALMADGE], the Senator from Tennessee [Mr. WALTERS], and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Ohio [Mr. YOUNG] and the Senator from Indiana [Mr. HARTKE] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE] and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Arkansas would vote "yea," and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay."

The Senator from Kentucky [Mr. MORTON] is necessarily absent.

The result was announced—yeas 26, nays 62, as follows:

[No. 310 Leg.]

YEAS—26

Bennett	Hickenlooper	Mundt
Byrd, Va.	Hill	Russell
Cotton	Holland	Simpson
Curtis	Hruska	Sparkman
Dominick	Jordan, N.C.	Stennis
Eastland	Jordan, Idaho	Thurmond
Ellender	Long, La.	Tower
Ervin	McClellan	Williams, Del.
Goldwater	Mechem	

NAYS—62

Aiken	Gore	Morse
Allott	Gruening	Moss
Anderson	Hart	Muskie
Bartlett	Humphrey	Nelson
Bayh	Inouye	Neuberger
Bible	Jackson	Pastore
Boggs	Javits	Pearson
Brewster	Johnston	Pell
Burdick	Keating	Prouty
Byrd, W. Va.	Kennedy	Proxmire
Cannon	Kuchel	Randolph
Carlson	Lausche	Ribicoff
Case	Long, Mo.	Saltonstall
Church	Magnuson	Scott
Clark	McCarthy	Smathers
Cooper	McGee	Smith
Dirksen	McGovern	Symington
Dodd	McIntyre	Williams, N.J.
Douglas	McNamara	Yarborough
Edmondson	Miller	Young, N. Dak.
Fong	Monroney	

NOT VOTING—12

Beall	Hayden	Robertson
Engle	Mansfield	Talmadge
Fulbright	Metcalf	Walters
Hartke	Morton	Young, Ohio

So Mr. TOWER's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I call up my amendment No. 962 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be stated.

The CHIEF CLERK. On page 68, between lines 19 and 20, it is proposed to insert the following new section:

EXCLUSIVE REMEDY

SEC. 717. Beginning on the effective date of sections 703, 704, 706, and 707 of this title, as provided in section 716, the provisions of this title shall constitute the exclusive means whereby any department, agency, or instrumentality in the executive branch of the Government, or any independent agency of the United States, may grant or seek relief from, or pursue any remedy with respect to, any employment practice of any employer, employment agency, labor organization, or joint labor-management committee covered by this title, if such employment practice may be the subject of a charge or complaint filed under this title.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield myself 2 minutes.

This amendment is designed to give added stature to the Equal Employment Opportunity Commission established under title VII by insuring that all cases of employment opportunity are decided primarily under its auspices and that its effectiveness is not diluted by operations of other agencies and commissions within the executive branch.

The amendment is drawn because of the expressed desire of Senators not to unduly harass the employers and unions covered by title VII. In past experience with State FEPC laws and concurrent Federal jurisdictions, firms and unions have been subjected to unnecessary harassment and expense.

My understanding is that the compromised bill deals with this question as between the Federal and State employment commissions by allowing the States exclusive jurisdiction for stated periods. I am glad that revision was placed in the bill; I support it; and my amendment would in no wise change that.

However, there remains untouched by the compromised bill the question of overlapping investigations by Federal agencies or commissions. My amendment would eliminate that overlap in complete accord with the State versus Federal provisions already placed in the bill by the leadership.

My amendment would assure employers that they would not have to respond simultaneously to investigations and directions from the title VII, EEOC, and also from the various departments charged with enforcing the provisions of the President's Equal Employment Commission's rules for Federal contractors.

Graphic evidence of earlier harassment of business by the Air Force as an arm of the President's Commission is shown in the oft-lamented Motorola case. In that case, an Air Force commander ordered 13 simultaneous compliance reviews of all Motorola facilities. This covered the corporation's facilities nationwide, was ordered on short notice and seems to me to have been needlessly abusive of Federal authority.

This corporation's national operations were badly upset by its having to set aside all other management work in order to accommodate this capricious military order. The expense to a taxpayer-owned, private business was inexcusably high.

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

Mr. TOWER. I yield myself an additional 2 minutes.

This employment review was required concurrently at Motorola facilities in New York, Illinois, Arizona, Georgia, New Jersey, Texas, and California. It required a week's time of a Motorola vice president and the efforts of two corporate representatives serving as EEO officers for Motorola who traveled to six cities including San Francisco, Dallas, Atlanta, Newark, Buffalo, and Quincy, Ill. It also involved 12 plant general managers, 5 personnel managers, and required a supporting staff of 16 office and clerical employees.

This Air Force-required employment investigation involved, therefore, a total of 36 major employees of this major American business and a total of almost 2,000 hours of corporation time.

While I make no judgment of the merits of this individual requirement placed upon an American firm, I think it points out graphically that no firm could be expected to comply simultaneously with such an investigation as was required by the Air Force and concurrently fulfill other requirements placed upon it by title VII's EEOC.

Therefore, I propose to give the EEOC primary jurisdiction.

Let it be carefully noted that my amendment does not in any way preclude further operations by the President's Commission and by those agencies such as the Air Force which regulate the employment activities of Federal contractors. All that would be precluded by my amendment would be simultaneous, concurrent requirements placed upon an employer or union by more than one Federal agency.

The EEOC would have first shot at an investigation.

If EEOC was not investigating or had completed an investigation, the President's Commission could do whatever is within its powers.

Many Senators have stated that this bill is not designed to unnecessarily harass employers and unions. My amendment would assure that no more than one Federal commission could have its finger in the pie at one time.

Mr. President, to make a long story short, all my amendment would do would be to provide that a business or union will not simultaneously have to respond to the demands of more than one Federal agency in a case involving discrimination in employment. In other words, the amendment would give primary jurisdiction to the Equal Employment Opportunities Commission. It would not eliminate the President's Commission. It could still operate; but the amendment would protect a business from being harassed simultaneously by more than one Federal agency. I earnestly urge adoption of my amendment.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question, on my time?

The PRESIDING OFFICER. Does the Senator from Texas yield himself additional time?

Mr. TOWER. The Senator from Ohio said he would ask a question on his time.

Mr. LAUSCHE. Section 716, which is proposed to be modified, contemplates that the provisions set forth shall be the only ones under which interference may be made to achieve the objectives of the law. Will the Senator from Texas illustrate other agencies that might interfere, creating a situation in which there might be more than one Federal agency harassing a company?

The PRESIDING OFFICER. Does the Senator from Texas yield himself time to answer the question?

Mr. TOWER. I yield myself 1 minute.

Primarily the amendment would prevent simultaneous operations by the President's Commission as it affects Federal contracts and the Equal Employment Opportunity Commission in pursuance of title VII. In other words, there could be simultaneous investigations going on and a company could be required to divert personnel to handle the requirements of both agencies. I think a company should not be so harassed, and I would give primary jurisdiction to the Equal Employment Opportunity Commission.

Mr. LAUSCHE. Mr. President, I yield myself 2 minutes on my own time.

Yesterday the Senate voted on a measure which involved the Motorola case. At the conclusion, the impression was left that subparagraph (h) on page 44 dealt effectively with the Motorola type of examination.

After I asked the questions yesterday and was given answers that paragraph (h), on page 44, protected the type of examination Motorola gave, I read paragraph (h). I now want to say that after I read the paragraph, I decided that this language did not protect the type of examinations given by Motorola. I therefore voted for the amendment.

Let me read paragraph (h):

Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations—

And finally the condition is attached:

Provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin.

Nothing in this subparagraph (h) deals with examinations. It deals merely with difference in pay.

Now I wish to ask a question of the Senator from Texas. How does the Senator intend to protect the giving of

the type of examinations that were given in the Motorola case by the language of the Senator's amendment?

Mr. TOWER. I yield myself 30 seconds.

My current amendment is not addressed to problems of tests. That subject was dealt with yesterday. I do not believe there is adequate protection for a company that wants to give a test based on intelligence and ability. However, I am afraid that, under present procedural rules, there is no opportunity to bring up such an amendment.

The current amendment does not deal with that situation, but merely with dual harassment by Federal agencies.

Mr. MILLER. Mr. President, I yield myself 30 seconds.

I should like to respond to the Senator from Ohio, because yesterday he asked me questions as to whether or not examinations such as those characterized in the Motorola case were embraced in the intention of the proponents of the bill in subparagraph (h) on page 44. I answered that they were. I should like to repeat that they were, and call attention to the RECORD, which shows that the same intention prevails on the part of the manager of the bill, the Senator from Minnesota.

I point out that the phrase "privileges of employment pursuant to a bona fide seniority or merit system" is intended to include such examinations.

I hope that statement will satisfy the Senator from Ohio, because that is the intention of the Congress. If the Senator has some misgivings about it, I hope he will take this assurance, because it was clearly spelled out yesterday.

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

Mr. MILLER. I yield myself 10 seconds.

I ask the Senator from Texas what effect this amendment would have on the Civil Rights Commission provision of the bill?

Mr. TOWER. I yield myself 30 seconds.

I do not see that it would have any effect on the Civil Rights Commission provisions, since its activities are not largely in this field, but primarily in the field of voting rights, segregation in schools, and the like. In any case of overlapping jurisdiction, primary jurisdiction would be given to the Equal Employment Opportunity Commission, when employment questions were involved.

Mr. MILLER. I yield myself 20 seconds. Would the Senator have any objections to modifying his amendment to provide that nothing herein shall impair the activities of the Civil Rights Commission or the remedies under that title?

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

Mr. TOWER. I yield myself 5 seconds. I do not believe such an amendment is necessary, because it would be redundant.

Mr. PASTORE. Mr. President, I invite the attention of Senators to the language on page 67 of the proposed substitute by Senators DIRKSEN, MANSFIELD, HUMPHREY, and KUCHEL. It reads, on page 67, beginning on line 24:

> Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

Then (c), which is the important part:

> (c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

I think that covers quite sufficiently the objective we are trying to accomplish. I have had an opportunity to study the amendment that has been proposed only in a cursory way. To my way of thinking, it is far-reaching, complex, and complicated.

As I understand, the Senator from Texas read only one page from a 4- or 5-page manuscript in a hurried way. I am not attempting to state that what he says the amendment would or would not do is correct, but I am of the impression that it would circumscribe the powers of the President in cases of Federal contracts in equal opportunity cases.

Mr. MORSE. Mr. President, I yield myself 1 minute to support the position of the Senator from Rhode Island.

This is the way not to amend the bill. The amendment could have widespread procedural consequences. No hearings have been held on it, and we have not had an opportunity to study it. The bill in its present form will not do any injustice. The amendment is intended to give exclusive jurisdiction. It is the type of proposal that should have hearings before the Labor Committee at the beginning of the next session, and further study.

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

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 additional minute.

Mr. MORSE. We shall find that we will be making suggestions in the next year, once this bill gets into operation with some modification. Watch out for acceptance of a blanket proposal for exclusive jurisdiction. As the Senator from Rhode Island has pointed out, we can greatly weaken the hand of the President in administering the bill. Therefore, I believe that we should defeat the amendment and wait for a review of the operation of the bill in the next session of Congress.

Mr. TOWER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. I cannot see how this vague provision on page 68 of the bill sufficiently covers the subject.

It provides:

> The President shall, as soon as feasible after enactment of this title.

If they should call a conference and sit around to discuss it, that still would not preclude the harassment of businessmen, companies, or unions by more than one Federal agency.

On the other hand, I am somewhat amused by the talk about hearings. We have not held one single hearing in the Senate on the entire bill, or on the entire substitute. We were precluded from doing that. The bill was intercepted at the door of the Senate and has never been adequately explained, or heard in committee.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. TALMADGE], the Senator from Tennessee [Mr. WALTERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Indiana [Mr. HARTKE], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE] and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Arkansas would vote "yea," and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay".

The Senator from Kentucky [Mr. MORTON] is necessarily absent.

The result was announced—yeas 29, nays 59, as follows:

[No. 311 Leg.]

YEAS—29

Bennett	Hruska	Russell
Curtis	Johnston	Simpson
Dominick	Jordan, N.C.	Smathers
Eastland	Jordan, Idaho	Sparkman
Ellender	Lausche	Stennis
Ervin	Long, La.	Thurmond
Goldwater	McClellan	Tower
Hickenlooper	Mechem	Williams, Del.
Hill	Mundt	Young, N. Dak.
Holland	Pearson	

NAYS—59

Aiken	Edmondson	Metcalf
Allott	Fong	Miller
Anderson	Gore	Monroney
Bartlett	Gruening	Morse
Bayh	Hart	Moss
Bible	Hayden	Muskie
Boggs	Humphrey	Nelson
Brewster	Inouye	Neuberger
Burdick	Jackson	Pastore
Byrd, W. Va.	Javits	Pell
Cannon	Keating	Prouty
Carlson	Kennedy	Proxmire
Case	Kuchel	Randolph
Church	Long, Mo.	Ribicoff
Clark	Magnuson	Saltonstall
Cooper	McCarthy	Scott
Cotton	McGee	Smith
Dirksen	McGovern	Symington
Dodd	McIntyre	Williams, N.J.
Douglas	McNamara	

NOT VOTING—12

Beall	Hartke	Talmadge
Byrd, Va.	Mansfield	Walters
Engle	Morton	Yarborough
Fulbright	Robertson	Young, Ohio

So Mr. TOWER'S amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VISIT TO THE SENATE BY HIS EXCELLENCY, DR. LUDWIG ERHARD, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

Mr. HUMPHREY. Mr. President, shortly the Senate will be honored by a visit by the Chancellor of the Federal Republic of Germany, Dr. Ludwig Erhard. Therefore, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for the purpose of receiving this distinguished visitor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chair appoints, as a committee to escort the Chancellor into the Chamber, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Illinois [Mr. DIRKSEN], the Senator from Alabama [Mr. SPARKMAN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Georgia [Mr. RUSSELL].

The Senate will stand in recess subject to the call of the Chair.

Thereupon (at 2 o'clock and 45 minutes p.m.), the Senate stood in recess, subject to the call of the Chair.

His Excellency, Dr. Ludwig Erhard, Chancellor of the Federal Republic of Germany, escorted by the committee appointed by the Presiding Officer, entered the Chamber and took the seat assigned to him immediately in front of the Presiding Officer.

The members of the party accompanying Chancellor Erhard, consisting of His Excellency Dr. Gerhard Schroeder, Minister of Foreign Affairs of the Federal Republic of Germany; His Excellency Heinrich Knappstein, Ambassador of the Federal Republic of Germany; the Honorable Dr. Ludger Westerick, State Secretary, Office of the Chancellor; and Mr. Heinz Weber, Counselor, Foreign Office (interpreter) entered the Chamber and took the places assigned to them.

The Chancellor addressed the Senate in German, and his remarks were translated into English by Mr. Heinz Weber, Counselor of the Foreign Office of the Federal Republic of Germany, as follows:

Chancellor ERHARD. Mr. President and Senators, it is a great distinction and a great honor for me to address a few words to the Senate of the United States of America. I take this opportunity to pay my deepest respect for the work of the Senate of the United States of America, and to again express my gratitude for everything my country has received from the United States of America in the way of help and assistance.

What the United States of America did for Germany in the darkest hour of its history is not forgotten.

In saying that, I do not think only of the material aid, but I think, above all, of the moral support, the moral assistance; because the United States has again restored the faith and the belief to us that we will be readmitted to the group, the family of free and civilized countries.

You have restored freedom to us—not only freedom or life, but, also, the freedom and the liberty to restore a new democratic order in Germany. This is unforgotten.

I know that the United States of America is not earning gratitude everywhere for what the United States has done; but in our country these memories are alive, and we know that we have received from you this assistance, this help, and we have tried to make the best use of it in building up our country. So today we are not only allies, but friends, called upon to defend peace, security, and freedom all over the free world. [Applause, Senators rising.]

Over the past 19 years, the bonds of friendship between our two countries, our two nations, have grown deeper and deeper; and today those bonds are particularly close. In a world which is full of dangers, but also full of hopes, we are sharing your conviction, we are sharing your belief, that together we can preserve and maintain the peace of the world. When I used the word "together," of course, I did not think in terms of bilateral relationships only; what I had in mind was the free world as a whole.

Let me make one more point on this occasion. We are very grateful to you for having shown so much understanding for our main concern, for our main problem, our main worry, a problem which may be inclined to disturb the peace of the world. We are grateful that you have made that your own problem. As among friends and allies, we also are sharing the concerns you have, the problems with which you are faced, be they in Cuba or, be they in South Vietnam. Wherever peace is disturbed or threatened in the world, wherever there is danger that force may suppress freedom and liberty, we must stand together. Otherwise, it will not be possible for friendship to prosper and peace and freedom to be maintained.

