

Reservoir project, Colorado, in order to provide a permanent reservoir pool for recreational and fish and wildlife purposes; without amendment (Rept. No. 1904). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 9659. A bill to amend the act of July 13, 1959, to extend the period of time within which the actual construction of certain improvements must be commenced on certain lands heretofore sold to the State of Missouri; without amendment (Rept. No. 1905). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 12190. A bill to modify the flood control project on the Scioto River, Ohio; without amendment (Rept. No. 1906). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOLEY:

H.R. 12698. A bill to extend and amend provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

H.R. 12699. A bill to extend and amend provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. DERWINSKI:

H.R. 12700. A bill making Columbus Day a legal holiday; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.J. Res. 1182. Joint resolution proposing an amendment to the Constitution of the United States relating to the eligibility of certain persons to vote for any candidate for elector of President and Vice President or for a candidate for election as a Senator or Representative in Congress; to the Committee on the Judiciary.

By Mr. PRICE:

H. Res. 889. Resolution that the document entitled "Index of U.S. Defense Policies From World War II Through 1963," prepared by Charles H. Donnelly, Library of Congress, be printed as House document; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BELCHER:

H.R. 12701. A bill for the relief of Katherine Anne Wilken Robinson; to the Committee on the Judiciary.

By Mr. LANKFORD:

H.R. 12702. A bill for the relief of Mrs. A. E. Housley; to the Committee on the Judiciary.

By Mr. KARSTEN:

H.R. 12703. A bill for the relief of Andrzej Fillmowicz; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 12704. A bill to provide for the free entry of one mass spectrometer for the University of Washington; to the Committee on Ways and Means.

By Mr. PRICE:

H.R. 12705. A bill for the relief of Etsuko Yano; to the Committee on the Judiciary.

By Mr. RYAN of New York:
H.R. 12706. A bill for the relief of Conchita Brinkman; to the Committee on the Judiciary.

SENATE

MONDAY, SEPTEMBER 28, 1964

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

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

God of all grace and mercy: From the strife and confusion of the speech of men, we seek to enter the sanctuary of prayer, where there is an altar set up by those who launched our Republic.

We pray for height in our lives. We need altitude. Above the divisive goals of these baffling days, lift us to some high outlook where we may catch inspiring vistas.

We pray for breadth in our lives. Save us from being shut in by the narrowness of our interests, and even by the vindictiveness of our irritations. Lift us high, that we may see broadly, with more understanding care, the whole vast circle of human yearning to escape from misery.

We pray for length of outlook and of vision. The immediacies of the present days, with their stark poignancy, stare at us; but, O God, in whose sight a thousand years are but as yesterday when it is past, give us a long look, because we lift our gaze from the dusty valley of daily toil to the hills of help which stab the far horizon.

And so, with powers that are lifted and broadened and lengthened, may our individual lives be more fit to be the channels of Thy redeeming purposes for all mankind. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 25, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on September 24, 1964, the President had approved and signed the following acts:

S. 49. An act to provide for recognition by the United States of Alaska's 100th anniversary under the American flag, and for other purposes;

S. 1737. An act for the relief of Arthur Wendell Bolta;

S. 1966. An act for the relief of Glenda Williams;

S. 1986. An act for the relief of Hattie Lu;

S. 1999. An act for the relief of Francisco Navarro-Paz;

S. 2205. An act for the relief of Giuseppe DiCenso;

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny; and

S. 2812. An act for the relief of Joanne Irene Taylor.

EXECUTIVE MESSAGE REFERRED

As in executive session,
The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Mary Gardiner Jones, of New York, to be a Federal Trade Commissioner, which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE—EN- ROLLED BILLS AND JOINT RESO- LUTIONS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 2687. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

H.R. 1853. An act for the relief of Patti Jean Fulton;

H.R. 2509. An act to authorize Reserve officers to combine service in more than one Reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance;

H.R. 2753. An act to disclaim any title of the United States to certain real property in Modoc County, Calif.;

H.R. 2859. An act to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes;

H.R. 3642. An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami;

H.R. 4972. An act for the relief of Robert E. McKee General Contractor, Inc., and Kaufman & Broad Building Co., a joint venture;

H.R. 4989. An act to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor;

H.R. 5042. An act for the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay;

H.R. 5500. An act for the relief of Lt. John P. Mann;

H.R. 5759. An act for the relief of Connecticut Beverage Co., Inc.;

H.R. 5932. An act to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act, to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, to provide for retroactive salary increases for certain civilian employees of the Federal Government, and for other purposes;

H.R. 7788. An act for the relief of Jack B. Fisher;

H.R. 8300. An act for the relief of Gordon W. McGrew;

H.R. 8596. An act for the relief of Patrick J. Clyne;

H.R. 9201. An act for the relief of Capt. Charles H. Glassett, Jr.;

H.R. 9435. An act to improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with international aspects;

H.R. 10204. An act to extend the Osage mineral reservation for an indefinite period;

H.R. 10294. An act for the relief of Mrs. Lois Graybill;

H.R. 10328. An act for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes;

H.R. 10526. An act for the relief of Marvin S. Kline;

H.R. 10634. An act for the relief of the Quality Bedding Co.;

H.R. 11332. An act to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training;

H.R. 11626. An act to authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus;

H.R. 11913. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of antimony from the national stockpile and the supplemental stockpile;

H.R. 12033. An act to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile;

H.R. 12289. An act to establish the Lewis and Clark Trail Commission, and for other purposes;

H.J. Res. 753. Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day; and

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs.