Therefore, I have the firm hope and conviction that the unity between Europe and the Atlantic world will grow deeper, because it is no longer possible, in the modern world in which we are living today, to differentiate among the various fields—the defense field, the political field, the economic field, the social field. All is one whole, indivisible; and I think it will have to stand the first test soon. I think in terms of the Kennedy round. I have always supported the objectives and targets which are the subject of these negotiations, because I feel that they could strengthen the cohesion between Europe and the North American continent, and help to bring Europe closer to America and America closer to Europe.

If we stand together, we should be able to find good solutions to the problems which are besetting mankind today. Therefore, I am convinced that if we remain firm in our determination, if we remain resolute in our stand, it will be possible eventually to secure peace to the world.

Thank you very much.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chancellor has informed the leadership that he would like to have an opportunity to meet the Members of the Senate in the well of the Chamber.

Thereupon Chancellor Erhard entered the well of the Senate Chamber, and was greeted by the Members of the Senate.

At 3 o'clock and 5 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. NELSON in the chair).

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

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

Mr. RUSSELL. Mr. President, I call up amendment No. 807, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 50, in line 5, strike out "of its enactment" and insert in lieu thereof "this Act becomes effective as provided in section 1201".

On page 50, line 8, immediately after "immediately" insert "upon the effective date of this Act as provided in section 1201".

On page 50, line 10, strike out "enactment of this title" and insert in lieu thereof "the effective date of this title as provided in subsection (a)".

At the end of the bill insert the following:

"TITLE XII—EFFECTIVE DATE

"SEC. 1201. The first eleven titles of this Act shall take effect only if the qualified voters of the several States signify their approval of this Act in the national referendum provided by title XIII. If the qualified voters of the several States signify their approval in such referendum, the first eleven titles of this Act shall become effective on the day on which the results of such referendum are declared under section 1311 of this Act.

"TITLE XIII—NATIONAL REFERENDUM

"SEC. 1301. (a) Each State is requested to conduct a referendum for the purpose of ascertaining whether the qualified voters of such State approve the provisions of the first eleven titles of this Act. Such referendum shall be conducted by each State consenting to do so at the general election to be held in such State in 1964 for the purpose of electing its Representative or Representatives in the House of Representatives of the United States.

"(b)(1) As used in the remaining sections of this title, the term 'referendum' when used in reference to any State, means the national referendum referred to in section 1201 insofar as it is conducted within the jurisdiction of such State.

"(2) As used in sections 1302, 1303, and 1304, the term 'State' means only a State which consents to conduct the referendum within its jurisdiction.

"SEC. 1302. Each State shall be entitled to reimbursement for the expenses incurred by it in conducting the referendum. Reimbursement shall be made in the manner provided by section 1311.

"SEC. 1303. Except as otherwise specifically provided in this title, the referendum shall be conducted in each State according to the election laws and regulations of such State. Any State the constitution or laws of which authorize the submission of State laws to the voters of such State for their approval or disapproval may conduct such referendum in the same manner as referendums conducted with respect to its State laws. Each State, through its legislature or the proper State officers, shall be the sole judge of the manner of conduct of the referendum within its jurisdiction.

"SEC. 1304. The qualified voters in the referendum in each State shall be the persons who are qualified to vote for Representative in the House of Representatives of the United States in the election at which the referendum is conducted.

"SEC. 1305. (a) The Governor of each State which consents to conduct the referendum shall so notify the President before September 1, 1964. The President shall provide for the conduct of the referendum, in the manner provided in this section, in any State which does not consent, or is unable, to conduct the referendum. The referendum shall be held in any such State on the same day on which it would be held under section 1301 if it were conducted by such State.

"(b) The President may provide for the conduct of the referendum in any State or States under this section—

"(1) by any department or agency of the Federal Government, or

"(2) by a commission established for such purpose under the authority of subsection (c).

Subject to the provisions of subsection (e), the referendum conducted in any State under this section shall be conducted pursuant to such rules and regulations as the President may prescribe.

"(c) The President is authorized to establish a commission to conduct the referendum in any State or States which do not consent, or are unable, to conduct it. Any commission established pursuant to this subsection shall be composed of an even number of members and not more than one-half of the members shall be of the same political party. The President shall designate one of the members as chairman of the commission.

"(d) The President shall have such powers as may be necessary to enable him to carry out the duties and functions imposed on him by this section, including the power—

"(1) to appoint such experts, consultants, and other employees as may be necessary, and

"(2) to make such expenditures as may be necessary.

The President is authorized to delegate any of the powers conferred upon him by this subsection to any department or agency designated by him to conduct the referendum in any State, or to any commission established under subsection (c).

"(e) Except as otherwise specifically provided in this title, the referendum conducted in any State under this section shall be conducted, insofar as possible, in conformity with the election laws and regulations, and the referendum laws and regulations, if any, of such State. The qualified voters in the referendum in any such State shall be the persons who would be qualified voters if the referendum were conducted by such State. Such State is requested to furnish lists of such qualified voters to the President, and shall be entitled to reimbursement, out of funds appropriated to the President under section 1312, for expenses incurred in furnishing such lists. If such State refuses, or is unable, to furnish lists of such qualified voters, the determination as to the qualifications of any person to vote in the referendum in such State shall be made pursuant to rules and regulations prescribed by the President.

"SEC. 1306. (a) The Joint Committee on Printing shall have printed by the Government Printing Office copies of this Act, and copies of provisions of any laws amended by the first eleven titles of this Act in which the amendments thereto shall be indicated in boldface type. Such copies shall be in such form and style as to be suitable for exhibition at the polling places in the States for the information of the persons voting in the referendum.

"(b) The Joint Committee on Printing shall furnish to each State which conducts the referendum such number of the copies of this Act and of provisions of any laws amended by the first eleven titles of this Act printed pursuant to subsection (a) as each State may request. The Joint Committee shall furnish to the President, for use in any State or States in which the referendum is conducted under section 1305, such number of such copies as the President may request.

"(c) Each State which conducts the referendum is requested to exhibit, in conformity with the laws of such State, at the polling places at which voting in the referendum is conducted such number of the copies of this Act and of provisions of any laws amended by the first eleven titles of this Act printed pursuant to subsection (a) as may be necessary for the information of the persons voting in the referendum.

"SEC. 1307. The form of the question to be presented at the referendum shall be substantially as follows:

"'The Congress of the United States has enacted a law known as "The Civil Rights Act of 1964", which is divided into thirteen titles, the last two of which relate to this referendum. This law provides that the first eleven titles shall take effect only if approved by the qualified voters of the several States in this referendum. Indicate by making a cross [X] in the proper square (or by pulling the proper lever) whether you approve or disapprove of these titles.

"'Approve---------- [ ]

"'Disapprove-------- [ ]'

"SEC. 1308. (a) At the request of the Governor of any State, the Attorney General shall assign agents or employees of the Federal Bureau of Investigation to such of the polling places in such State as the Governor thereof may designate.

"(b) In any case in which the President deems it necessary or advisable, the Attorney General shall assign agents or employees of the Federal Bureau of Investigation to such of the polling places in any State as the President may designate.

"(c) It shall be the duty of any agent or employee of the Federal Bureau of Investigation assigned to any polling place under subsection (a) or (b)—

"(1) to observe the conduct of the referendum at such polling place,

"(2) to observe the counting and tabulation of the votes cast in the referendum at such polling place, and

"(3) to submit a report to the Attorney General with respect to the duties imposed on him by paragraphs (1) and (2).

"(d) Each agent or employee of the Federal Bureau of Investigation assigned to any polling place under subsection (a) or (b) shall be given access to such polling place and the place where votes cast in the referendum at such polling place are counted and tabulated in order that he may carry out the duties imposed on him by paragraphs (1) and (2) of subsection (c); but no such agent or employee shall interfere in the conduct of the referendum, or of the election in conjunction with which such referendum is held, by the State officials, or in the counting and tabulating by such officials of the votes cast in the referendum.

"(e) The Attorney General shall furnish to the Governor of any State in which agents or employees of the Federal Bureau of Investigation are assigned under subsection (a) or (b) a copy of the reports submitted to him under subsection (c)(3) by the agents or employees assigned in such State.

"(f) The Attorney General is authorized, for the purpose of carrying out the duties imposed on him by subsections (a) and (b), to appoint, without regard to the civil service laws and regulations, such temporary employees as may be necessary, and to fix their compensation in accordance with the Classification Act of 1949, except that the rate of compensation of such number of such temporary employees as he determines necessary may be fixed at rates not in excess of $75 per day.

"(g) The Attorney General shall, before January 10, 1965, submit a report to the Congress with respect to the duties imposed on him by this section, which shall contain a summary of the reports submitted to him pursuant to subsection (c)(3).

"SEC. 1309. (a) The Governor of each State which conducts the referendum shall certify the results of the referendum conducted in his State to the President of the Senate before January 10, 1965.

"(b) The President shall certify the results of the referendum conducted in any State or States under section 1305 to the President of the Senate before January 10, 1965.

"SEC. 1310. (a) The Senate and the House of Representatives shall assemble in a joint meeting in the Hall of the House of Representatives on January 15, 1965 (or as soon

thereafter as possible), at which the certificates from the Governors of the States, and from the President, shall be opened, read, and the results thereof tabulated. The President of the Senate and the Speaker of the House of Representatives, acting jointly, shall declare the results of the referendum.

"(b) If a majority of the votes cast in the referendum approve of the first eleven titles of this Act, such titles shall become effective, except with respect to title VII which shall be subject to section 718, on the date on which the declaration of the President of the Senate and the Speaker of the House of Representatives is made.

"(c) If a majority of the votes cast in the referendum disapprove of the first eleven titles of this Act, such titles shall not become effective.

"SEC. 1311. Each State which conducts the referendum may, through its proper State officer, request reimbursement of the expenses incurred by it in conducting the referendum by submitting a statement of such expenses to the chairman of the Committees on Appropriations of the Senate and the House of Representatives. Such requests shall be reviewed and allowed by the Committees on Appropriations of the Senate and House of Representatives, acting jointly, and shall be certified by the chairmen of the two committees acting jointly, to the Secretary of the Treasury for payment out of moneys appropriated therefor pursuant to section 1312.

"SEC. 1312. There are authorized to be appropriated to the President such sums as may be necessary to enable him to carry out the duties and functions imposed on him by section 1305. There are authorized to be appropriated to the Joint Committee on Printing such sums as may be necessary to enable it to carry out the provisions of section 1306, including such sums as may be necessary to reimburse the Government Printing Office for expenses incurred by it under such sections. There are authorized to be appropriated to the Attorney General such sums as may be necessary to enable him to carry out the provisions of section 1308. There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to reimburse the States pursuant to section 1311 for expenses incurred in conducting the referendum."

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

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 312 Leg.]

Aiken	Gruening	Monroney
Allott	Hart	Morse
Anderson	Hayden	Moss
Bartlett	Hickenlooper	Mundt
Bayh	Hill	Muskie
Bennett	Holland	Nelson
Bible	Hruska	Neuberger
Boggs	Humphrey	Pastore
Brewster	Inouye	Pearson
Burdick	Jackson	Pell
Byrd, Va.	Javits	Prouty
Byrd, W. Va.	Johnston	Proxmire
Cannon	Jordan, N.C.	Randolph
Carlson	Jordan, Idaho	Ribicoff
Case	Keating	Russell
Church	Kennedy	Saltonstall
Clark	Kuchel	Scott
Cooper	Lausche	Simpson
Cotton	Long, Mo.	Smathers
Curtis	Long, La.	Smith
Dirksen	Magnuson	Sparkman
Dodd	Mansfield	Stennis
Dominick	McCarthy	Symington
Douglas	McClellan	Talmadge
Eastland	McGee	Thurmond
Edmondson	McGovern	Tower
Ellender	McIntyre	Walters
Ervin	McNamara	Williams, N.J.
Fong	Mechem	Williams, Del.
Goldwater	Metcalf	Young, N. Dak.
Gore	Miller	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Georgia [Mr. RUSSELL] numbered 807.

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

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

A FAR-REACHING BILL

Mr. RUSSELL. Mr. President, it cannot be repeated too often that this is the most far reaching bill that has ever been considered by Congress. It is, therefore, important that we consider it carefully by sections, and weigh each provision of the bill.

Bear in mind that the bill has 11 separate titles, and each one of those titles constitutes a separate proposed law. Each and every one of the titles will have a great impact on every aspect of American life if the bill is enacted. It will have a far-reaching effect on local self-government in this country. That has been the genesis of our strength. It deals with the most intimate rights of our people—the right to choose their associates and the right to dominion over their property. It affects the mores and habits of living and manner of thinking of our people in every section of the country.

Mr. President, if each of these 11 titles had been introduced separately, as is generally the case, they could have been discussed separately, and the story of what the bill contains could therefore have been gotten across to all the American people, and all of them would have had the opportunity to understand it. But here we have tied 11 titles together. We have attached an attractive but misleading title of "Civil Rights" to the bill, and the issue has become so confused with emotionalism and so clouded by political jockeying that very few of our citizens, and only the most studious citizens interested in government, really know just what the bill accomplishes.

Mr. President, until recent years, several titles of the bill that we are being asked to enact into law would have been offered in the form of amendments to our basic charter, the Constitution of the United States.

Let me illustrate. When the Supreme Court handed down its decision in the Brown case, we were told that the only way the decision could be effected by Congress would be by the adoption of an amendment to the Constitution and its submission to the several States. However the bill deals, in title II, with the so-called public accommodations sections, a decision of the Supreme Court hallowed with age since 1883. That was a decision which stated that the Congress has no authority whatever to legislate in the field which title II of the bill now undertakes to invade. Supporters of the bill are now resorting to the flimsy pretense of invoking the commerce clause to cover such facilities as a swimming pool, in order to avoid submitting a constitutional amendment to the several States, as is required by the Constitution.

I have heard the pleas for haste in the passage of this measure for fear that there will be rioting in the streets. I understand full well why the proponents of the bill prefer to rush it through as a statute, rather than undertaking to amend the Constitution, as we were told would be necessary in the case of the Brown decision.

Of course, the proponents know full well that it would be exceedingly difficult, if not impossible, to persuade two-thirds of the Congress to submit the amendment, and that in no event would three-fourths of the States vote themselves into the oblivion into which the bill would consign them by ratifying any such amendment to the Constitution.

NATIONAL REFERENDUM PROPOSED

Therefore, I am appealing to the sense of fair play of the Senate to submit the provisions of the bill to a referendum in which all of the American citizens are entitled to participate.

That is all that this amendment undertakes to do. It provides that this violent change that is proposed in our system of government, and in the way of life of one-quarter of the Nation, shall not be imposed until a majority of the American people have had an opportunity to speak, to say whether they approve of the new form of government and the entirely different social order that the bill would create.

I know, Mr. President, that in this day, no minority group in the country gets shorter shrift at the hands of Congress than do the white people of the Southern States. Their pleas are treated with callous disdain and disregard. There could be no better evidence of it than this bill, and the fact that we are seeking to apply statutes in cases where heretofore it has been demanded that amendments to the Constitution be submitted.

We are even told, "Do not worry about the decision or its constitutionality. This new breed—the liberal court—we have over here will reverse any line of cases anywhere, and approve any bill that Congress sends them that bears the title of civil rights."

As an old-fashioned constitutionalist, I would much prefer that these drastic changes be submitted to the country in the form of amendments to the Constitution, but I am well aware that it is impossible to accomplish that at this late hour. I am also aware that the Constitution of the United States does not contain any clause that specifically provides for a referendum on any subject such as is here involved.

But, Mr. President, there is no expressed prohibition on any such referendum. We are told, in this new day, that what the Constitution does not specifically forbid the Congress may accomplish.

I appeal to Senators who call themselves liberals to let the people have an opportunity to pass on this question.

This amendment is not carelessly drafted. I ask Senators to read it. If Senators have any suggestions as to how it can be improved, I shall be glad to entertain them and to undertake to have them embodied in the amendment.

I assert to those of the liberal bent that no stream can rise higher than its source. No man can be greater than the people whe send him here.

PEOPLE SHOULD DECIDE

There is no reason why this proposal should not be submitted to the people. It would not cause any great delay to have this bill passed upon by the people.

Mr. President, everyone who knows the political facts of life is thoroughly conscious of the fact that our Government is greatly influenced by pressure groups. A relatively small percentage of our total population—vocal, well organized, even belligerent—exercise influence all out of proportion to their actual number. They exercise their influence in our political conventions and over the President of the United States. All those who serve in this body know all too well the influence of the organized pressure groups upon the Congress.