ORDER DISPENSING WITH CALL OF THE CALENDAR

On request by Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar, under rule VIII, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

ORDER FOR ADJOURNMENT UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the

Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON ACTIVITIES CARRIED ON UNDER PUBLIC LAW 480, 83D CONGRESS—SUPPLEMENTAL MATERIAL

A communication from the President of the United States, transmitting supplemental material to be included with the 20th semiannual report on activities carried on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period January 1 through June 30, 1964 (with accompanying photographs); to the Committee on Agriculture and Forestry.

EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to extend and amend provisions of the Sugar Act of 1948, as amended (with an accompanying paper); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the House of Delegates of the American Bar Association, Washington, D.C., relating to the liability of common carriers by railroad to their employees in certain cases; to the Committee on Commerce.

The petition of Edgar M. Powers, of Flat Rock, N.C., and other citizens of the United States, praying for a redress of grievances under the provisions of the first amendment of the Constitution of the United States; to the Committee on the Judiciary.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Chair, in behalf of the President pro tempore, pursuant to Public Law 88-606, announces the appointment of the following Senators to the Public Land Law Review Commission: HENRY M. JACKSON, CLINTON ANDERSON, ALAN BIBLE, THOMAS H. KUCHEL, GORDON ALLOTT, and LEN B. JORDAN.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. DIRKSEN (for Mr. JOHNSTON), from the Committee on the Judiciary:

Charles A. Muecke, of Arizona, to be U.S. district judge for the district of Arizona.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCARTHY:

S. 3224. A bill for the relief of Catherine Lochart; to the Committee on the Judiciary.

CORRECTION OF CERTAIN ERRORS IN THE TARIFF SCHEDULES—AMENDMENT

AMENDMENT NO. 1275

Mr. KUCHEL (for himself and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 12253) to correct certain errors in the Tariff Schedules of the United States, which was ordered to lie on the table and to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 28, 1964, he presented to the President of the United States the enrolled bill (S. 2687) to extend the Agricultural Trade and Assistance Act of 1954, and for other purposes.

PRIVATE POWER—THE IOU UTILITY

Mr. METCALF. Mr. President, during the past session, I have made a series of 30 statements pertaining to the operations of the private power industry. In a recent statement, I invited attention to the manner in which many electric light and power companies not only support rightwing organizations, but also attempt to conceal this support from regulatory agencies and the public. In earlier statements I attempted to focus attention on other aspects: That in many instances, private power companies are gouging the consumer by charging exorbitant rates for electricity, and by forcing the consumer to pay for so-called institutional advertising, charitable donations, and contributions to groups which are part of the industry's propaganda campaign against rural cooperatives, municipal-owned power systems and the Federal power program; that in their greed for higher profits, they keep electric rates unjustifiably high and fail to pass cost reductions, such as a tax cut, on to the consumer; and that there has been a general erosion in the public's right to know about these Government-sanctioned monopolies.

The private power companies like to call themselves investor-owned utilities. When I first began looking into them I shortened that term to IOU for convenience, but as I continued my investigations it became clear that these initials were ironically appropriate—the IOU's are indeed indebted to an American public which they have misled and overcharged. Thus, I labeled my various statements IOU No. 1, No. 2 and so forth, and I ask unanimous consent to have

printed in the RECORD a list of these statements and the date and pages where they appear in the RECORD.

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

IOU's inserted in the Congressional Record by Senator Lee Metcalf

IOU	Date	Pages	Subject
	1964		
1	Jan. 8	30-56	The Free Flow of Information.
2	Jan. 30	1417-1419	Action Newsletter No. 1 ("The Power Within").
3	Feb. 3	1732-1734	Project Action Newsletter of October 1963 (anti-REA, anti-TVA film, "The Power Within").
4	Feb. 17	2894-2897	A Reply to Propaganda Film.
5	Feb. 10	2660-2663	The Right to Know.
6	Feb. 18	3074-3075	Metropolitan Life and TVA.
7	Feb. 19	3125	The Investor-Owned Utility Does Not Pay the Taxes—You Do.
8	Feb. 20	3289-3293	Water Over the Dam in Virginia.
9	Feb. 21	3336-3337	Rates of Return Exceed Those Allowed by Regulatory Authorities.
10	Feb. 25	3442-3443	The Pitchmen.
11	Feb. 27	3796-3799	Virginia Electric & Power Co. (VepCo).
12	Mar. 4	4401	Rich Desserts—and They Clamor for More.
13	Mar. 10	4799-4804	Midcontinent Area Power Planners—MAPP.
14	Mar. 11	4974-4977	The Utility's Problem: Too Much Profit.
15	Mar. 14	5261-5263	IOU's Holler "Pork"—U.S. News, Life, Time, Reader's Digest Squeal.
16	Mar. 16	5364	U.S. News, Time, Bring Home the Bacon.
17	Mar. 18	5579-5580	IOU Film Closes With Phony Lincoln Quotation Circulated by Committee for Constitutional Government.
18	Mar. 23	5950-5953	The Montana Power Co.
19	Mar. 31	6678-6679	Rate Reductions Grossly Inadequate.
20	Apr. 3	6848-6850	Millions in Unidentified Donations.
21	Apr. 11	7713	A Bonanza for Montana Power Co. "Insiders."
22	Apr. 17	8317-8319	Tax-Free Electric Utilities.
23	May 4	9929-9932	Montana Power Puts the Grass in the "Grassroots" Papers.
24	May 13	10762-10765	Stock Option Windfall for Power Company Insiders—Ordinary Stockholders, Consumers Unknowingly Provide Multimillion-Dollar Windfall.
25	June 2	12418-12425	Turn on the Lights in Texas.
26	July 9	16172-16178	FPC Opinion and Order (Black Hills Power).
27	July 28	17119-17120	Three-Fourths Billion Dollars Doled Out in the IOU's Tax-Free Dividend Derby.
28	Aug. 6	17777-17779	20 Questions About Your Loaded Light Bill.
29	Sept. 11	21335-21336	Good Will Advertising.
30	Sept. 25	22220-22225	Private Power Support of the Rightwing.

**TRIBUTE TO BEN HEINEMAN—
RAILROAD EXECUTIVE**

Mr. PROXMIRE. Mr. President, in Forbes magazine for September 1, 1964, there is published on page 20 a superb article on Ben Heineman, a distinguished Wisconsin native, born in Wausau, Wis., who runs the Chicago & North Western Railway Co. This article is a well-deserved tribute to Ben Heineman, and I believe it should be brought to the attention of Members of the Senate.

I ask unanimous consent to have it printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. PROXMIRE. Mr. President, one of the finest tributes to Ben Heineman in this article is in the first paragraph which states, in part:

He has accomplished more in a few years than most railroad executives do in a lifetime. As representative of an investment group which took over the North Western in 1956, he learned the railroad business as he went along, and learned it so well that he has turned a near-bankrupt road into a fairly healthy one.

But an even more important tribute to Ben Heineman appears in the statistical material associated with this article. Just to name one figure, from 1955 to 1963, the net income of North Western has increased by a gigantic 431 percent, far outweighing every other competitive railroad in the area.

There can be no question that the Chicago & North Western has helped in many ways the economy of Wisconsin and the Midwest. As the article in Forbes points out, Mr. Heineman would like to see a combination of the North Western, Rock Island, Milwaukee, and

Great Western to form the United States longest railroad system.

EXHIBIT 1

BEN HEINEMAN'S SHREWD POKER GAME

(NOTE.—Starting with a relatively weak hand, he has already won a sizable pile of chips for his Chicago & North Western Railway. Now, playing his cards shrewdly and carefully, he's after far bigger stakes: the creation of a giant Middle Western railroad system.)

Ben W. Heineman, 50, the lawyer-turned-railroadman who runs the Chicago & North Western Railway Co. has accomplished more in a few years than most railroad executives do in a lifetime. As representative of an in-

Railroad	Net income			Earnings per share			Operating ratio ¹		Revenues		
	1963	1955	Percent change	1963	1955	Percent change	1963	1955	1963	1955	Percent change
	<i>Million</i>	<i>Million</i>	<i>Percent</i>			<i>Percent</i>	<i>Percent</i>	<i>Percent</i>	<i>Million</i>	<i>Million</i>	<i>Percent</i>
North Western.....	\$8.5	\$1.6	+431	\$5.24	\$3.66	-----	81.8	84.6	\$218.9	\$232.0	-6
Great Northern.....	29.3	32.1	-9	4.80	5.27	-9	76.8	72.8	242.8	267.1	-9
Northern Pacific.....	24.6	19.1	+29	4.09	3.22	+27	85.0	78.7	179.6	183.0	-2
Milwaukee.....	5.4	9.5	-43	1.32	3.27	-60	79.4	83.4	223.1	245.5	-9
Industry.....	652.0	927.0	-30	-----	-----	-----	77.95	75.66	9,560.0	10,106.0	-5

¹ Operating expenses as a percentage of revenues.
² Deficit.

In actual operation, Heineman expects that the combined system would be immensely profitable. Most mergers, after all, are postulated on getting rid of burdensome excess capacity in the railroad industry: combining operations; eliminating duplicate facilities; increasing the length of average hauls. Heineman's major proposal would do all this in spades. He estimates, roughly, that a merger with the Great Western would save perhaps \$5 million a year; with the Rock

¹ Chicago & North Western Railway Co. Traded NYSE. Recent price: 50%. 1964 trade: 55½-25%. Dividend (1963): none. Indicated 1964: none. Earnings per share (1963): \$5.24. Total assets: \$588.8 million. Ticker symbol: NW.

vestment group which took over the North Western in 1956, he learned the railroad business as he went along, and learned it so well that he has turned a near-bankrupt road into a fairly healthy one (see table below). The stock market has taken due note of what Heineman has wrought. Over the past 20 months, North Western common has soared from 10 to past 50, outperforming Standard & Poor's railroad average by nearly 3-to-1.

Besides being a smart businessman, Heineman is something of a visionary. Like all good railroadmen today he believes in mergers, but his idea of what a railroad merger should be is breathtaking. "It's no secret," Heineman says, "that I favor the construction of a vast railroad system centered broadly in the West, consisting of at least the North Western, the Milwaukee, the Rock Island, and the Chicago Great Western, but including such other smaller roads as might care to join with us as well. The object would be to create a useful economic organization corresponding to the increase in size of the U.S. transportation market, to obtain greater efficiency of operation, and in the process to convert a number of marginal roads into a strong competitive medium."