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

Mr. RUSSELL. I am glad to yield to the Senator from South Dakota.

Mr. MUNDT. Will the Senator from Georgia explain how the vote would be taken?

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

Mr. RUSSELL. I yield myself 8 additional minutes.

Mr. MUNDT. Will the Senator explain how the vote would be taken? Would it be a vote in which the popular majority would determine the issue? Would it be a vote in which the majority of the States would determine the issue?

Mr. RUSSELL. It would be a vote in which the majority of those participating in the referendum would determine the issue. I apprehend that it would encounter bitter resistance if it were referred to the electoral college or to the States.

Mr. MUNDT. The electoral college system, with its loaded voting, would not be used. Is that correct?

Mr. RUSSELL. This would be an outright referendum in which the majority of the people of the country would be permitted to speak.

Mr. MUNDT. Should the referendum prevail by majority vote and be defeated in certain States, I take it it would still become a national law, applicable to all States. Is that correct?

Mr. RUSSELL. If it carried in 49 States, but a majority in the 50th State was sufficient to overcome the margin by which the 49 States voted unfavorably, it would still go into effect.

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

Mr. MUNDT. Mr. President, I yield myself 1 minute, if I may, of my unused 60 minutes, in order to ask a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. RUSSELL. I am perfectly willing to yield to the Senator, if the time comes out of his time.

Mr. MUNDT. I wished to establish for the RECORD, firmly, this point. As I understand, if the referendum should prevail in the popular vote, even though a majority of the States voting were against it, the law would still become operative because a majority of the people of America would have spoken in the affirmative. Is that correct?

Mr. RUSSELL. The Senator is correct.

Mr. MUNDT. I thank the Senator.

Mr. RUSSELL. Mr. President, the veriest tyros in American politics today know the power of the organized bloc. They know that the masses of the people are prone to forget, whereas the members of the highly and tightly organized pressure groups are certain to be reminded to visit retribution at the polls on those who do not accede to their commands.

VOTERS REJECT CONTROLS

I point out that every time any phase of this issue has been submitted to the people of the United States in a referendum, whether it was in the North, East, South, or West, with the single exception of Kansas City, where the margin was exceedingly slim, the people have voted against the type of government intrusion into their lives that is proposed in this bill. They have opposed government control of their living, of their privacy, and of their business.

We are told that a great majority of the American people favor this bill. If that be true, let them have an opportunity to speak at the polls.

Unfortunately, in recent years the difference between the platforms of the two major political parties in this country has been just about as great as the difference between tweedledum and tweedledee. The American people have voted more on personalities than on issues.

I can think of nothing that would do more to revive the interest of our supposed self-governing people in their government than the opportunity to express themselves on an issue, instead of having to wade through tons of campaign literature and two almost identical party platforms in arriving at a conclusion as to how to vote in national elections.

The submission of this question to the people of the country not only would revive interest in our Government, but would provide a true report as to how the people feel about this proposed legislation.

We are told that the laboring people of this country favor the bill; the labor leaders, Mr. Meany and Mr. Reuther, have indeed endorsed it, and they speak for it on every occasion. But in every election that has been held, every ward, every precinct, and every congressional district, where a majority of the working people reside, they have voted against the position of their leaders on this issue.

We are told that all of the church people of the country favor the bill. Spokesmen for the National Council of Churches come and say, "We represent 50 million church people who are advocating this measure."

All of us, Mr. President, know that there are thousands of God-fearing, tithing Christians, in this country who want no part of this bill and who are opposed to it in every way.

It is unnecessary to run through all of the elections that have been held. In Kansas City, to which I have referred, the bill was approved by about 1,700 votes out of a total of 90,000 votes cast.

It was rejected in 15 of the city's 24 wards, and would have lost by 20,000 had it not received a practically unanimous vote in the Negro wards.

Mr. President, I received a letter from one of the most knowledgeable men in politics in Kansas City. I wish to read two paragraphs on what he had to say about this election. He says:

> Excluding four Negro wards, the ordinance would have been beaten by 20,000.
>
> The remarkable point is that there was no organized opposition. The Kansas City Star, our only daily newspaper, practically quit printing news, and devoted its front page to editorials and news favorable to the ordinance. Every clergyman in town, with very few exceptions, endeavored to make it a "question of conscience." As Mr. Justice Whittaker said in substance in a speech delivered the day after this vote, "the clergy having failed miserably in an effort to promote tolerance by good will now seek to enforce their views by coercive ordinance."

The letter continues:

> The vote here has had a remarkable effect, and if the election were to be held again, the ordinance would be badly beaten. Thousands of people refrained from voting because they had gained the impression from the news media and the pulpits that a negative vote would be wasted. On the same day the Wisconsin election was held, and I trust that both of these votes will have some impact.

I point out that the two white wards that voted in favor of this ordinance in Kansas City were the so-called country club wards.

It is a remarkable fact that those in this country who have vast accumulations of wealth, those who never see a Negro except on their own initiative, are the ones who principally promote this legislation.

The great political leaders of the country—the Harrimans, the Rockefellers, and the Kennedys—and people of vast wealth, who are never thrown with a Negro except on their own initiative, support the proposed legislation vigorously; but when we get down into the wards, where the people have no club to go to but the corner tavern, we find a different story. They want their privacy protected.

DEFEATED IN TACOMA, SEATTLE

I point out that a similar issue, a so-called open housing ordinance, was presented in Tacoma, Wash., through a plebiscite, and it lost by a vote of about 3 to 1.

In Seattle there was a vote on a similar issue and it was turned down by a vote of 2 to 1.

An Associated Press dispatch of April 10, from Providence, R.I., refers to the 2-to-1 defeat in the Rhode Island House of a proposal to ban discrimination in housing in that State.

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

Mr. RUSSELL. I yield myself 2 more minutes.

I ask to have printed in the RECORD the votes that were polled by Governor Wallace, of Alabama, in Wisconsin, in Indiana, and in Maryland, States where he had no political ties, as evidence that

there are in this country vast numbers of people who do not wish to see this kind of change effected in our form of government.

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

Governor Wallace's votes in the 3 primaries

WISCONSIN, APR. 7

Wallace	266,136
Gov. John W. Reynolds	522,405
Wallace share of total Democratic vote (percent)	33.7

INDIANA, MAY 5

Wallace	172,646
Gov. Matthew E. Welsh	376,023
Wallace share of total Democratic vote (percent)	29.8

MARYLAND, MAY 19

Wallace	212,068
Senator DANIEL B. BREWSTER	264,613
Wallace share of total Democratic vote (percent)	42.66

Mr. RUSSELL. Mr. President, the people should have an opportunity to be heard. Millions of people have become indifferent; millions do not even go to vote. Senators talk about the fact that we do not have a 100-percent vote in this country. It is really because there is very little issue involved in most of our national elections. The choice resolves itself into personalities.

If we will present this question to the people it will give them something to study; it will bring them back to the feeling that they are participating in their government.

It would be fair to those who would be most vitally affected by the bill. Unless the people of the South have the knowledge that this bill was put upon them by a majority of their fellow citizens and not by a group of political leaders under the lash, there will be bitter resentment against the bill, and it will be a long time before it is actually implemented.

If we let this issue go to the people and a majority of the people vote for it, it will be accepted everywhere, even if it is not received with enthusiasm.

I appeal to the sense of justice and fairness of the Senate to adopt this amendment. It would cause no great delay, but would let the voice of the American people be heard on an issue. It would be the first time in many years that this has been the case. The people have had no opportunity to do so through political platforms.

Mr. MUSKIE. Mr. President, I yield myself such time as is necessary.

I am sure it is not necessary for me to remind the Senate that our system of government is a republic, not a pure democracy. It might be well to remind ourselves of that by referring to the Preamble of the Constitution and the first section of the first article of the Constitution. The Preamble reads, in part:

> We the people of the United States, in order to form a more perfect union, * * * do ordain and establish this Constitution for the United States of America.

The very first thing the people did in ordaining and establishing the Constitution is contained in the next three lines of the Constitution:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

So the first act of the people of the United States in ordaining the Constitution was to impose the legislative responsibility upon Congress. I cannot conceive of a piece of legislation requiring the exercise of legislative responsibility by Congress to a greater extent than this piece of proposed legislation.

As I recall, we are in the 76th day of discussion of the civil rights bill. We have been told that this prolonged debate is necessary for at least two reasons: First, in order that the Members of the Senate might fully understand the 74 pages and the thousands of words that are contained in the bill; second, in order that we might properly focus the attention of the country upon the bill, the issues that are involved, and the details of the proposed legislation. We have taken that time—76 days of it. The opponents of the bill have been among the first to urge that we take the time, so that the Senate might thoroughly understand what it was doing.

We have taken the time. We have considered the 74 pages. We have considered the thousands of words. We have before us between 400 and 500 amendments, many of which we have considered and disposed of one way or another in the past few days.

Judging by the bills the Senate has considered since I became a Member of the Senate, this kind of legislative chore is least amenable to the referendum process. It would be impossible for the electors in the individual States to give the kind of attention to the bill which the opponents of the bill have urged that the Senate itself should give.

This kind of amendment, if adopted by the Senate, would throw the country into chaos. Under the proposal of the Senator from Georgia, the referendum election would be held and conducted by each State "consenting to do so at the general election to be held in such State in 1964." I take it that that means this coming November.

The amendment further provides, on page 7, lines 16 through 20, that the people shall be called to vote not upon the bill as a whole, but upon each of the 11 titles.

Mr. RUSSELL. The Senator from Maine misstates the amendment entirely.

Mr. MUSKIE. If I am in error——

Mr. RUSSELL. The Senator is in error.

Mr. MUSKIE. Let me read the language. I will yield from my time to permit the Senator from Georgia to clarify my understanding, if I am in error.

The language of his amendment reads:

> This law provides that the first 11 titles shall take effect only if approved by the qualified voters of the several States in this referendum. Indicate by making a cross (X) in the proper square (or by pulling the proper lever) whether you approve or disapprove of these titles.

At this point I should like say that I had my first opportunity really to read the amendment for the first time a few moments ago. Perhaps I did not understand the language as I read it. I would appreciate it if the Senator from Georgia would correct me. As I read it, it would require of the voter that he indicate his approval or disapproval of each of the 11 titles. Am I in error?

Mr. RUSSELL. The Senator is certainly in error. In drafting the amendment, the language was discussed at some length to determine whether the vote should be by titles. We finally decided that the people should vote the bill up or down. The amendment provides:

> This law provides that the first 11 titles shall take effect only if approved by the qualified voters of the several States in this referendum. Indicate by making a cross (X) in the proper square (or by pulling the proper lever) whether you approve or disapprove of these titles.

That is the one question that is submitted. All the titles are submitted as a group.

Mr. MUSKIE. I stand corrected. I am happy that the RECORD indicates what the amendment provides.

Another purpose of the 76 days of debate has been to focus public opinion on this issue. If the mail of every Senator is any indication—and I am sure my own mail is representative in that respect—the people of the States are alert to this issue. They have been alert to it not only for days, but for weeks and months. They have been given ample opportunity to consider the bill and its implications. They have been exposed to the points of view of the opponents and the proponents. There have been innumerable polls indicating what public reaction has been; and I am sure the mail of each Senator has indicated to him the reaction of his constituents to this bill. So I believe the people of the United States have spoken in innumerable ways to indicate how they react to this proposed legislation.

It is the responsibility of Senators to act on the bill itself and to hammer out its details. I suggest that no legislative chore with which the Senate has grappled since I became a Member of the Senate has more effectively justified the republican nature of this body—namely, a body to fulfill the responsibilities imposed on the legislative branch by the people of the United States, in the first nine lines of the Constitution.

Mr. RUSSELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senator from Georgia is recognized for 2 minutes.

Mr. RUSSELL. Mr. President, the Senator has correctly read that all legislative powers shall be vested in the Congress. Among them is the power to submit constitutional amendments to the people.

We do not in all instances pass on proposed legislation, either up or down; and in this instance we realized the impossibility of getting the two-thirds vote from the Members, under the Constitution.

So I sought to have this issue go to all the people of the United States.

I am not surprised that the proponents of the bill dare not have the bill submitted to all the people of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD certain newspaper articles relating to votes on referendums. One of them deals with the vote taken in the university city of Berkeley, Calif., on a similar issue—the FEPC plebiscite in California, which was defeated by more than one million votes, in 1946; also newspaper articles relating to other referendums, to which I have referred in the course of my remarks.

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

[From Associated Press, Apr. 10, 1964]

RHODE ISLAND HOUSE OF REPRESENTATIVES DEFEATS HOUSING ANTIDISCRIMINATION BILL 2 TO 1

PROVIDENCE, R.I., April 10.—Civil rights leaders pledged to continue their fight and a legislator's house is under police guard today following a 2-to-1 defeat in the Rhode Island House of a proposal to ban discrimination in housing.

Leaders of both political parties joined the heads of groups which had lobbied for passage of the bill in expressions of disappointment at the 61 to 32 rollcall vote which killed the watered-down measure.

One of the bill's leading opponents, Representative Frank A. Martin, Jr., Democrat, of Pawtucket, told police several threatening phone calls were made to his home last night.

Police set up a watch outside the house.

Earlier, Martin said, he was accosted by an unidentified man and threatened as he was leaving the house chamber after the long and bitter debate.

Party lines, usually maintained rigidly in the Rhode Island Legislature, were shattered on the controversial issue.

Forty-two members of the Democratic majority rejected their leaders' appeals to pass the measure and redeem a pledge made in the party's 1962 campaign platform.

Nineteen Republicans joined in killing the bill, which had been backed by Republican Gov. John H. Chafee and had also been promised in the GOP platform of 2 years ago.

The favorable votes came from 25 Democrats and 7 Republicans. Representative John J. Wrenn, Democrat, of Providence, floor manager for the measure said he didn't expect further action on this issue this year in view of the decisive margin of the house vote.

However, he said, renewed effort will be made to pass a similar bill next year.

The question of a ban on housing discrimination has been before the legislature for 7 years, but yesterday was the first time the issue has been formally debated in the house.

Previous measures were killed in committee or in the Democratic majority caucus.

The senate has passed similar bills twice.

Chafee pledged to use his executive power wherever possible to combat discrimination and enhance opportunities for the State's 22,000 Negroes.

Martin and other opponents of the measure called the vote a victory for the little man whose property rights and freedoms they said would have been infringed upon if the bill became law.

[From the Washington Star, Apr. 8, 1964]

RIGHTS PLAN BARELY WINS IN KANSAS CITY

KANSAS CITY, MO., April 8.—In an amazing surge of votes, but by slightly less than 1 percent, Kansas City voters affirmed yesterday an expansion of the city's ordinance forbidding racial discrimination in establishments which trade with the public.

The unofficial count was 45,476 to 43,733—a margin of 1,743 in a total vote of 89,209. This represented 42 percent of the registered voters.

Only once before, in 1950 on a school bond issue, have so many turned out in a special election.

Only 68,196 voted last December after a strident campaign which led to adoption of a municipal tax on earnings.

Robert P. Lyons, cochairman of the People for Public Accommodations, said, "I think it is significant that our citizens voted in greater numbers on a matter of human rights than on something that affected their pocketbooks."

The new ordinance provisions prohibit racial discrimination in taverns, amusement places, recreational facilities, meeting halls, stores, transportation facilities, hospitals, and other businesses open to the public.

Excluded were barbershops, beauty parlors, other places offering personal services, rooming and boarding houses and rented apartments.

Kansas City has had a public accommodations ordinance covering hotels, motels, and restaurants since April 1962.

The city council expanded it in September 1963, but it was forced to an election in a petition campaign sparked by the Tavern Owners Association and the Association for Freedom of Choice.

Negroes number about 80,000 of Kansas City's 475,000 population and 30,000 of its 209,000 registered voters.

The wards where they live gave the new rules heavy margins. It was 4,527 to 199 in the 2d ward, 4,948 to 129 in the 14th, and 5,205 to 770 in the 17th.

The ordinance lost in 15 of the 24 wards, by 2 to 1 or more in the new suburbs Kansas City has annexed to the south, east, and north.

The eighth ward, a "silk stocking" district along ritzy Ward Parkway, voted 2,386 to 1,877 for public accommodations. The sixth, around Country Club Plaza, approved 1,456 to 1,391.

[From the Seattle (Wash.) Post-Intelligencer, Mar. 11, 1964]

VOTERS TURN DOWN OPEN HOUSING BY OVER 2 TO 1

The open housing ordinance which would have outlawed discrimination in the sale, lease, or rental of residential property in Seattle was rejected by voters yesterday by an overwhelming majority.