That is quite a proposition. What Heineman envisions—at a minimum—is a 30,000-mile rail system. It would stretch from the Pacific to the Great Lakes and thence south to the gulf coast. Such a system would be far and away the longest in North America, surpassing both the Canadian National and the long-pending Great Northern-Northern Pacific-Burlington combine. It would be surpassed only by the 79,000-mile Soviet network.

In dollar terms, to be sure, the proposed system would be somewhat less impressive. With revenues of \$675 million last year, profits of \$21 million, the four railroads if combined would have placed only fourth in revenues among the U.S. railroads, 10th in net income. But these figures do not tell the whole story.

AN OUTSTANDING SHOWING

Last year, the North Western was one of the few major U.S. railroads to improve its position over 1955 when industry profits hit their postwar peak. It has outpaced the other big roads in the Northwest and the industry as well. In some respects, however, the North Western is still a high-cost road:

Island, \$25 million; and with the Milwaukee, \$50 million—a total of \$80 million against the \$20 million the four roads earned before taxes last year. The merged system, then, would have a pretax earnings potential of something like \$100 million a year.

Applied to the common capitalization of such a railroad system—perhaps 4 million shares in terms of the present North Western stock—the probable earnings of the merged company would work out to \$23 a share after preferred dividends but before taxes—and such a combine would probably pay only minimal Federal income taxes for many years.

Heineman does not expect to see the merger producing this kind of profit, at least not right away. He would expect to use a

good part of the merger savings to cut railroad rates and to improve service. With \$100 million in potential profits, out of total revenues of some \$675 million. Heineman would have plenty of leeway to cut rates and still make excellent profits. He could, for example, cut rates 10 percent across the board and still earn \$6 a common share—even assuming that the new rates didn't attract more traffic.

He sees such a merger as more than merely defensive, more than a mere cost-cutting move to save the railroads from stagnation. He sees it as an offensive weapon to enable them to recapture some of the traffic they have lost to trucks, pipelines, and barges. "We have to use mergers to reduce our prices," he says. "We will have to share the benefits with our shippers and with the general public."

The Chicago & North Western, however, is only a middle-sized railroad. In revenues it ranked 16th last year among the U.S. railroads. Until 1963 it was not even paying current interest on its income bonds, let alone dividends on its common and preferred stocks. It seems a frail vessel for such large ambitions.

For all this, the railroad industry listens with respect when Heineman talks of vast mergers to come. He is, after all, the man who has performed what is perhaps the railroad industry's classic turnaround of recent years.

Eight years ago when Heineman moved into the North Western, the most knowledgeable men in the industry were willing to bet that nobody could save the North Western from bankruptcy, least of all an upstart lawyer whose railroad experience consisted of having won a Minneapolis & St. Louis proxy fight 2 years before.

At that time, in fact, many railroad men considered Heineman a speculator of the most dangerous sort, a man who was likely to leave an already sadly decayed North Western in ruins. He would be another Pat McGinnis, perhaps. The analogy seemed apt. Like McGinnis', Heineman's backers were a group of private investors, brokerage houses, and similar financial groups. Their main interest was the speculative potential of one of America's most highly leveraged railroads. Heineman himself quite frankly admitted all this. But Heineman was no Pat McGinnis.

"My intention," he said then, "is to make the North Western a profitable independent property." Brave words for the head of a railroad with \$212 million in debt whose common equity had a market value of only \$22 million. During his early, difficult years as the North Western's boss, Heineman could have taken the easy way out; he could have let the North Western go as a junior partner in a merger with the Milwaukee. But he refused to make such a deal until such time as he had a stronger road and could get a better price.

MANAGERIAL TRIUMPH

Since then, Heineman has performed one of the great triumphs of postwar railroad management. Within the past year or so, the North Western has cleared (after 9 years) the arrears on its income bonds, resumed dividends on its preferred (suspended in 1954), and now seems within months of resuming dividends on its common (suspended in 1950). Today the North Western is not only a solvent and independent property in its own right, it is one of the few railroads in the country which earned more money last year than it did at the peak of the industry's postwar prosperity in 1955.

"I would think," Heineman says carefully "that the North Western is now in pretty good shape. We have an entirely new and different railroad and a new level of profitability." But he adds, with a lawyer's caution: "If we should be hit by a recession on the order of 1958, however, net income

is still not assured. We are far along the road, but we are not there yet. In a couple of years, I might be able to say that we are." In the past 3 years alone, Heineman has pared more than four points from the North Western's operating ratio. At the same time he has improved its cash position from \$15 million in 1960 to a probable \$50 million at the end of this year.

There is no getting away from the fact, however, that to date, Heineman has cut a less spectacular figure in the merger game than as an operating executive. In the late fifties he picked up two properties—but they were small ones: the \$3.5 million (revenues) Litchfield & Madison and the \$22 million Minneapolis & St. Louis. And this year he has worked out a deal to acquire the smallish Chicago Great Western (\$32 million revenues).

But that is about all. The 13-percent interest in the Gulf, Mobile & Ohio that he bought in 1962 was later sold. He has yet to produce anything on the scale even of the Norfolk & Western-Virginian merger, much less that of the Erie-Lackawanna combine. Again and again, Heineman has talked merger with William Quinn's Chicago, Milwaukee, St. Paul & Pacific, but so far with no success. ("It's a matter of price," Heineman says. "We came close in 1961 but not close enough.") He also made an offer for the Chicago, Rock Island & Pacific (of which, more later), but the timing of this move was largely defensive, designed to prevent the Union Pacific, which had proposed to merge with the Rock Island, from taking away a big chunk of the North Western's freight business.

Why has Heineman so far failed to produce a really big merger proposition? In part because he was bidding for time—time to put the North Western back on its feet. This accomplished, he has had to go slowly in trying to drive the kind of merger bargains that would enable him to keep for his own common shareholders as much of the North Western's extreme leverage as possible. This partly explains why he has been unable to get together with the Milwaukee's board on price—even though he says of a Milwaukee-North Western merger: "There are no two railroads that, in combination, can bring greater benefits to all interested groups."

That leverage is most intriguing. The North Western has outstanding some \$301 million in bonds and preferred stock and a mere 810,320 shares of common. Among his leading merger partners, the Milwaukee has 2.1 million shares of common, the Rock Island has 2.9 million. As recently as mid-1962, the market put a total value of a little over \$8 million on the North Western's outstanding common: In terms of its market evaluation, it had a debt-and-preferred-to-equity ratio of 20 to 1 even allowing for the deep discounts then applying on the North Western's debt issues. Even at that nadir of railroad stock prices, the Rock Island had a total common market value of \$59 million, the Milwaukee of \$20 million. Their debt-and-preferred-to-equity ratios were 2 to 1 and 11 to 1, respectively.

There is probably not a case of leverage like it in U.S. industry today. There are some \$270 in revenues behind each share of North Western common; even if the big issue of convertible preferred should be converted into common, the revenues per share would still come to about \$135. By contrast, the New York Central, another railroad with a reputation for leverage, has only about \$100 in revenues per share of common; the wealthy Atchison, Topeka & Santa Fe, at the other extreme, has only about \$25 in revenues per share.

What this means, of course, is that even a one-percentage-point improvement in the North Western's profit margin would pro-

duce \$2.70 a share in net profits; a one-point improvement for the Santa Fe would amount to only about 25 cents a share.

Thus Heineman has been working not just for any merger but for mergers that would enable his own stockholders to retain as much of that leverage as possible.

COMPLICATED DEALS

"Look at the offer we made to the Rock Island," he says, "and you'll see that our leverage would not be adversely affected." Instead of proposing a simple exchange of stock, the North Western offered the Rock Island's stockholders a package. It contained \$87 million worth of 6-percent collateral trust bonds (payable, after an accumulation of 12 percent, only if earned), \$15 million cash and 810,320 shares of North Western common.

The deal would have produced a far bigger but still highly leveraged property. Its fixed and contingent charges would absorb 5 percent of its revenues versus 4.5 percent, currently. And there would be \$327 in bonds and preferred ahead of each common share—roughly the same as the North Western has today.

"The same principle," Heineman says, "would govern any agreement we might work out with the Milwaukee, though we would not necessarily make the same kind of proposal. If we were to offer two-thirds of a North Western share for each share of Milwaukee—this is purely theoretical, you understand—the leverage would be maintained, depending of course on what you mean by leverage. As I see it, it's the net effect a transaction has on earnings per share."

In all this Heineman insists that he is not simply trying to guarantee that his own control of the merged railroads will be maintained. He is simply striving to keep as undiluted as possible one of the major factors that attracted him and his partners to the North Western in the first place. "I'm not trying to build a personal empire," Heineman insists, "I don't think management has the right to make mergers based on how management comes out in them. It is our job to make mergers that will benefit our security holders. In the process we would try to establish procedures that would assure good management—not necessarily our management."

Thus, for all his talk, Heineman has yet to commit the North Western irrevocably to anything. He is still free to pursue the North Western's corporate goals within the context of his present merger ambitions, or to move outside them entirely.

"We examine postulates," Heineman says. "We don't fall in love with them. For a long time, we've believed that a merger with the Milwaukee would be desirable, but the situation could change, and if it should we would change with it. We try to maintain our flexibility. We're committed only to doing what's best for our railroad and our stockholders."

THE GREAT WESTERN GAMBIT

In such a context, Heineman's bid for the Chicago Great Western, though small in itself, fits in beautifully. The two roads intersect at some 44 common points, and so offer a considerable potential for savings.

Perhaps more important, a Great Western merger will extend the North Western for the first time into Kansas City, permit it to offer single-line service between Kansas City and Chicago. Thus, the Great Western is a valuable addition to the North Western in itself, and it would be equally valuable in any later merger Heineman might work out with either the Milwaukee, the Rock Island, or both.

But, beyond that, at Kansas City the Great Western connects with a number of important independent lines—the Kansas City Southern, the St. Louis-San Francisco, the

Missouri-Kansas-Texas, the Gulf, Mobile & Ohio. In short, it will give the North Western additional flexibility and additional merger possibilities.

The Great Western merger is thus valuable insurance for Heineman should he lose the Rock Island to the Union Pacific. Any one of the independent roads that connect with the Great Western—some of which already connect with the North Western at St. Louis—would become potential merger partners for the North Western. Such roads would offer Heineman an alternative way of getting to the gulf and of creating in part the vast system he has in mind.

"Under present conditions," Heineman says, "we would probably not take the initiative in negotiating with any other railroads—that is, if our plans continue to include the Milwaukee and the Rock Island." But the "if" is an important one and gives Heineman the flexibility he needs.