On the basis of early returns, the controversial measure was going down to defeat at a ratio of better than 2 to 1.

The measure, which was placed on the ballot by the city council, would have made it a misdemeanor to use race, religion, color, or national origin as the basis for refusing to consummate a real estate transaction.

Though only actively opposed by two organizations, the measure apparently was defeated by the "silent" voters who never expressed their opinions on the ordinance but decided to vote against it.

The defeat came on the heels on Monday's signing into law by two county commissioners of a similar open housing ordinance covering unincorporated areas of King County.

The county law, however, still is under a legal cloud since the commissioners modified it after holding the required public hearing.

County Commissioner Ed Munro when asked if the adverse vote would have any effect on the commissioners when considering further the county ordinance, said:

"No, what connection is there? It's two different areas. We don't pass county ordinances on the basis of what the city does."

Yesterday's decision by the voters was the culmination of nearly 2 years of activity toward open housing in Seattle.

In July of 1962, the city council, at the urging of Mayor Gordon S. Clinton, created a 15-member advisory committee on minority group housing with Alfred J. Westberg as chairman.

From this committee, which agreed that indeed a problem did exist in Seattle, emerged the human rights commission, also headed by Westberg.

The commission was created last July by a city council that had been prodded by mass demonstrations and a series of sit-ins at city hall. The commission was directed to prepare an open housing ordinance and submit it to the council within 30 days.

After a long—and sometimes stormy—hearing last October, the council adopted the ordinance. Despite Mayor Clinton's urging that it be passed with an emergency clause to place it in effect immediately, the council voted 7 to 2 to refer the ordinance to the voters.

Since early November proponents—spearheaded by the citizens committee for open housing and the opponents—led by the Seattle Real Estate Board and the Seattle Apartment House Operators Association—have waged a long and vigorous verbal battle for and against the ordinance.

Over 75 organizations, including most church groups in the Seattle area, gave open housing their indorsement.

Proponents argued that a vote for the ordinance was a Christian vote, that equality is long overdue in Seattle and that it is guaranteed under our Constitution. They further contended that Negroes wouldn't cause any mass migration if they move in and that property values wouldn't decrease.

Those against the ordinance on the other hand, claim it is coercive and takes away the free choice of property owners of whom to sell or rent to.

Finally, the opponents said, the ordinance isn't needed anyway since much integration already has taken place and that Seattle already leads the Nation in theater, hotel, restaurant, and other forms of integration.

Yesterday the voters decided which side had the most convincing argument.

[From the Tacoma (Wash.) News-Tribune, Feb. 12, 1964]

TACOMANS CRUSH OPEN HOUSING—WATERFRONT MEASURE ALSO LOSES—TOLLEFSON, CVITANICH, BOTT, MURTLAND, JOHNSON, MATSON LEADING IN RESPECTIVE RACES

(By Jack Ryan)

Tacoma voters yesterday crushed the open housing ordinance, defeated an amendment to the city charter that would permit the council to dispose of city waterfront property and gave Mayor Harold M. Tollefson a smashing vote of confidence.

In a city election that turned out a surprisingly high number of voters, totaling 34,484, about 4,000 more than had been predicted, the people of Tacoma selected eight council candidates who will run again in the final election.

Here are the results:

Proposition No. 1: Antidiscrimination-open-housing ordinances—No, 23,026; yes, 7,470.

Proposition No. 2: Sale, lease, disposal of city waterfront property—No, 15,567; yes, 11,778.

In the open housing ordinance vote, virtually every precinct in the city voted against the measure. Jack Tanner, northwest president of the National Association for the Advancement of Colored People, said the outcome was what he expected.

"First of all, that title [open housing] scared people out. It sounds like somebody could walk right into your house and take it over. Actually, placing this ordinance on the ballot was unconstitutional. The 14th amendment granted equal rights for all citizens of the United States. When you are dealing with rights granted by our Constitution, there is no such thing as 'the majority rules.' The Constitution grants rights to minorities, and the majority should not be able to vote down these rights.

"HE DIDN'T VOTE

"I did not vote in this election. I advised all members of the Negro race in Tacoma not to vote. I am certain that many of them stayed home and did not cast a ballot. If only one vote had been required to pass this ordinance, I would have refused to cast this vote.

"I am certain that the American people today, if given opportunity, would vote down their own Constitution, and destroy all the things that have made this Nation great, just because rightwing alarmists and political opportunities have told them that their small property rights might be endangered."

However, C. Gordon Fora, immediate past president of the Tacoma Board of Realtors, took a different view on the outcome of the election. Fora led the campaign to defeat the ordinance.

POSITION CORRECT

"The joint housing council's position has been that the voters wanted to have a voice in the matter of the open housing ordinance. The vote has indicated that our position was correct. We pledged ourselves to the democratic principle of equal housing rights for all our citizens and we will continue to devote our energies to this end," he said.

The results of the Tacoma open housing vote went all over the Nation, since the national news services had been requested by scores of newspapers to rush the results as quickly as possible. In cities all over America the results were awaited to see how Tacoma would go on the civil rights ordinance.

In spite of the brisk vote, County Auditor Jack Sonntag's office had the final results tabulated in full by 9:55 p.m.

[From the San Francisco (Calif.) Chronicle, Apr. 3, 1963]

HOUSING LAW LOSES IN RECORD BERKELEY VOTE—JOHNSON ELECTED MAYOR

Berkeley's controversial fair housing ordinance was defeated last night by a record turnout of voters in the municipal election.

The ordinance received 22,720 "no" votes to 20,323 "yes."

It was the second time in 4 years that Berkeley voters have turned down a law prohibiting discrimination in housing. A similar initiative measure was defeated in 1959.

Wallace Johnson, 50-year-old president of a scaffold company, was elected the city's new mayor. Johnson, who had opposed the housing ordinance, defeated Dr. Fred Stripp, who had supported it, 22,415 votes to 20,473.

Johnson replaces Claude B. Hutchison, retiring from office at the end of his current term. Hutchison had been mayor since 1955.

COUNCIL

The voters also reelected three incumbent city councilmen. But all three were led in the voting by Joseph P. Bort, an attorney and insurance counselor, who polled 22,832 votes.

Incumbents John K. DeBonis, with 22,400 votes; Arthur Harris, with 21,061, and Bernice Hubbard May, with 21,028, were restored to office.

Trailing these four were Daniel Dewey, with 19,587 votes; Edith J. Linford, 19,002; Tom Lem-Mon, 9,952; Frank Clarke, 8,332; Fred E. Huntley, 6,452, and Geoffrey White, 2,888. White and Rose Jersawitz, who had 531 votes for mayor, ran on the Socialist ticket.

In the race for city auditor, Fred A. Bird, with 25,028 votes, defeated Irving H. Golder, with 14,062. Sherman Maisel, running unopposed for reelection to the school board, had 32,142 votes.

PRAISE

The defeat of the housing ordinance was hailed last night by Robert D. Weinmann, northern California executive director of the Citizens League for Individual Freedom, who helped direct the league's Berkeley chapter in its fight against the measure.

"A bad law was defeated," Weinmann said. "This shows that unfair housing ordinances with threats of fines and jail sentences against private property owners is not the solution to grave social inequalities which exist among our population."

Weinmann called upon Gov. Edmund G. Brown to hold a conference of "responsible officials" to "explore" the discrimination problem.

PROBLEM

Frank Quinn, executive director of San Francisco's Council for Civic Unity and a Berkeley resident who took 3 weeks off from his job to campaign for the ordinance, bemoaned the defeat.

"While we have voted out the ordinance," he said, "we have not voted out the problem of discrimination. I think it's essential now that both the people who were for and against this particular ordinance come together soon to work on that problem."

The housing ordinance actually was passed by the city council last January, but a referendum petition with 10,555 signatures (almost 7,000 more than necessary) put it on yesterday's ballot.

TURNOUT

The result was the biggest turnout of voters for a municipal election in Berkeley history. With 265 precincts accounted for 82 percent of Berkeley's 52,936 registered voters had cast their ballots. The vote included 982 absentee ballots.

The previous high for a municipal election according to City Clerk Naomi Hess, was the 64.5 percent who voted in the 1959 election and turned down the previous housing discrimination measure. A normal vote, she said, is 55 to 60 percent.

"I've never seen anything like it," the city clerk said. "One man appeared at his precinct at 7:07 a.m. (7 minutes after the polls opened) and he was the seventh to vote."

DEBATE

The ordinance—which became in the past few weeks, one of the Nation's hottest civil rights issues—would have banned discrimination in the rental or sale of housing based on "race, color, religion, national origin, or ancestry."

It would have set up a board of intergroup relations responsible for administering the ordinance and engaging in mediation and conciliation with accused violators.

Willful disobedience of a final order by the board might have been punished by a maximum penalty of 6 months in jail and a $500 fine if upheld in court action.

The ordinance became the subject of a bitter debate among Berkeley's 3 mayoral and 10 city council candidates—and yet it was bigger than any, or all, of them.

The candidates, many of whom attempted to skirt the issue by campaigning for yacht harbor improvements or industrial development, were forced by an aroused citizenry to take stands—guarded or forthright—on the housing ordinance.

CAMPUS

"Aroused" was hardly the word to describe the reaction of Berkeley citizens to the campaign. No issue in recent years awakened this frequently lethargic college town as did ordinance No. 3915–NS.

Unlike many local issues, the housing ordinance extended its emotional range to the University of California campus, where students and faculty members campaigned for and against it with equal fervor.

The university itself is forbidden by its own charter to take a position on political issues, but the Daily Californian, the campus newspaper, editorialized in favor of the ordinance and the student senate backed it.

Vigorous campaigning was conducted on campus by such groups as the students' committee for the fair housing ordinance and by the campus young Republicans and the Intercollegiate Society of Individualists, Inc., both of which opposed the ordinance.

Both Governor Brown and Assembly Speaker Jesse M. Unruh, neither of whom is a Berkeley resident, had urged Berkeleyans to support the measure.

CALIFORNIA VOTE IN 1946 ON FEPC PROPOSAL

This is in response to your request for information about the vote in California in 1946 on a proposed State FEPC law. The proposal was placed on the ballot in November 1946 as a result of an initiative. We could not find a copy of the proposal and so cannot give you a detailed summary, but newspaper accounts indicate that it would have made discrimination in employment unlawful and would have established a fair employment practices commission to enforce its provisions. It was defeated by approximately 1,682,000 votes to 675,000 (93 CONGRESSIONAL RECORD, 677). (American Law Division, Legislative Reference Service, Library of Congress.)

Mr. MUSKIE. Mr. President, I yield myself 1 more minute.

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

Mr. MUSKIE. Mr. President, the Senator from Georgia has likened his proposal to a constitutional amendment.

I ask unanimous consent to have printed at this point in the RECORD, article V of the Constitution, the amending article.

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

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. MUSKIE. Mr. President, nothing in article V of the Constitution calls for submitting a constitutional amendment to the people of the United States. The constitutional-amendment process is in-

voked whenever two-thirds of both Houses deem it necessary; and if they do deem it necessary and if they so indicate, the proposed amendment then is submitted to the legislatures of the respective States; it is not submitted to the people of the United States.

So there is no valid comparison between the procedure suggested by the Senator from Georgia and the amendment process of the Constitution of the United States.

Mr. JOHNSTON. Mr. President, I believe the amendment of the Senator from Georgia would result in a true petition from the people of the United States.

In speaking of petitions, I believe all Senators will agree that the first amendment of the Constitution reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In other words, if we submit this proposal to the people and if a direct vote of the people is obtained, we shall find that then they will have truly petitioned the Government; and I truly believe that if this issue were submitted to them and if they were given the right to vote on it, many Senators—those who at present are advocating the proposed legislation—would be surprised.

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

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 3 minutes.

Mr. MUNDT. Mr. President, it seems to me that we have here a very interesting and significant amendment which provides an opportunity for our respective constituents to express themselves on a piece of proposed legislation which probably affects them directly, individually, morally, and spiritually, as much as, if not more than, any other bill we have had before us in a quarter of a century.

When I first heard of the Russell amendment, I was inclined to oppose it, on either one of two grounds:

First, I thought it would be a dilatory device which, after the Senate had worked its will on the bill and had approved it, as I am confident we shall do, would delay appreciably the application of the legislation. But such is not the case, because the amendment calls for a vote next November, and calls for the bill to become operative as soon as the votes are counted, as provided in the text of the amendment, if a majority of the people vote in favor of the bill.

Next, I thought perhaps the amendment was a device whereby States reluctant to go along with the civil rights program might develop some kind of cyclone cellar for themselves by voting in the negative. But from reading the amendment and from the statement of the eminent Senator from Georgia, it is clear that even though a majority of the people of certain States were to vote in the negative, if a majority of the people of America as a whole, were to vote in the affirmative, the bill would become operative for all the States.

Mr. President, before the end of next week each of us in the Senate will express our convictions and register our judgment on this civil rights measure in a rollcall vote. That is as it should be but what is wrong with giving the people of the United States a chance also to express themselves at the polling places, in a secret ballot, on an issue of this magnitude?

I speak as one who voted for cloture, despite the fact that I come from a small State where the whole concept of cloture is repugnant, and where cloture is recognized as something to be used only as a last resort, in order to get the machinery of Government in the legislative branch moving. I speak as one who voted for cloture also because I believe there does come a time when even the most controversial of issues must be submitted for determination by majority vote. I do not believe in rule by minority objections or by minority decision.

I believe in government through self-determination by majority rule; and I should like also to know how the majority of the American citizens actually feel about this proposed legislation, after it is passed; and I speak as one who intends to vote for the bill, on the question of its final passage.

Referendums are not new in our American society. In my State, the referendum process is well established, and is frequently used. Usually the decisions of the legislative body are supported in the referendums; but sometimes they are upset; and our State's legislature is not immune to the results expressed by means of such referendums. Neither is the legislative body in Washington, D.C., in my opinion immune to the wishes of the people.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. MUNDT. Mr. President, I yield myself 3 more minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 3 more minutes.

Mr. MUNDT. Mr. President, I point out that over and over again Congress has enacted farm legislation to be submitted to the people in a referendum before it becomes effective. So there is nothing new about such a proposal. In fact, sometimes Congress has passed farm legislation and, in that connection, has established the degree or extent of the support it must receive by the people affected before it will go into effect. Frequently the degree of support required is substantially more than a simple majority. In such cases we trust the people on the farms who are most directly affected either to validate or to invalidate the decisions which Congress has made. I hold that we can also trust the people of America to do what is right in a national referendum.

The pending bill deeply affects every family and every individual in the country. Its effectiveness and success will in the final analysis depend upon the cooperation and the attitudes of the American people. Our people are badly divided in their views in regard to the bill. In my State there are approximately 700,000 citizens; but I have received, in toto, less than 1,500 letters from the people of South Dakota, and they are divided—some on one side, some on the other. I am curious to know the feelings of the people who have not written to me, because they, too, are Americans, and all of them will be affected by this proposed legislation.

Since no delay is involved, except for a matter of 2 or 3 months; since the pending bill is of vital importance to all Americans; since the final result would be determined by popular vote of all the citizens; and since the result would be effective upon all our States, I submit that this amendment is a salutory and constructive one; and unless we are afraid that the people we represent will disagree with our decision and that we have misjudged their attitudes. I see nothing wrong in giving all the people an opportunity to approve or to nullify our decision, as they desire, in the November election. After all, we in this country are dedicated to the concept of government by, of, and for the people.

So, Mr. President, I shall support the amendment.

I reserve the remainder of my time.

Mr. ERVIN. Mr. President, I appeal to all Democratic Senators to vote for this amendment, if they really believe that Thomas Jefferson was correct when he stated that the just powers of the Government "are derived from the consent of the governed."

Mr. LAUSCHE. On my own time, will the Senator from Georgia yield for some questions?

Mr. RUSSELL. Gladly.

Mr. LAUSCHE. In determining whether approval has been given to the program, would the votes cast in the individual States on the basis of majority be treated as State votes, or would the decision be made on the basis of the aggregate number of votes cast in the country?

Mr. RUSSELL. The decision would be made on the aggregate of the total number of votes cast in the country, as appears in subsection (b) on page 10, where there is described the method of determining the election by the Senate and the House of Representatives in joint session, as is done in the case of other elections, but not under those rules.

Subsection (b) reads as follows:

> (b) If a majority of the votes cast in the referendum approve of the first 11 titles of this act, such titles shall become effective, except with respect to title VII—

Which is by terms extended to section 718—

> on the date on which the declaration of the President of the Senate and the Speaker of the House of Representatives is made.

Mr. LAUSCHE. Mr. President, I am quite certain that every Senator who has studied the subject, in making presentations to the people of his State on the plight of the captive and satellite nations, has emphasized the fact that when

Stalin, Churchill, and Roosevelt met in the Atlantic Ocean, they declared the sanctity of having open public elections in determining what types of governments shall be chosen in the nations that were subdued by Germany.

Subsequently in the establishment of the United Nations there was a redeclaration that in the captive and satellite nations open and free elections would be held in determining the types of governments that would be chosen to rule the economy, the society, the politics, and the culture of the particular country involved.

I do not mind saying to the Senate that as I have passed through Ohio, that has been the theme of my talk. If the people in Czechoslovakia, by an open public election, desire a Communist government, let them have it. If the people in Yugoslavia, under open public elections, want Tito, let them have him.

But if in those open, public elections the people say, "We do not want a Communist government; we want a government of freedom as reflected by the policies of the United States," they ought to have the ability to choose that type of government.

Mr. President, may I have the attention of the leaders?

The greatest complaint of the people in the free world against Communist domination has been that the people within the Communist countries have not been given the privilege of expressing their views.

I do not care how arguments against communism are searched for. None is more potent than the argument that those countries have not given the people the right to express themselves about what shall be done by government. If the Senators will pause momentarily, introspect, and try to find how an argument warranting the repudiation of communism could be advanced, the only one they will be able to come up with is the statement, "Let the people decide."

I have read in newspapers and magazines, and I have listened to men on the radio and television tell the significance in our history of the disposition of the present issue. Except for crises which we face in periods of war, it is alleged that there has been no more important issue in the history of our country to be decided that the present issue.

I shall vote for the civil rights bill. I shall return to the people of Ohio and tell them to approve it. I shall not go back and say, "You have not the right to express your own opinion on what ought to be done on this vital question."

Liberalism is the theme that stands out highly over the dome of the Senate. That liberalism includes freedom of expression. From every light in the Senate Chamber there shines the freedom of choice. That is the message that comes to us about what America means. If I am correct in my expression of those views, on what theory can it be said that we should not allow the people of our country, in their composite judgment, to declare what should be in the best interests of our Nation? My answer to that question is that there is no better method to achieve justice, bring solidity of thought, and support the security of our country than that method.

According to the vote that was cast on the cloture motion, out of 100 Senators, 71 will go back to their States and tell the people of their States to approve the bill. Should we be afraid, on the basis of the plea of those 71 Senators that the people will not approve the proposal? If we are afraid that 71 of us cannot influence their judgment or fortify it, I say there is something wrong with the judgment of the 71.

I do not know in how many States provisions have been written into State constitutions in respect to the right of initiative and referendum. Not until today did I become thoroughly conscious that in our country we have no outlined and designated plan of initiative and referendum. The proposal of the Senator from Georgia has adopted in the maximum degree the potentialities of having the people pass on the issue. I think it ought to be adopted. I say to the Senator from Georgia that, if it is adopted, I will go back to the people of Ohio and argue vigorously in favor of the bill that will be submitted to them for referendum. I feel quite certain, also, that every Senator who is in favor of the civil rights bill will do likewise.

I have enough confidence in the judgment of the people of my country that, after these 86, or more days of deliberation, they have learned of the details of this bill. If they have not learned about the details, the responsibility is ours to acquaint them with the details.

Mr. President, the argument will be made that we have spent 94 days or 100 days on the measure and that to spend further time would be useless. My answer to that argument is that if this question is as grave as it is claimed to be—and I believe it is—we cannot make a mistake if we submit it to the judgment of the people.

In one of the newspapers that is nationally syndicated is the legend—I do not believe I can quote the words exactly, but it is to this effect—give the public the knowledge and depend upon the correctness of their judgment. Give them the light and they will rule correctly. The legend comes from the words of Jefferson, and I am willing to abide by that judgment with the commitment that, as never before, I will travel from the northerly to the southerly boundary of Ohio, and from the easterly to the westerly boundary, urging the adoption of this measure. But even in the face of that, it is my honest feeling that the proposal made by the Senator from Georgia should be approved.

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, if Senators want to destroy all hope of a civil rights bill, let them vote for the amendment offered by the distinguished Senator from Georgia.

I thought I came here as a legislator and that I was not depending on a referendum for me to determine what I should do in the legislative field.

It is no accident that the legislative branch is provided for in article I of the Constitution and that the provision for the executive and the judicial branches comes later. The language is as clear as crystal. It provides that all legislative powers herein granted shall be vested in a Congress which shall consist of a Senate and a House of Representatives. Then it proceeds to clothe Congress with authority and tell it what it can do and what it cannot do.

I point out to my friend from Ohio that there is not the slightest analogy between what he describes in the Old World as distinguished from a referendum in this country. The problem over there has been that the choice of the people is not permitted to speak for them. But in this country there is a free and unrestricted choice of our people to send to Congress a Democrat, a Republican, a man named LAUSCHE, a man named DIRKSEN, and a man named MUNDT—and they send us here to exercise some judgment.

When Senators talk about going home, perhaps the people will stand up and say, "Why did we send you to Washington in the first place if, in the face of all the evidence and judgment that have been adduced, you could not make up your mind what to do and said you would refer it back to the primary source that sent you there in the first instance?"

I will not make that confession, because the people will have a "crack" at me for that. This is the proper place for it.

My friend from South Dakota spoke about a referendum being nothing novel. A national referendum is indeed a novelty. Cite me an instance where there has been a national referendum to provide for a vote by all the people.

What is covered by the Russell amendment? Look at title XII of the amendment. It reads:

> The first eleven titles of this Act shall take effect only if the qualified voters of the several States signify their approval of this Act in the national referendum provided by title XIII.

Very well; let us look at the provision for the referendum in title XIII:

> Each State is requested to conduct a referendum—

for this purpose. So they cannot be made to do it. Perhaps Ohio will not want a referendum. Perhaps my State will not. Perhaps the States that would be hostile to the bill would want a referendum and turn out in force in order to swell the vote.

Mr. RUSSELL. If the Senator will read further, he will find that the duty would be imposed upon the President to conduct a referendum in any State that does not do it upon its own volition.

Mr. DIRKSEN. The amendment also provides:

> The Governor of each State which consents to conduct the referendum shall so notify the President before September 1, 1964.

If action on the bill is completed by the 4th of July, there will be 2 months in which to undertake to organize a referendum for the entire country. But suppose it is not done.

Mr. RUSSELL. If it is not done, the President shall do it. The Senator did not read the next line:

The President shall provide for the conduct of the referendum, in the manner provided in this section, in any State which does not consent, or is unable, to conduct the referendum.

Mr. DIRKSEN. It may be done.

Mr. RUSSELL. It says he "shall."

Mr. DIRKSEN. But in the consenting and in view of the difficulties which might be encountered, suppose the State waits until the last minute. Suppose it waits until the first of November. What would the referendum amount to? It would not amount to a hoot, and the Senator from Georgia knows that. So why refer it back to the people?

If there is any validity to this argument, if there is any logic to the argument, why did we not say, in the case of the tax bill, which affects 90 million taxpayers, "We do not want to vote on it. There are some things in there that we do not like. We may be scolded back home. So we had better have a referendum."

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

Mr. DIRKSEN. I yield.

Mr. PASTORE. How about a declaration of war?

Mr. DIRKSEN. Exactly; such proposals have been floating around ever since I first came to Congress—and that goes back 30 years. Efforts have been made to have a referendum on war. We would reach a crucial point and suddenly tie the hands of the Federal instrumentality about the time we found ourselves up to our ears in conflict.

Why did the Founding Fathers set up the Constitution as they did if that was not the "referendum"—in which the people would select Representatives for the House based on population, and select two men from each State for the Senate? Why was it provided that no State can lose its representation in this body without its consent? Have we a legislative purpose or not? If we have, let us use it and not gut the bill, because that is what happened under the Russell amendment—and make no mistake about it.

So that is what we shall be voting on directly. I trust that it can be repudiated by an overwhelming argument.

I am ready to accept my responsibility under the bill and for the bill. I am not going to pass the buck to people back home and say, "I am rather shaky on the inside. I am thinking now about my party and how it is going to fare. I am thinking about the next election. I would rather get a guideline from you." Then they should write to me and say, "Haven't you guts enough to stand up as a legislator and be counted, because of the mantle of authority with which you have been clothed by the Constitution?"

What a shameful confession to make. I shall never make it. If we want to do it, we can take nearly every major proposal that comes before the Congress and say, "Oh, let us send it back to the people for a referendum."

If the Constitution made us feel that way about it, we would not have the organic law which we have today; neither would we have the balanced Government which we have today.

This is the time to decide.

The question is before us. It has been quite thoroughly ventilated. The issue has gotten out to the country.

Are we going to improve it any by suddenly saying, in November of this year—and this is substantially the form of the question to appear in the referendum:

The Congress of the United States has enacted a law known as the Civil Rights Act of 1964—

How perfectly unobjective. Someone says to me, "You are a Member of Congress." That is like saying to me that 2 and 2 equal 4—

which is divided into 13 titles, the last 2 of which relate to this referendum. This law provides that the first 11 titles shall take effect only if approved by the qualified voters of the several States in this referendum.

It does not give the people a hint of what is in the bill.

If the people do not know it now from the news media, from television, from periodicals, from newspapers and magazines, they will not know it in November.

I believe that our Constitution makers wisely provided. Instead of committing this sort of thing to the people, they said, "We will take a chance on a man submitting himself to the obligations of public office. It is easier. We can find out all about him if we wish to. We can ascertain his background. We can take him to pieces in any meeting where he exhibits himself for the purpose of delineating the issues of the day."

The idea of going back to the people with that kind of referendum means exactly nothing.

This amendment has been carefully contrived. Much work has gone into it. But are we to reject and repudiate the action of the Congress after all these days of deliberation?

I remind the Senate that the first version of the bill passed the House of Representatives by a vote of 290 to 130. That is a 65-percent vote.

What an affront to the rest of the legislative branch of the Government to say, "You gentlemen had the gall to stand up and be counted on the record, but we will not do so. We will take refuge in an escape clause. We are going to send the issue back to the people and get a guideline so as to assuage our souls."

Mr. President, I shall not make that confession. Somewhere in Shakespeare it is written:

Cowards die many times before their deaths; the valiant never taste of death but once.

God help me, I am not going to make the kind of confession which, when I go back to see my constituency, would cause them to say to me, "What kind of legislator are you, that you refuse to go on the roll and be counted? Before the first 11 titles could become effective, why did you submit them to us for a referendum?"

They might tell me, then, "The next time there is a foreign aid bill, send that back, too. The next time there is a tax bill, send that one back here, so that we can take a look at it. The next time there is a farm bill, send that one back, too."

What will have happened finally to this finely balanced, beautifully calibrated system of government that has been vouchsafed to us for more than 170 years?

Mr. ERVIN. Mr. President, will the Senator from Illinois yield for a question?

Mr. DIRKSEN. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Illinois know that Congress has submitted many farm bills to referendum among the farmers for approval or disapproval?

Mr. DIRKSEN. Yes; but only to the farmers. The amendment deals with a national referendum. It uses the words a "national referendum."

Mr. ERVIN. The farmers are the only ones concerned with the acreage allotments and marketing quotas established by farm bills. Many other people are concerned with this bill.

Mr. DIRKSEN. The Senator from North Carolina had better talk to the Secretary of Agriculture, Mr. Freeman, about that.

Mr. President, I have very little more to say. This is a way to destroy what we have done; and it should be repudiated by an overwhelming majority.

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

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

Mr. MORSE. Mr. President, I come from a State which developed what is known as the Oregon system of initiative and referendum.

I wish to take these 3 minutes to speak to the people of my State as to the basic reasons for my voting against this referendum proposal.

I shall vote against the Russell amendment. I shall vote against it because it bears no relationship whatsoever to what is sought to be accomplished under the Oregon system of initiative and referendum.

Not only do I agree wholeheartedly with what the Senator from Illinois has stated, but I wish to stress that there is no policy which has more motivated my career in the Senate than support of civil rights legislation. It now goes on 20 years in which I have served in the Senate and I have pointed out time and time again that we need to pass a civil rights bill to deliver the Constitution of the United States to the Negroes of this country for the first time in a hundred years since the Emancipation Proclamation.

By that I simply mean that the basic purpose of the bill is to give to the Negroes of this country, at long last, the enjoyment of their constitutional rights.

They cannot enjoy their constitutional rights unless we effectuate the Constitution and implement it by the passage of civil rights legislation. The Constitution is not a self-executing document. Therefore, as legislators, we have the

trust and the obligation to pass legislation which will implement the constitutional rights to the Negroes of the country. Both the 13th and 15th amendments to the Constitution state that "Congress shall have power to enforce this amendment by appropriate legislation." The enforcement legislation must be provided by Congress alone.

If there are those who wish to change the Constitution to deny constitutional rights to the Negroes of this country, then they should try to exercise the check which has been given to the American people by the amending process of the Constitution.

Let me say most seriously that one of the reasons I have opposed all the jury trial amendments to this civil rights bill in connection with contempt cases is that constitutional rights are involved. In my judgment, the jury box is not the place to determine my constitutional rights. Constitutional rights should not be subject to denial by a jury. Our court system is the place to determine and protect them. We have a check against arbitrary and capricious courts by an appeal procedure, through judicial process, all the way up to the Supreme Court.

Let me say most respectfully that the referendum is not the proper vehicle by which to grant or deny constitutional rights. It is wrong to follow a referendum procedure that the Russell amendment would permit us to follow which in effect would give the voters of the country an indirect way to amend the Constitution by denying the effectuation of constitutional rights through legislation to the colored people of the country.

The PRESIDING OFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 additional minutes.

Mr. MORSE. The referendum is not the appropriate vehicle, Mr. President. If those who wish to defeat the purpose of the bill wish to deny constitutional rights to the Negroes of the country, let them come forward with amendments to repeal, for example, the 13th, 14th, and 15th amendments to the Constitution, and every other section of the Constitution that we seek to implement by this civil rights bill so far as permitting Negroes to enjoy their constitutional rights.

Mr. President, a referendum is not the proper vehicle by which to seek to amend indirectly or directly the Constitution of the United States. The proponents of the amendment are hopeful, because of the type of campaign that would be conducted, based upon prejudice, bias, and emotionalism that would be aroused, that they could get the voters to deny the enjoyment of full constitutional rights to the Negroes of the country.

We have a duty, under our oath, to enact such legislation as is necessary to implement the Constitution of the United States. Then, if the voters do not like it, there are two things they can do. They can defeat us the next time we come up for election, or they can proceed to take away those constitutional rights by amending the organic act itself.

A referendum, I respectfully say, is not the proper vehicle for accomplishing indirectly what the proponents of the bill know they cannot accomplish by direct amendment of the Constitution of the United States. The proponents of this amendment know that it would be impossible to amend the Constitution so as to deny constitutional rights to all of us by repealing such sections of the Constitution as the 13th and 15th amendments.

Mr. RUSSELL. Mr. President, I yield myself 2 minutes.

I can now say, at long last, that I have seen everything, when the distinguished senior Senator from Illinois [Mr. DOUGLAS] rushes over to the junior Senator from Illinois [Mr. DIRKSEN] and embraces him and congratulates him on the speech he has just made. Nothing could better demonstrate the heights to which the Senator from Illinois is capable of rising when he desires to stride to the center of the stage.

On four or five occasions he said that the adoption of this amendment would kill the bill. He misrepresented the amendment, of course. He said it would kill the bill. If that is the case, it means he is cramming it down the throats of the majority of the people of this country, when they do not want it.

I assert that that is the doctrine of Hamilton, who said, "Your people are a great beast." That is not the doctrine of Thomas Jefferson, who believed in the people and who was willing to trust them to pass upon public issues.

Who are the cowards? Those who are willing to let the people pass upon the issue, or those who, being afraid, bask in the glory of the spotlight and say, "No, the people cannot be trusted to pass upon this issue"?

Mr. ANDERSON. Mr. President, I yield myself 2 minutes.

I did not expect to have a word to say on this issue. However, I served in the House of Representatives with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. I have never been more proud of having served with him than I have been today. I compliment him on the statement he made, so clearly and in unmistakable language, that the adoption of the amendment would defeat the bill. I compliment him.

Mr. TOWER. Mr. President, I yield myself 1 minute. While I am deeply sympathetic with the motivation of the Senator from Georgia in offering his amendment, and while I wish there could be some tangible manifestation of popular sentiment on this bill, I believe that the machinery for a referendum does not exist, and that the constitutional authority does not exist. We have a representative democracy, not a plebiscitary democracy. Therefore I cannot in good conscience vote for the amendment.