Meanwhile, practical man that he is, Ben Heineman does not scorn the little mergers that, taken together, can vastly strengthen the North Western. He has already taken in two small roads and is in the process of taking in the Great Western, a slightly larger one. He would like more of such deals. "In the years ahead," Heineman says, "most of the smaller railroads in the Midwest are going to need a home. We hope to provide it."

FLANKING MOVE

One of the severest challenges to Heineman's slowly developing, highly pragmatic expansion-through-merger plan came last from the mighty Union Pacific. The UP is trying to buy the Chicago, Rock Island & Pacific, a railroad that not only has a major place in Heineman's own merger schemes but one that is vital to the North Western's present fortunes. For decades, the North Western's line between Chicago and Omaha has served as the main artery for Union Pacific freight traffic moving to and from the East. In absorbing the Rock Island, however, the UP would acquire a line of its own between Chicago and Omaha. This, Heineman says, would threaten the North Western with substantial diversion of traffic—\$21 million, according to some estimates, equivalent to roughly 10 percent of the North Western's total freight revenues. The Union Pacific denies that any such diversion would take place. But Heineman—and most other railroadmen for that matter—find it impossible to believe that once the UP gets a route of its own into Chicago, it will turn over to the North Western or any other railroad any more traffic than it has to. "It is an imperative of transportation economics," Heineman says, "that a railroad seek to obtain the long haul for itself."

In opposing the UP's bid for control, Heineman obviously risks antagonizing one of the North Western's best customers. But that is the kind of risk he has always been willing to take. "I've heard all the arguments," Heineman says. "If we try to protect our interests, the Union Pacific can presumably ruin us. If we do not protect our interests, we presumably become dependent upon the Union Pacific's charity. I reject both these assumptions. In opposing the Union Pacific's proposal, it seems to me we have everything to gain."

And so, a year ago, when the UP sought to merge with the Rock Island—a move requiring approval by at least 67 percent of the Rock Island shares—Heineman made a competing bid for control. As a result, the owners of nearly 50 percent of the Rock Island's shares were prepared to reject the UP's original offer. Since then, however, the UP has lowered its sights—to 33 percent control—and improved its offer. This time Heineman does not doubt that the UP can get what it wants. Having long ago won the support of the Rock Island's two largest

stockholders, industrialist Henry Crown and Chicago grain merchant Bruce A. Norris, the UP already has 17 percent in the bag.

In the circumstances, the North Western probably won't compete in a second proxy fight with the Union Pacific. But Heineman expects to renew the battle on another front. He insists that the North Western will continue to press its own petition for control before the Interstate Commerce Commission, which has jurisdiction in these matters. "I promise you," Heineman says, "we are in the Rock Island fight to stay."

"If it were anyone else," one railroadman commented last month, "I'd say the North Western didn't stand a chance. The Union Pacific is a very powerful and influential railroad. But Ben Heineman is one of the shrewdest and most imaginative men in the industry. I'd hate to bet on who was going to win this one."

For after all, Ben Heineman is used to heavy odds. It was a long-shot bet that a lawyer could become a first-class railroadman at the age of 42. It was a long shot that he could turn the North Western around. Even if he can do no more than stall the UP-Rock Island merger, Heineman will have gained valuable time; with the Great Western deal completed he will have an entry into Kansas City and a geographical alternative to the Rock Island merger.

Heineman's grand plan may have been altered by the UP's move, but it is unlikely to be destroyed by it. "We are limited in what we do," Ben Heineman says in his quietly confident way, "only for our imagination." Ten years ago few railroadmen would have made such a brave statement. Perhaps it took a rank outsider to show this venerable industry what it could do.

THE OUTSIDER WHO MADE GOOD

The North Western's Ben Walter Heineman is a member of that relatively scarce species: the egghead who is also a successful businessman. His friends are for the most part intellectuals—academicians and professional people. He prefers living in a marginal neighborhood near the University of Chicago to life in one of Chicago's fashionable suburbs that most executives call home.

He was a practicing lawyer who had had little experience at practical railroading before 1956 when he took over the North Western. But experienced railroaders had very nearly run the North Western into the ground: Heineman offered a fresh approach. "Whatever's good in our tradition we want to keep," Heineman told the North Western's employees when he took over. "But I don't care what we've done in the past. If there isn't a good reason for it, we'll scrap it and find a better way."

Never a falsely modest man, Heineman soon began to tell the rest of the industry how to run its business. He lectured on the advantages of lower rates and mergers. He innovated by setting up a real-estate development program that has since become something of a model for the rest of the industry. Though politically a liberal, Heineman was not even soft on featherbedding. In his first 2 years at the North Western he hacked more than 6,000 men off the payroll. In 1962 he took a strike sooner than agree to guarantee the North Western's telegraphers' lifetime jobs and so paved the way for the rest of the industry to settle its own longstanding work rules dispute.

"What's so surprising," one veteran railroadman admitted last month, "is that Ben Heineman thinks like a railroadman. I tell you, I don't think there's a man in the industry who doesn't hold Ben Heineman in the highest respect—I didn't say agree with him, mind you. Some of his ideas are so far out that none of us knows what to make of them. But we listen because he's been right too often before."

Born in Wausau, Wis., in North Western territory, in 1914, Heineman was educated at the University of Michigan, and admitted to the bar at the age of 22. After a few years of private practice, he spent World War II first with the legal department of the Office of Price Administration and then with the State Department in Algiers. In 1944, he went back to private practice (Swiren & Heineman, corporation law). He caught the railroad industry's attention for the first time in 1950 when he won a \$6.5-million settlement for a group of disgruntled Chicago Great Western preferred shareholders.

In 1954, with the backing of Chicago special situations man, Franklin Lyons and a handful of other investors, Heineman launched a successful fight for control of the M. & St. L. With that accomplished, he plotted imaginatively but unsuccessfully to create an outer-belt line around Chicago by merging the M. & St. L., the Monon and the Toledo, Peoria & Western. In 1955, Frank Lyons talked him into tackling the North Western.

What has surprised Heineman's friends is that, considering the wide range of his interests, he has been content with the North Western as an outlet for his talents. Politics at one time seemed a likely possibility. Heineman reportedly turned down an opportunity to join the Kennedy administration in Washington; he wanted to finish the job at the North Western. If he can achieve his vast merger plans, however, friends expect him eventually to look for new worlds to conquer. Straw in the wind: He has just become a trustee of the University of Chicago.

SIGNIFICANCE OF GENERAL AVIATION TO THE NATIONAL ECONOMY

Mr. PROXMIRE. Mr. President, I have become impressed with one, little recognized development in our national economy. I refer to the growth of importance of general aviation to so many aspects of our national economy and our cultural development. I am not a pilot, though, like my other colleagues in this great Chamber, I make frequent use of the airlines and air taxis. But my study of the various problems in which I have a deep interest has led me to a growing awareness of the impact on our society of the private and business use of aircraft. I was greatly surprised, for it is much greater than appears on the surface. Perhaps other Senators will be interested in some of the things I have learned about general aviation.

"General aviation" is a catchall term that includes all aviation activity except the airlines and the military. It includes such diverse things as air taxi operations; corporate and business aircraft flying; private or personal flying for recreation or other private purposes; application of chemicals by aircraft to forests, agricultural crops and even communities to control undesirable weeds and insects; teaching people to fly; aerial photography and mapping; and all the supporting facilities required, such as schools, repair shops, aircraft dealers and similar businesses. So conglomerate is the mixture of people, businesses, aircraft and activities, that while the term "general aviation" is hardly descriptive, it is about the only one that describes it all.

The following statistics produced by the FAA give an indication of the scale of general aviation activity:

General Aviation, 1962

	Aircraft	Hours	Miles
Business.....	24,734	5,431,000	934,659,000
Personal and pleasure.....	32,882	3,452,000	386,084,000
Instruction.....	9,481	2,385,000	256,043,000
Aerial application.....	4,689	943,000	89,400,000
Patrol, survey and miscellaneous work.....	2,037	607,000	62,082,000
Passenger and cargo transportation for hire.....	5,234	1,499,000	215,029,000
Other.....	1,041	144,000	19,734,000
Total.....	80,098	14,461,000	1,963,032,000

The effect of aviation on business is perhaps best exemplified by a recent occurrence here in Washington. The President called a meeting of 242 top business leaders on July 23. About half of them arrived in their own business aircraft. More than 90 landed in Washington National. Fourteen put in at Dulles and several more landed at the various private airports in the area. Over 18,000 business firms use some 35,000 aircraft for administrative, sales and service purposes in varying degrees. As a result of the integration of aircraft into business operations, markets have been expanded enormously, competition has been increased and the pace of business activity has been accelerated beyond anything known heretofore.

The use of general aviation aircraft has revolutionized agriculture. Specialized aircraft now treat in some way virtually every kind of agricultural crop. The agricultural aircraft seeds rice, fertilizes beets, defoliates cotton, weeds wheat, protects corn from insects and fruit from frost. The airplane does everything to rice except harvest it. Range and pasture lands are reseeded by aircraft. So all pervasive has the airplane become in agriculture that it is virtually impossible for us to wear clothes or eat food that has not, in some way, been treated by an airplane. As a result of the introduction on a large scale of the airplane to agriculture after World War II, crops yields per acre have risen enormously and the United States enjoys an abundance of near perfect food and fiber that is the envy of the rest of the world.

In a more direct way, farmers and ranchers in increasing numbers are using airplanes to manage their enterprises more effectively. They inspect fences, check pastures, note the movement of herds of cattle and bands of sheep by airplane. They bring buyers to the ranch. They buy and sell in more markets. In a cultural way, they are using the airplane to take advantage of the greater opportunities it makes possible for educational and social activity. The economic effects of these developments are masked by other factors but they are substantial.

Forestry has been no less touched by this phenomenon of the 20th century than agriculture. The forests are surveyed and mapped from the air with

ease and rapidity undreamed of in former years. Aerial spraying protects vast timber resources from the slow death caused by the spruce budworm. Aerial firefighting has developed into a new science in forest preservation, ranging from the simple reconnaissance flight for early fire detection to dropping firefighters and their equipment by parachute on the scene to using airplane tankers to drop fire-quenching borate mixtures into the blaze itself. Airplanes are also used to seed lightning-producing clouds to prevent natural forest fires. Aerial reseeding of burnt over areas has enabled the process of reforestation to begin at an earlier and more timely period.

Even the mining industry has been assisted by the aircraft; not only in the more normal business ways, but also in geological exploration. The airborne magnetometer plays a great part in this activity and much of the early exploration for uranium, when discovery of those deposits was so critical to our Nation, was conducted by using this technique. Much of the exploration of uninhabited areas in polar, subarctic and desert areas is performed and supported by aircraft operations.