Mr. LONG of Louisiana. Mr. President, I yield myself 1 minute. I hold in my hand a document entitled "The American's Creed." It resulted from a contest held in the United States, with which some of the greatest Americans were concerned. It was held in the city of Baltimore, the home of the "Star Spangled Banner." The winner of the contest and the author of the creed was William Tyler Page, who, it turned out, was an employee of the House of Representatives and a descendant of President Tyler. I should like to read a few lines from this creed:

> I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed.

Mr. President, I have raised this question previously on the floor, whether the people of this Nation would actually consent freely to this piece of proposed legislation.

The argument has been made to me, "If you think this is right, you ought to vote for it even if it beats you, and your people despise you."

I contend that an issue of this sort presents the same sort of choice that caused 500,000 Americans on two sides to lose their lives in the Civil War, which should have been avoided by statesmanship. It should properly be submitted to the people. If the people are not in favor of it, we have no right to vote for it. We are here to represent them.

It would be fair to see what their judgment is. I am one of those who say, with regard to my people, that I am not particularly interested in what they think about a matter until they have had an opportunity to discuss it and to have both sides presented to them. When I vote for it, they will agree with me after they have had an opportunity to hear both sides.

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

Mr. LONG of Louisiana. I yield myself 1 more minute.

When the people of this Nation, North, South, East, and West, have had an opportunity to vote on this issue, and on various subjects which are contained in the bill, when time and again the issues have been submitted to them, on the majority of occasions they have voted them down. Whenever provisions such as these have been adopted it has not been by a vote of the people. They have instead been imposed upon the people by the legislatures, contrary to their wishes.

I believe it fair to the people of the South who would be compelled to live under it and to those whose sons would have to put on the uniform of the Army, not by their own consent, and be sent into the South to enforce this legislation, to have the people vote on it and tell the Nation what they want done.

Mr. CASE. Mr. President, I yield myself 2 minutes.

I think the minority leader has rendered an excellent service. I agree with the Senator from New Mexico [Mr. ANDERSON], and also with the Senator from Maine. I compliment the Senator from Texas. He deserves great praise for the stand that he has taken on the principle involved, regardless of his position on the bill.

All the talk about making this provision apply without the consent of the governed rings rather hollow when we realize that the people who support the amendment do not expect to have the

Negroes in the South vote upon the matter at all.

Mr. RUSSELL. That is not true in my State.

Mr. JOHNSTON. That is not true.

Mr. CASE. I leave that to the knowledge of the country and to the Members of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Georgia [Mr. RUSSELL].

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Virginia [Mr. ROBERTSON]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. METCALF], and the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE], is absent because of illness.

I further announce that the Senator from Indiana [Mr. HARTKE], and the Senator from Ohio [Mr. YOUNG], are necessarily absent.

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

I further announce that, if present and voting, the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. HARTKE], and the Senator from Montana [Mr. METCALF], would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay."

The Senator from Kentucky [Mr. MORTON] is necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 22, nays 67, as follows:

[No. 313 Leg.]

YEAS—22

Byrd, Va.	Johnston	Sparkman
Byrd, W. Va.	Jordan, N.C.	Stennis
Eastland	Lausche	Talmadge
Ellender	Long, La.	Thurmond
Ervin	McClellan	Walters
Hickenlooper	Mundt	Williams, Del.
Hill	Russell	
Holland	Smathers	

NAYS—67

Aiken	Boggs	Clark
Allott	Brewster	Cooper
Anderson	Burdick	Cotton
Bartlett	Cannon	Curtis
Bayh	Carlson	Dirksen
Bennett	Case	Dodd
Bible	Church	Dominick
Douglas	Magnuson	Pell
Edmondson	McCarthy	Prouty
Fong	McGee	Proxmire
Gore	McGovern	Randolph
Gruening	McIntyre	Ribicoff
Hart	McNamara	Saltonstall
Hruska	Mechem	Scott
Humphrey	Miller	Simpson
Inouye	Monroney	Smith
Jackson	Morse	Symington
Javits	Moss	Tower
Jordan, Idaho	Muskie	Williams, N.J.
Keating	Nelson	Yarborough
Kennedy	Neuberger	Young, N. Dak.
Kuchel	Pastore	
Long, Mo.	Pearson	

NOT VOTING—11

Beall	Hartke	Morton
Engle	Hayden	Robertson
Fulbright	Mansfield	Young, Ohio
Goldwater	Metcalf	

So Mr. RUSSELL's amendments were rejected.

Mr. JAVITS. Mr. President, I move that the Senate reconsider the vote by which the amendments were rejected.

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

The motion to lay on the table was agreed to.

Mr. MILLER. Mr. President, I refer to page 13468 of the RECORD of yesterday, June 11. Senators may recall that I divided my amendment into two parts. The Senate adopted one part; the other part was temporarily deferred by unanimous consent. I wish to call up that part now for consideration. This part of the amendment relates to page 70 of the bill.

In line 15, my original amendment would have proposed inserting after the word "may" the words "upon timely application."

I now wish to modify my amendment to provide that the phrase "upon timely application" follow the word "action" in the same line, and that the comma in that line be stricken. I so modify my amendment.

The PRESIDING OFFICER. Will the Senator from Iowa send his amendment to the desk, so that it may be recorded?

Mr. MILLER. The amendment was at the desk yesterday.

The PRESIDING OFFICER. The clerk does not have a copy of the modified amendment.

Mr. MILLER. I so modify my amendment now. I have discussed the amendment with the Senator from New York [Mr. JAVITS] and with the leadership, and it is acceptable to all parties concerned.

I should like to state what the amendment would accomplish. Originally, the amendment would have inserted the phrase "upon timely application" after the word "may" in line 15, page 70.

The modified amendment, to which we have all agreed, would strike the comma in that line and insert the phrase "upon timely application" after the word "action," and there would be no commas at all in that line.

Mr. McCLELLAN. Mr. President, I am unable to locate that language in the new bill.

Mr. MILLER. This amendment relates to amendment No. 1052, which is the latest amendment in the nature of a substitute.

Mr. McCLELLAN. Mr. President, may we have the amendment of the Senator from Iowa stated, so that we will know what we are acting upon?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 70, line 15, it is proposed to insert after the word "action" the following: "upon timely application"; and to strike out the comma in line 15.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The Senator from Arkansas will state it.

Mr. McCLELLAN. Do I correctly understand that this amendment would limit the time in which the Attorney General could act?

Mr. MILLER. I would rather respond by saying that the amendment provides for timely application. As I explained yesterday, timely application is provided for in the other intervention section of the bill.

Mr. HUMPHREY. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I yield.

Mr. HUMPHREY. This amendment would make the bill conform to the rules of Federal procedure. The amendment is wholly satisfactory, and conforms to the other titles of the bill. So the amendment is acceptable.

Mr. MILLER. Then, Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Iowa [Mr. MILLER].

The amendment, as modified, was agreed to.

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

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

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

Mr. RANDOLPH. Mr. President, I wish to ask of the Senator from Minnesota [Mr. HUMPHREY], who is the effective manager of the pending bill, a clarifying question on the provisions of title VII.

I have in mind that the social security system, in certain respects, treats men and women differently. For example, widows' benefits are paid automatically; but a widower qualifies only if he is disabled or if he was actually supported by his deceased wife. Also, the wife of a retired employee entitled to social security receives an additional old age benefit; but the husband of such an employee does not. These differences in treatment as I recall, are of long standing.

Am I correct, I ask the Senator from Minnesota, in assuming that similar differences of treatment in industrial benefit plans, including earlier retirement

options for women, may continue in operation under this bill, if it becomes law?

Mr. HUMPHREY. Yes. That point was made unmistakably clear earlier today by the adoption of the Bennett amendment; so there can be no doubt about it.

Mr. RANDOLPH. I am grateful for the reply.

Mr. SPARKMAN. Mr. President, I call up my amendment No. 662 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be stated.

The LEGISLATIVE CLERK. On page 6, line 22, immediately after the word "facility", insert the words "not situated within the residence of the operator or proprietor thereof, if such facility is".

Mr. SPARKMAN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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

This amendment would exclude a certain class of restaurant, lunchcounter, or soda fountain operators from coverage under title II—namely those wherein the facilities are situated within the residence of the operator or proprietor.

This type of small owner or operator should be excluded from the bill. Regulation of them is coming very close to regulating a person's own home. As an example, let us suppose that a lady in a college town lets a few college students enter her kitchen or dining room and serves lunch to them for a price. If this is done in her home, it would be exempt under my amendment to title II.

Without this amendment, title II could be an invasion of the spirit of the Bill of Rights. The third and fourth amendments protect a person's home against the quartering of soldiers in time of peace and against unreasonable searches and seizures. A stringent Federal law which would force a small restaurant owner, whose restaurant is attached to his home, to serve anyone irrespective of race, color or national origin, would be an unreasonable seizure, so to speak, of the rights pertaining to a home which the Constitution seeks to protect.

I call your attention also to the due process clause of the fifth amendment which states "nor shall private property be taken for public use, without just compensation."

Without this amendment, the bill would be providing the homeowner with laws, regulations and mandates which he probably would not want, instead of providing him with compensation as called for in the Constitution.

Mr. President, I reserve the remainder of my time.

Mr. HUMPHREY. Mr. President, I yield myself 30 seconds.

I oppose the amendment. I do so not because of what it provides, but because of what its application might well be; namely, that it would serve as an opportunity for avoidance of the provisions of title II. The fact that a proprietor may have an eating place situated within the residence of the operator or proprietor does not necessarily mean that that is a little private, homelike surrounding. It could very well be a means of evasion. If it is a boardinghouse which invites nontransient guests, there is no coverage under title II under the terms of the bill.

Boardinghouses for nontransient guests would have no coverage at all. There is no application of the bill to them. Those with five rooms or less would be exempted. So I hope that the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 662) of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH (when his name was called). On this vote I have a pair with the distinguished junior Senator from Arkansas [Mr. FULBRIGHT]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished junior Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote I would vote "nay." Therefore I withhold my vote.

Mrs. NEUBERGER (when her name was called). On this vote I have a pair with the senior Senator from Virginia [Mr. BYRD]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would note "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE], is absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH], the Senator from Indiana [Mr. HARTKE], and the Senator from Ohio [Mr. YOUNG], are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. RANDOLPH], the Senator from Indiana [Mr. HARTKE], the Senator from California [Mr. ENGLE], and the Senator from Ohio [Mr. YOUNG], would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican convention in order to accept the nomination for U.S. Senator.

The Senator from Kentucky [Mr. MORTON] is necessarily absent.

The Senator from Utah [Mr. BENNETT] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 25, nays 60, as follows:

[No. 314 Leg.]

YEAS—25

Byrd, W. Va.	Hruska	Sparkman
Cotton	Johnston	Stennis
Curtis	Jordan, N.C.	Talmadge
Eastland	Long, La.	Thurmond
Ellender	McClellan	Tower
Ervin	Mechem	Walters
Hickenlooper	Russell	Williams, Del.
Hill	Simpson	
Holland	Smathers	

NAYS—60

Aiken	Gore	Miller
Allott	Gruening	Monroney
Anderson	Hart	Morse
Bartlett	Humphrey	Moss
Bible	Inouye	Mundt
Boggs	Jackson	Muskie
Brewster	Javits	Nelson
Burdick	Jordan, Idaho	Pastore
Cannon	Keating	Pearson
Carlson	Kennedy	Pell
Case	Kuchel	Prouty
Church	Lausche	Proxmire
Clark	Long, Mo.	Ribicoff
Cooper	Magnuson	Saltonstall
Dirksen	McCarthy	Scott
Dodd	McGee	Smith
Dominick	McGovern	Symington
Douglas	McIntyre	Williams, N.J.
Edmondson	McNamara	Yarborough
Fong	Metcalf	Young, N. Dak.

NOT VOTING—15

Bayh	Fulbright	Morton
Beall	Goldwater	Neuberger
Bennett	Hartke	Randolph
Byrd, Va.	Hayden	Robertson
Engle	Mansfield	Young, Ohio

So Mr. SPARKMAN'S amendment No. 662 was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, I offer my amendment No. 659, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama will be stated.

The Chief Clerk read the amendment, as follows:

On page 9, line 14, immediately after the period, insert the following new sentence: "No lawful action taken by any person to protect, defend, or enforce any right, privilege, or remedy conferred upon him or secured by the Constitution or any statute of the United States or by valid law of any State or political subdivision thereof shall be held to be in violation of this section."

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

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, I yield myself such time as I may require.

This amendment would make it clear that under title II a person could take lawful action to protect, defend, or enforce any constitutional right that he has or any right under Federal or local law.

The whole atmosphere surrounding title II appears to be one of the illegality of doing anything that might be called racial discrimination. It is only proper that the law which is enacted on this subject should state that racial tensions and incidents that may arise should not cause operators of facilities or other peo-

ple to be fearful of taking necessary steps to protect themselves or their property and personal rights.

I offer this amendment to protect the right of a businessman to remove demonstrators from his property under provisions guaranteed to him by the Constitution, any statute of the United States, or by the valid law of any State or political subdivision. For example, if a demonstrator invades a businessman's property and breaks up furniture and the owner throws him out, or has him thrown out, under existing laws of the State or local subdivision, the owner would not be in violation of section 203 of title II of the proposed civil rights act.

Without this amendment the owner might have some doubts as to whether he would embroil himself in discrimination charges by doing what he should have every right to do. Congress should not enact legislation that is not clear in this regard, and my amendment would make this right of every American remain unhampered by the bill.

Mr. HUMPHREY. Mr. President, I yield myself 15 seconds.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 15 seconds.

Mr. HUMPHREY. The purpose of this amendment is not apparent because there is nothing in section 203 which would prohibit any lawful action. It would seem to me that the amendment would have, if anything, nothing but a confusing effect.

The words "by valid law of any State or political subdivision thereof shall be held to be in violation of this section" might very well impose some constitutional problem in light of certain State and local laws.

I believe this amendment would confuse the bill and add to its complexity, and I suggest that the amendment be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama [Mr. SPARKMAN]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. McCARTHY (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Louisiana [Mr. ELLENDER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mrs. NEUBERGER (when her name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. BYRD]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Ohio [Mr. YOUNG], the Senator from Indiana [Mr. HARTKE], the Senator from Michigan [Mr. MCNAMARA] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Indiana [Mr. HARTKE] would vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican convention in order to accept the nomination for U.S. Senator.

The Senator from Kentucky [Mr. MORTON] is necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent on official business.

The Senator from Utah [Mr. BENNETT] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 22, nays 61, as follows:

[No. 315 Leg.]

YEAS—22

Dominick	Jordan, N.C.	Stennis
Eastland	Long, La.	Talmadge
Ervin	McClellan	Thurmond
Gore	Mechem	Tower
Hill	Pearson	Walters
Holland	Russell	Yarborough
Hruska	Smathers	
Johnston	Sparkman	

NAYS—61

Aiken	Edmondson	Monroney
Allott	Fong	Morse
Anderson	Gruening	Moss
Bartlett	Hart	Mundt
Bayh	Hickenlooper	Muskie
Bible	Humphrey	Nelson
Boggs	Inouye	Pastore
Brewster	Jackson	Pell
Burdick	Javits	Prouty
Byrd, W. Va.	Jordan, Idaho	Proxmire
Cannon	Keating	Randolph
Carlson	Kennedy	Ribicoff
Case	Kuchel	Saltonstall
Church	Lausche	Scott
Clark	Long, Mo.	Simpson
Cooper	Magnuson	Smith
Cotton	McGee	Symington
Curtis	McGovern	Williams, N.J.
Dirksen	McIntyre	Williams, Del.
Dodd	Metcalf	
Douglas	Miller	

NOT VOTING—17

Beall	Goldwater	Morton
Bennett	Hartke	Neuberger
Byrd, Va.	Hayden	Robertson
Ellender	Mansfield	Young, N. Dak.
Engle	McCarthy	Young, Ohio
Fulbright	McNamara	

So Mr. SPARKMAN's amendment was rejected.

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

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

The motion to lay on the table was agreed to.

PUBLIC HEALTH SERVICE'S FISH KILL CONFERENCE IN NEW ORLEANS, LA.

Mr. DIRKSEN. Mr. President, I yield myself 2 minutes.

Mr. President, I am very much disturbed over an editorial which was published in the current issue of Chemical Week magazine, entitled "Fish-Kill Kangaroo Court." The editors of that respectable magazine have seen fit to comment on the manner in which the Pollution Control Division of the Public Health Service conduct the conferences as authorized by the Congress.

They state:

> Now that a transcript is available of last month's "fish kill" conference in New Orleans it is apparent that the U.S. Public Health Service conducted the hearing in a way that reflects discredit upon itself and upon the Federal Government.

They continue by stating:

> Whether by ineptitude or deliberate intent, the PHS officials at the conference seemed more eager to win acceptance of their conclusions than to get at the truth. Such an approach seems more appropriate to Soviet trials than to Western judicial procedures.

One of the companies involved is located in Chicago. They vehemently denied that they were responsible in any way for causing the fish kill, and presented scientific evidence to prove their statement. They were accused of polluting the river at Memphis and that the chemical traveled 700 miles downstream before it killed any fish. This ridiculous charge was made by the Public Health Service.

The question that I ask is, Why are these wild accusations made? Why must the Public Health Service go to the press and unjustly crucify a company before they get all the facts? I believe that it is imperative we have the answers to these questions. I hope that we have not reached the point in American justice where the accused must prove his innocence of any charge rather than the accuser prove the guilt.

All Senators, I am sure, have seen the reports of the fish kill. It is defined as a "massive kill" involving "millions of fish." Yet, in testimony presented at the New Orleans conference, they talk only of 175,000 fish. Why was the number intentionally inflated when they reported it first to the press? Why is it that in the official Public Health Service report on pollution which caused fish kills, they talk only of a moderate fish kill and that the causes are unknown.

It appears, Mr. President, that perhaps some have become so intoxicated with power that our Federal Government now need not be held accountable for its wild charges. It is my hope that the appropriate committee of the Senate will investigate this matter.

I ask unanimous consent to have this editorial printed in the RECORD.

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

FISH KILL KANGAROO COURT

Now that a transcript is available of last month's "fish kill' conference in New Orleans it is apparent that the U.S. Public Health Service conducted the hearing in a way that reflects discredit upon itself and upon the Federal Government.

Most of the first day of the 2-day hearing was spent reading into the record PHS's 119-page report of the Mississippi River fish kills and its conclusions about the cause. This report was not made available ahead of time to the four pollution experts representing the States involved, but was handed to them when they arrived.

Most of the second day was spent hearing testimony and questioning various people, including those from Velsicol Chemical Corp., maker of the insecticide alleged to have caused the kill. Until about 4:45 p.m. it appeared that the four-man panel of State pollution chiefs would accept the PHS conclusions contained on the final page of the report.

At that time—when three-quarters of the conferees had left and those remaining (including the panel) were impatient to catch their planes and trains—Chairman Murray Stein whipped out his copy of the report and said to the panelists, "Now let's see what we can conclude from these hearings."

It was in the final, hectic, shouting 15 minutes that the conclusions were debated. Stein read the first of seven conclusions and asked for concurrence. One of the panelists dissented, then another one, and at the end of the hearing those present couldn't agree on what had actually been decided. And so on down the list of conclusions.

In a related incident, Senator ABRAHAM RIBICOFF, Democrat, of Connecticut, said in a press conference that Velsicol had denied Government inspectors entrance to its Memphis plant. Velsicol denied this, and Chairman Stein publicly acknowledged at the hearing that the charge was false and had not emanated from PHS.

Whether by ineptitude or deliberate intent, the PHS officials at the conference seemed more eager to win acceptance of their conclusions than to get at the truth. Such an approach seems more appropirate to Soviet "trials" than to Western judicial procedures.

It's unlikely that the steamroller approach would work if enough interested parties were present at such hearings. Perhaps the conclusions at this particular hearing would have been reached in a sounder, more orderly manner, if most fo the conferees had stayed—or if more representatives from the chemical industry had been present. Velsicol was the only company directly involved in this hearing; but Velsicol is one among scores of companies producing agricultural chemicals, all of which have a stake in how these hearings are conducted and in what manner, and with what judicial safeguards, the conclusions are reached.

It would help if the industry established a task force of "poll watchers" to attend such hearings—not to press their self-interests but to see that hearings are conducted fairly.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended, in the nature of a substitute, offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD].

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

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 316 Leg.]

Aiken	Gruening	Monroney
Allott	Hart	Morse
Anderson	Hickenlooper	Moss
Bartlett	Hill	Mundt
Bayh	Holland	Muskie
Bennett	Hruska	Nelson
Bible	Humphrey	Neuberger
Boggs	Inouye	Pastore
Brewster	Jackson	Pearson
Burdick	Javits	Pell
Byrd, W. Va.	Johnston	Prouty
Cannon	Jordan, N.C.	Proxmire
Carlson	Jordan, Idaho	Randolph
Case	Keating	Ribicoff
Church	Kennedy	Russell
Clark	Kuchel	Saltonstall
Cooper	Lausche	Scott
Cotton	Long, Mo.	Simpson
Curtis	Long, La.	Smathers
Dirksen	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Douglas	McClellan	Talmadge
Eastland	McGee	Thurmond
Edmondson	McGovern	Tower
Ervin	McIntyre	Williams, N.J.
Fong	Metcalf	Williams, Del.
Gore	Miller	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment, as amended, in the nature of a substitute offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD].

Mr. THURMOND. Mr. President, I call up my amendment No. 927 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk read as follows:

On page 7, line 2, after "guests" and before the comma insert "from outside the State wherein the inn, hotel, motel, or other establishment is located".

Mr. THURMOND. Mr. President, I yield myself half a minute.

This amendment to title II restricts the inn, hotel, and motel coverage of title II to those places which take out-of-State guests. Any person who owns such an establishment should be allowed the option of catering only to persons from his own State, so that he will not fall within the coverage of the bill. This amendment would bring this portion of the bill more nearly in line with the Constitution.

On my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT (when his name was called). On this vote, I have a live pair with the junior Senator from Florida [Mr. SMATHERS]. If the Senator from Florida were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. EDMONDSON (when his name was called). On this vote, I have a pair with the senior Senator from Louisiana [Mr. ELLENDER]. If the Senator from Louisiana were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote, I have a pair with the distinguished junior Senator from Virginia [Mr. ROBERTSON]. If the Senator from Virginia were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mrs. NEUBERGER (when her name was called). On this vote, I have a pair with the senior Senator from Virginia [Mr. BYRD]. If the Senator from Virginia were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Pennsylvania [Mr. CLARK], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Tennessee [Mr. WALTERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Michigan [Mr. MCNAMARA], the Senator from Indiana [Mr. HARTKE], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Indiana [Mr. HARTKE], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

On this vote, the Senator from California [Mr. ENGLE] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from California would vote "nay" and the Senator from Arkansas would vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay."

The Senator from Kentucky [Mr. MORTON] and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 21, nays 57, as follows:

[No. 317 Leg.]

YEAS—21

Byrd, W. Va.	Holland	Russell
Cotton	Hruska	Sparkman
Curtis	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ervin	Long, La.	Thurmond
Hickenlooper	McClellan	Tower
Hill	Monroney	Williams, Del.

NAYS—57

Aiken	Gore	Miller
Allott	Gruening	Morse
Anderson	Hart	Moss
Bayh	Humphrey	Mundt
Bennett	Inouye	Muskie
Bible	Jackson	Nelson
Boggs	Javits	Pastore
Brewster	Jordan, Idaho	Pearson
Burdick	Keating	Pell
Cannon	Kennedy	Prouty
Carlson	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Cooper	Magnuson	Saltonstall
Dirksen	McCarthy	Scott
Dodd	McGee	Simpson
Dominick	McGovern	Smith
Douglas	McIntyre	Symington
Fong	Metcalf	Williams, N.J.

NOT VOTING—22

Bartlett	Goldwater	Robertson
Beall	Hartke	Smathers
Byrd, Va.	Hayden	Walters
Clark	Mansfield	Yarborough
Edmondson	McNamara	Young, N. Dak.
Ellender	Mechem	Young, Ohio
Engle	Morton	
Fulbright	Neuberger	

So Mr. THURMOND's amendment was rejected.

Mr. RANDOLPH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. DIRKSEN. Mr. President, I move that the motion to reconsider be laid on the table

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I call up my amendment No. 582 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Mississippi will be stated.

The Chief Clerk proceeded to read the amendment.

Mr. STENNIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. STENNIS's amendment is as follows:

On page 3, line 19, immediately after "(b)" insert "(1)".

On page 4, between lines 5 and 6, insert the following new paragraph:

"(2) Insert at the end of subsection (c) the following new sentence: 'In any proceeding instituted under this subsection, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant.'"

On page 9, line 24, immediately after "(b)", insert "(1)".

On page 10, between lines 3 and 4, insert the following:

"(2) In any action commenced pursuant to this title by the Attorney General, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

On page 13, line 11, immediately after "SEC. 303.", insert "(1)".

On page 13, between lines 13 and 14, insert the following new paragraph:

"(2) In any action or proceeding instituted under this title by the Attorney General, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action or proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

On page 18, line 17, immediately after "SEC. 408." insert "(1)".

On page 18, between lines 19 and 20, insert the following new paragraph:

"(2) In any action or proceeding instituted under this title by the Attorney General, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action or proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

On page 43, line 8, immediately after "(h)" insert "(1)".

On page 43, between lines 10 and 11, insert the following new paragraph:

"(2) In any action or proceeding commenced under this title by the Commission, the court, upon request therefor by the party defendant, shall assign counsel learned in the law to represent the party defendant at every stage of the action or proceeding, in which case a reasonable attorney's fee shall be allowed as of course to the party defendant."

Mr. STENNIS. Mr. President, I yield myself 5 minutes on my amendment. I respectfully call it to the attention of every Senator, and particularly the lawyers who are familiar with the trial of cases and who search for the merits of such situations as the one presented.

Quite briefly, the amendment would merely authorize the court under all titles of the bill—title I through VII—to appoint counsel for the defendant in cases in which the Attorney General has brought a suit or has intervened. In his wise discretion the court would be authorized to allow an attorney's fee.

When a defendant is brought into court under any of the titles of the bill and the Attorney General, with the overwhelming resources of the Department of Justice, including the facilities of the FBI and the services of specialists, intervenes in a case, the little fellow whom he opposes—the defendant—is absolutely overwhelmed. Something must be done if that person is to be able to try his case properly in court.

The amendment does not provide that whatever lawyer a defendant might bring into court would be paid by the Government. That is not the idea. The amendment would authorize the court to appoint counsel—and the defendant would have a part in the selection, but the one chosen would have to be approved by the court—and then, in the wise discretion of the court an attorney's fee would be allowed. The judge could wait until the end of the trial, if need be, and then determine whether or not the defendant had acted in good faith and whether or not there had been a meritorious presentation of the question. If the court did not wish to allow an attorney's fee, he would not allow it at the end of the case. That subject would be the responsibility of the court.

There is nothing unsual or extraordinary about the procedure. It has happened in cases in State and Federal courts. As now written, the bill contains a provision in title II. I do not believe that provision goes far enough, but the language provides that, as to title II, in any action commenced pursuant to title II, the court may in its discretion, allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the cost.

The little fellow about whom I am talking may not prevail. He is likely to have very little resources to use in order to keep his head above the water at the beginning of the trial. My amendment would not apply in any cases brought under any title except cases in which the Attorney General would either bring the suit or intervene.

Mr. President, I do not have much time available. May I have the attention of Senators?

In relation to the subject of title III, the desegregation of public facilities, the Dirksen-Mansfield amendment provides that an action or proceeding brought under that title would entitle the court to allow costs, including a reasonable attorney's fee. Frankly, the provision is not very clear. My amendment would go a little further with reference to title III.

With relation to title IV, desegregation of public education, I point out that title IV does not mention the subject. But my amendment would apply as I have already stated. The court, in its sound discretion, would select the attorney, or the defendant would select an attorney who would be agreeable to the court, and a reasonable attorney's fee would be allowed only if the court should find everything had been done in good faith.

Title VII would place authority in the Attorney General to bring suit. My amendment would merely provide as heretofore stated.

In order to perfect my amendment, I ask unanimous consent that wherever the word "may" appears, the word "shall" be substituted, which would make the provision mandatory. I intended for the amendment to be so printed at the beginning. I overlooked it. I ask unanimous consent that the amendment be amended further by taking care of the present situation with respect to title VII and its provision with reference to the Attorney General.

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

Mr. STENNIS. I invite discussion of the amendment on the time available to the other Senators. Most of my time has been exhausted.

Mr. President, I thought I heard laughter in the Chamber. Was that from Senators or from some of those who have the privilege of the floor? I do not resent it, but I like to use my time to advantage.

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

Mr. JOHNSTON. Mr. President, I shall use my own time. I call to the attention of the Senate the fact that the Attorney General came before the Committee on the Judiciary and asked that defendants be given the right to have attorneys appointed to represent them in cases. That request was made before the civil rights bill came before the Senate.

Mr. STENNIS. Oh, yes.

Mr. JOHNSTON. The Attorney General himself was advocating that right within the Judiciary Committee. Any member of that committee will tell the Senate that that occurred. The Attorney General asked that the right be given to defendants to have an attorney, the Federal Government to pay his fee.

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

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

Mr. STENNIS. I am happy to yield to the Senator from Kentucky on the Senator's own time.

Mr. COOPER. Yes; on my time.

Do I correctly understand that the purpose and effect of the amendment of the Senator from Mississippi is that in any case brought under the various titles of the bill, if a court should determine that the defendant should have counsel and required counsel, the court could then provide such counsel and allow a reasonable attorney's fee?

Mr. STENNIS. Yes.

Mr. COOPER. Is that it?

Mr. STENNIS. That is the amendment in substance, yes.

Mr. COOPER. Is there anything else?

Mr. STENNIS. It would apply only when the Attorney General was a party to the suit, either bringing the suit or intervening in a suit already brought.

Mr. COOPER. I know that the bill provides that in certain cases when the Attorney General brings the suit, the costs fall upon the United States, and that, in effect, an attorney is provided for the claimant or the plaintiff.

Mr. STENNIS. But not the defendant.

Mr. COOPER. I said that the bill provides that when the Attorney General brings the suit, the claimant or plaintiff has an attorney and, of course, the costs are paid by the Federal Government, and the attorney's fee is paid.

Mr. STENNIS. Yes.

Mr. COOPER. Is there anything else in the Senator's amendment than the fact that, if the court believed in his judgment and discretion a defendant could not of his own means employ counsel or could not properly defend himself, the court could assign counsel? Is there anything in the amendment but that?

Mr. STENNIS. The Senator is correct; there is nothing else in the amendment, with one slight exception from the way the Senator from Kentucky expressed it. The amendment would authorize the court, in its discretion, to allow the defendant an attorney. Whether he uses the test that the man cannot get an attorney himself, or whatever test the judge applies, is left to his sound discretion. We did not outline that in the measure. It provides that in his discretion he may allow an attorney and an attorney's fee. It is in the bosom of the court. But unless there is some such provision in the bill, the court would have no authority to make such a judgment.

Mr. KEATING. Mr. President, will the Senator yield, on my time?

Mr. STENNIS. I yield.

Mr. KEATING. Am I not correct that the amendment to which the Senator is directing his attention refers to providing counsel for parties in civil actions?

Mr. STENNIS. Oh, yes; it relates to civil actions brought by the Attorney General. If the action was pursuant to contempt proceedings, it could get into that proceeding. Frankly, I did not try to cover that, but it possibly might be included.

Mr. KEATING. But the amendment relates to civil actions, and does not relate to criminal prosecutions which were the proceedings referred to by the Senator from South Carolina. I sponsored, and both Houses of Congress have passed a bill which would provide for the appointment of counsel to represent indigent defendants in criminal proceedings.

Mr. STENNIS. Yes.

Mr. KEATING. This is an entirely different situation. I am not familiar—perhaps the Senator can enlighten me—with any precedent for the Government's paying a lawyer to represent a defendant in a civil action.

Mr. STENNIS. The Senator from Mississippi understands that some States have laws which take care of situations of that kind, when a person in a civil case is unable to take care of the situation. In divorce proceedings, for example, which are civil actions, a court can assess attorneys' fees.

Mr. KEATING. Against the husband.

Mr. STENNIS. And in certain antitrust proceedings, it is possible.

Mr. KEATING. There are certain matrimonial actions in which attorneys' fees can be assessed against the husband, but not against the wife, but that is on the theory that the husband, until the marriage is terminated, has the duty of supporting the wife.

If Congress adopted this amendment, it would be creating a precedent that when the U.S. Government brings a civil suit, the defendant, no matter how much money he has or what his situation is, shall be entitled to a lawyer.

Mr. STENNIS. I beg the Senator's pardon. The amendment says "in the discretion of the court."

Mr. KEATING. That is correct. There are no rules laid down as to how the court is to exercise its discretion. It could permit the richest man in the country, in the court's discretion, to have his lawyer paid by the Government. I do not think any of us would want to see that done.

Mr. STENNIS. The Senator states a possibility, not a probability. This amendment is designed to help a man who has a bona fide defense but who might otherwise not be able to defend himself. The amendment provides that the court decides whether he should have that help.

Mr. President, I ask unanimous consent that the reference of the amendments to lines and pages be changed to conform to the Mansfield-Dirksen substitute.

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

Mr. STENNIS. Mr. President, I earnestly solicit the support of the membership of the Senate solely on the ground that a man should be given a fighting chance when he is confronted with the Attorney General of the United States and all the resources of that great office. I am glad to submit the amendment.

Mr. HART. Mr. President, as has already been indicated, there is absolutely no precedent for providing, in civil actions, for the payment of an attorney's fee; and in this case, interestingly enough, even if a man were found to be in violation of the law, it would still be possible.

We have been urged to consider the bill adequately in terms not only of what may be done, but what could be done. References have been made to what could be done by some capricious judge. This is exactly what that kind of judge could do. Adoption of the amendment would set a bad precedent, and I urge its defeat.

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

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, under title II, on page 10, line 13, I think the general spirit of allowing attorneys' fees is set forth. It provides that:

> In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs, the same as a private person.

That language was inserted in the bill to deter the bringing of lawsuits without foundation. Hence, it was declared that the prevailing party, except the United States, and in the discretion of the court, may be allowed attorney's fees.

The amendment of the Senator from Mississippi would make mandatory the allowance of attorney's fees in the discretion of the court, regardless of whether the contestant won or lost. I think that is quite contrary to the general rule.

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

Mr. LAUSCHE. I yield.

Mr. STENNIS. The Senator says it would make it mandatory.

Mr. LAUSCHE. No. I agree, it would not be mandatory. I correct that language.

Mr. STENNIS. It would be in the discretion of the court.

Mr. LAUSCHE. I correct my language. But, in my judgment, attorneys' fees should not be allowed in the discretion of the court except to the prevailing party—the objective being to deter the bringing of baseless actions.

The proposal of the Senator from Mississippi, in my judgment, is contrary to the general rule in allowing attorney's fees. The general rule is that when a court finds malice motivated the bringing of the lawsuit, attorney's fees may not be allowed.

In this bill we wanted to discourage the bringing of lawsuits, and we therefore provided that attorney's fees shall

be allowed only in favor of the victorious party. The Senator's amendment would allow attorney's fees, in the discretion of the court, even to the party that lost the suit.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

There is some innovation in this amendment. The bill is a wagonload of innovations. Nothing like this bill has been proposed before. My amendment does not apply to suits between private persons. So there is no need to guard against paying of attorney's fees in such suits. The amendment applies only where the Attorney General brings suit or intervenes in such case, and then it would be applied only in the sound discretion of the court, when he thinks the man has defended himself in good faith and is entitled to be paid something in the way of attorney's fees

We talk about innovation. Title III, section 302, as now written, provides that:

> In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee.

It is not clear exactly what it means, except to allow someone an attorney's fee. The amendment as applied to title III would be in addition, and would certainly clear it up.

Mr. LAUSCHE. From what page is the Senator reading?

Mr. STENNIS. Section 303 on my memorandum.

Mr. LAUSCHE. Does that mean one would be liable for attorneys' fees, regardless of who won or lost the suit?

Mr. STENNIS. With all deference, I cannot interpret the language in the bill. I do not know exactly what it means, but it adopts the principle of allowing attorneys' fees.

My amendment would be specific, in that the Attorney General would have to be in the suit, and the defendant would have to have acted in good faith. It is all a matter of discretion for the court.

I trust that the Senate will rise up and adopt this title, fragmentary amendment and further the cause of justice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. STENNIS]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mrs. NEUBERGER (when her name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. BYRD]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Florida [Mr. SMATHERS], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Ohio [Mr. YOUNG], the Senator from Indiana [Mr. HARTKE] and the Senator from Michigan [Mr. MCNAMARA] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Indiana [Mr. HARTKE] and the Senator from California [Mr. ENGLE] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay."

The Senator from Kentucky [Mr. MORTON] and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 25, nays 57, as follows:

[No. 318 Leg.]

YEAS—25

Byrd, W. Va.	Hickenlooper	Simpson
Carlson	Hill	Sparkman
Cooper	Holland	Stennis
Cotton	Johnston	Talmadge
Curtis	Jordan, N.C.	Thurmond
Eastland	Long, La.	Tower
Ellender	McClellan	Yarborough
Ervin	Mundt	
Gore	Russell	

NAYS—57

Aiken	Gruening	Miller
Allott	Hart	Monroney
Anderson	Hruska	Morse
Bartlett	Humphrey	Moss
Bayh	Inouye	Muskie
Bennett	Jackson	Nelson
Bible	Javits	Pastore
Boggs	Jordan, Idaho	Pearson
Brewster	Keating	Pell
Burdick	Kennedy	Prouty
Cannon	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Dirksen	Magnuson	Saltonstall
Dodd	McCarthy	Scott
Dominick	McGee	Smith
Douglas	McGovern	Symington
Edmondson	McIntyre	Williams, N.J.
Fong	Metcalf	Williams, Del.

NOT VOTING—18

Beall	Hartke	Neuberger
Byrd, Va.	Hayden	Robertson
Clark	Mansfield	Smathers
Engle	McNamara	Walters
Fulbright	Mechem	Young, N. Dak.
Goldwater	Morton	Young, Ohio

So Mr. STENNIS' amendment was rejected.

Mr. RANDOLPH. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. LAUSCHE. Mr. President, can the Presiding Officer inform the Senate how many live quorum calls and how many yea-and-nay votes have occurred today?

The PRESIDING OFFICER. The staff advises the Chair that there have been 14 rollcalls, including quorum calls and yea-and-nay votes today.

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

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

Mr. ERVIN. Mr. President, I call up my amendment No. 784, to the revised substitute amendment No. 1052.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 7, beginning with line 16, strike out everything through the word "establishment" on line 21.
>
> On page 8, line 4, insert the word "and" between the semicolon and the designation "(3)".
>
> On page 8, line 7, change the semicolon to a period, and beginning with the word "and" on line 7 strike out everything through the word "subsection" on line 12.
>
> On page 9, line 5, change the comma to a period, and beginning with the word "except" strike out everything through the period on line 7.

Mr. ERVIN. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

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

This is a simple amendment. Four categories of public accommodations or public places would be covered by title II. The first relates to lodging establishments; the second, to eating places; the third, to places of entertainment; the fourth refers to establishments that are physically located within the premises of any establishment otherwise covered by this title, or within the premises of which is located any such covered establishment which holds itself out to serve patrons of such establishments. Evidently, such an establishment as a barbershop in a hotel or a motel or a soda fountain in a shopping center would be covered. No one could possibly know whether his establishment was covered under this fourth category for the language is so vague as to defy certainty. It might be construed as covering all businesses, regardless of their nature. Presumably it could cover shoeshine parlors or doctors or lawyers who might have their offices in any hotel, shopping center, or other establishment covered under the first three categories of public accommodations. My amendment merely would strike out the fourth category

without affecting the categories covering lodging places, eating establishments, or places of entertainment.

My amendment would remove much confusion from the law and would be conducive to its easier administration.

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

The fourth category, which the Senator has discussed, is an important part of the public accommodations section. If this amendment were adopted, a variety of situations could result which could cause inconvenience and embarrassment to Negro patrons of establishments covered by the bill. It would expose them to rebuffs if they were admitted to the premises. If they were admitted to a department store, they could not eat at a lunch counter in the store. If they were admitted to a hotel, they could not use the facilities of the hotel.

The provision in subparagraph (4) of section 201 of title II has been carefully designed. I believe that to adopt the amendment would be to add confusion and complexity to the provisions of title II. I ask that the amendment be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE (when his name was called). On this vote I have a pair with the senior Senator from Virginia [Mr. BYRD]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the junior Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from California [Mr ENGLE] is absent because of illness.

I further announce that the Senator from Indiana [Mr HARTKE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oregon [Mrs NEUBERGER], and the Senator from Ohio [Mr YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Indiana [Mr. HARTKE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Arkansas would vote "yea" and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is necessarily absent to attend the Maryland State Republican Convention in order to accept the nomination for U.S. Senator and, if present and voting, would vote "nay."

The Senator from Kentucky [Mr. MORTON] and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 19, nays 62, as follows:

[No. 319 Leg.]

YEAS—19

Bible	Holland	Sparkman
Byrd, W. Va.	Hruska	Stennis
Cotton	Johnston	Talmadge
Eastland	Jordan, N.C.	Thurmond
Ellender	Long, La.	Tower
Ervin	McClellan	
Hill	Russell	

NAYS—62

Aiken	Gore	Morse
Allott	Gruening	Moss
Anderson	Hart	Mundt
Bartlett	Hickenlooper	Muskie
Bayh	Humphrey	Nelson
Bennett	Inouye	Pastore
Boggs	Jackson	Pearson
Brewster	Javits	Pell
Burdick	Jordan, Idaho	Prouty
Cannon	Keating	Proxmire
Carlson	Kennedy	Randolph
Case	Kuchel	Ribicoff
Church	Long, Mo.	Saltonstall
Cooper	Magnuson	Scott
Curtis	McCarthy	Simpson
Dirksen	McGee	Smith
Dodd	McGovern	Symington
Dominick	McIntyre	Williams, N.J.
Douglas	Metcalf	Williams, Del.
Edmondson	Miller	Yarborough
Fong	Monroney	

NOT VOTING—19

Beall	Hayden	Robertson
Byrd, Va.	Lausche	Smathers
Clark	Mansfield	Walters
Engle	McNamara	Young, N. Dak.
Fulbright	Mechem	Young, Ohio
Goldwater	Morton	
Hartke	Neuberger	

So Mr. ERVIN's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HART. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

OPPOSITION TO THE CIVIL RIGHTS BILL—RESOLUTION OF ST. JOHN'S BAPTIST CHURCH, OF EHRHARDT, S.C.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a resolution of opposition to the pending so-called civil rights legislation. This resolution was approved on June 8, 1964, by unanimous action of the members of the St. John's Baptist Church, in Ehrhardt, S.C.

I ask that the time I use in making this request not be charged against me.

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

The resolution is as follows:

RESOLUTION BY ST. JOHN'S BAPTIST CHURCH, EHRHARDT, S.C., JUNE 8, 1964

Resolved, That the members of the St. John's Baptist Church, Ehrhardt, S.C., on June 7, 1964, unanimously oppose, on moral and constitutional grounds, the civil rights bill now pending in the Congress of the United States. Further, the members of this church publicly reaffirm our loyalty to God and to the United States of America which God permitted us to inherit from our forefathers and call upon all other Christians and men of good will of all races to join with us in this reaffirmation by opposing, with all the strength they can muster, the dangerous usurpation of power embodied in this act on the part of a power-seeking Federal Government; and be it further

Resolved, That copies of this resolution, after being signed by the pastor and church clerk upon the authorization of the church, be forwarded to the press, our Congressman, and our Senators.

Attest:

_____, *Pastor.*

Mrs. DORSEY JOHNSON, *Church Clerk.*

CONSULAR CONVENTION WITH UNION OF SOVIET SOCIALIST REPUBLICS—REMOVAL OF INJUNCTION OF SECRECY

Mr. HUMPHREY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive D, 88th Congress, 2d session, a consular convention with the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964, which was transmitted to the Senate today by the President of the United States. I also ask unanimous consent that the convention and protocol, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a consular convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964.

I transmit also, for the information of the Senate, the report by the Acting Secretary of State with respect to the convention.

I recommend that the Senate give early and favorable consideration to the convention and protocol submitted herewith and give its advice and consent to their ratification.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 12, 1964.*

JUNE 14—A DAY LATVIANS REMEMBER

Mr. BOGGS. Mr. President, I have received from the Latvian Association of Wilmington, Del., a letter which summarizes very well the reason why June 14 is of such significance to the Latvian people. It is a day all freedom-loving people would do well to remember.

I ask unanimous consent that this letter be printed in the RECORD.

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

DEAR SENATOR BOGGS: In the footsteps of Memorial Day, well known to all of us, follows a little-known day—June 14. To many it has no significance beyond being the day of our Lord, 1964.

To the Latvian people living in this State and community the 14th of June is a day to remind them of two things. Firstly, that without justice there is no human dignity accorded to the individual; secondly, this day is a very opportune time to thank the community, the city and State for its charity, tolerance and help in the modern-day exodus of the Latvian people.

Why then the 14th of June of all days in the year?

Because on this day in 1941 about 15,000 Latvian people were incarcerated by the Communists without a warrant for search and seizure. These people in family groups, but separated from each other, were shipped in cattle cars to the harshest regions of Russia including the northern reaches of Siberia. For many it meant death in transit and on arrival. And for the few who survived, it meant separation forever from their families. For those who died, it is the Latvian people's Memorial Day—the day of the deportation, the day of Latvian "Auschwitz."

Therefore, the Latvian community in Delaware turns to you to express its appreciation for the freedoms which are of concern to all of us. In this context, we the Latvian people know—though by bitter experience—that civil rights and elemental freedoms are the concern of all mankind be it here in Delaware or in Latvia.

On behalf of those Latvian people who have been less fortunate and those who have died in vain for their freedoms, we turn to you as a person in whom public trust has been reposed and hope that you will concern yourself with the fact that freedom has been deprived from many people by the Russian Communists.

Respectfully yours,

ALBERTS LIDUMS, *Chairman.*

HEARINGS OF COMMITTEE ON AGRICULTURE AND FORESTRY ON FOOD STAMP PLAN

Mr. ELLENDER. Mr. President, on the time of the Senate, I announce that next Thursday, at 9 a.m., the Committee on Agriculture and Forestry will begin hearings on the food stamp plan bill.

RECESS TO TOMORROW, AT 10 A.M.

Mr. HUMPHREY. Mr. President, at this time, let the good word go from the Senate Chamber that tomorrow, at 10 a.m., the Senate will reconvene.

Mr. President, in accordance with the order previously entered, I now move that the Senate stand in recess until tomorrow, Saturday, at 10 a.m.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate took a recess, under the order of Thursday, June 11, to Saturday, June 13, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 12 (legislative day of March 30), 1964:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Paul Donal Harkins, XXXXXX Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Lt. Gen. William Childs Westmoreland, XXXXXX, Army of the United States (brigadier general, U.S. Army), in the grade of general.

SENATE

SATURDAY, JUNE 13, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Our Father God: To this ancient altar of our deepest faith, we come at the beginning of another day of deliberation seeking light upon our darkened way, and strength and cleansing within, remembering that out of the heart are the issues of life.

Teach us to value a conscience void of offense and the royalty of self-respect above all the pedestals, prizes, and preferments popular acclaim can offer.

With Thy benediction upon them, may those who here speak and act for the state in this Chamber of debate and decision be loyal to the royal in themselves, seeking always the kingdom within whose radiant qualities are its faith, its starry ideals, its visions of beauty, and its aspirations that lay hold of spiritual verities.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 12, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Labor and Public Welfare

(For nominations this day received, see the end of Senate proceedings.)

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, not to exceed 30 minutes, and that statements therein be limited to 3 minutes.

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

ORDER FOR RECESS TO 11 A.M. MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business today, the Senate stand in recess to 11 a.m. on Monday.

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

BILLS INTRODUCED

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

By Mr. JORDAN of North Carolina:

S. 2909. A bill for the relief of G. Nguyen Tien Hung; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2910. A bill for the relief of 1st Lt. Rey D. Baldwin; to the Committee on the Judiciary.

By Mr. DODD:

S. 2911. A bill for the relief of Michael F. Canell; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 2912. A bill to provide for the inclusion of years of service as judge of the District Court of the Territory of Alaska in the computation of Federal judicial service of Hon. Walter H. Hodge; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S. 2913. A bill to authorize certain modification of the project for Calumet Harbor and River, Ill., and Ind.; to the Committee on Public Works.

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

CONCURRENT RESOLUTION—DISPOSAL OF CERTAIN MATERIALS FROM NATIONAL STOCKPILE

Mr. SYMINGTON submitted a concurrent resolution (S. Con. Res. 89) to express the sense of the Senate on disposal from the national stockpile of certain materials, which was referred to the Committee on Armed Services.

(See the above concurrent resolution printed in full when submitted by Mr. SYMINGTON, which appears under a separate heading.)