Another business activity feeling the impact of the general aviation airplane is the fishing industry which has increased its productivity by using aerial fish spotters to locate schools of fish.

While the general aviation airplane has achieved a unique place for itself in business enterprises such as construction, farming, lumbering, mining, oil producing and a host of others, it has opened up unparalleled opportunities in the recreation business. Dude ranches, hunting camps, fishing lodges, resort hotels, health spas are only a few examples of the vast array of recreational businesses that have sprung up in the last few years to take advantage of the increase in recreational time and money that the flying public—flying in its own airplane—is eager to spend. While the variety of these establishments is wide, the total number is still small, leaving plenty of opportunity for small business enterprise.

People who can—fly. Many use their small airplanes as they do their cars—for business and pleasure. They fly to contact and service customers during the week. And on the weekend, they fly for fun and relaxation. They fly to get away from it all. They fly for the broadening experience of travel to far places which they could never reach otherwise for lack of time. The recreational enterprises designed to serve these people amply show that the business imagination which made our country great is by no means dead. An ex-airline pilot has set up a flying ranch in New Jersey. A seafood restaurant on Kent Island in Maryland has put in a grass landing strip and draws people from Washington for lunch. A resort hotel in Indiana has constructed a paved airport to make itself more readily available to the general aviation aircraft user. A highway restaurant in California, by installing a paved runway and appealing to flyers,

has developed a nationwide clientele with so much success that it has lengthened its runway. A dude ranch high in the mountains of Montana first used a pasture then made an improved sod strip to serve its growing number of flying patrons. A resort plantation located on a subtropical island off the coast of South Carolina has made itself air accessible and is improving its facilities to take care of the business. Ghost towns, old mining camps, ski resorts, museums, camping facilities and innumerable other attractions are the keys used by many ingenious men to develop a recreational business based on air travel by private plane.

Some aircraft owners have wished that they could keep their airplane at home so it would be more usable on the spur of the moment. This has led to new and ingenious ideas in real estate development. One such is located on an island in Puget Sound and the property owners commute to Seattle by airplane. Another, getting started in central California, has houses with built-in hangars and the airplanes taxi down the street to the paved, take-off strip. A gas station at the corner of the development provides fuel and service.

The impact of general aviation on the business of politics is something we are all aware of but probably have thought little about directly. Nevertheless, the air taxi and the private airplane has changed our campaigning methods radically. The formal campaign period is shorter but the action is much more intensive than before. We speak more and meet more because the personal airplane makes it possible to be in more places in less time. A few Members of Congress almost commute between Washington and back home because the personal airplane makes it possible and helps them to do their job better and still meet their obligations as Senators or Representatives.

The use of general aviation type aircraft for general aviation type purposes also has a great economic and cultural impact through government. Periodic land use surveys facilitate government planning and administration. Aerial photomapping makes them possible. Aerial photography assists taxing authorities. One unique example of this is the use of an aerial photography service by a county tax collector in Washington to take pictures of all the floating log booms on the last day of the year to determine tax liability. Photo maps are widely used to keep property tax assessments up to date as land use changes. Highway patrols, sheriff and local police use general aviation type aircraft in controlling traffic, apprehending criminals, carrying extradited subjects back home for trial and transferring convicts from one place of detention to another.

Nowhere are the effects of aviation more noticeable than in the administration of the Federal and State Governments. The personal airplane, be in the President's Air Force 707 or the Governor's National Guard DC-3, sets the pace—and that pace is fast. From foreign affairs to Ohio flood repairs the pace

of activity is determined by how fast the boss can be on the spot. Increasingly, we find administrators of Government agencies taking advantage of general aviation aircraft to facilitate the management and operation of their agencies and make more intensive use of their manpower. The Forest Service, the Bureau of Land Management, Civil Defense, the Defense Department, the State Department, the National Aeronautics and Space Administration, and the Federal Aviation Agency are just a few of the Federal agencies that have led in this development. The ability of agency chiefs to be in more places in less time has led to greater decentralization of many Federal activities to serve the people better.

General aviation, as well as having an effect on other business activity, has also generated a host of new kinds of enterprises to serve itself. Manufacturers build general aviation airplanes and last year seven of them built \$204 million worth of them. Other manufacturers build engines, a wide variety of radios and other electronic equipment, and a host of accessory items. Small business enterprises have sprung up at airports to provide sales and service, train pilots and mechanics, repair and overhaul aircraft and equipment, provide air taxi and ambulance service, and a vast array of other specialty services for agriculture, forestry, mapping, photography, industrial aid, and similar related business activities. A superficial review shows more than 50 trade magazines and newspapers in existence and most of them are devoted to general aviation. The industry has developed an array of voluntary associations, societies, and clubs to further its specialized purposes. A recent Department of Labor bulletin suggests that general aviation industry employment may reach 100,000 by 1970 from an estimated 64,000 in 1960.

Appearances are deceptive when it comes to assessing the impact of general aviation. My own State of Wisconsin is a good example. The airplanes leave no concrete trails or steel tracks in the sky; the airports are not particularly noticeable from the highways and streets; and the businessman or sportsman does not walk into the office or resort lodge wearing a distinctive garb betraying the fact that he arrived by his own business or personal airplane. Yet there is a network of aviation transportation facilities in Wisconsin which helps to bind the economy together and make it operate—and most of them do this through general aviation. Wisconsin has 173 airports, 1 for every 325 square miles in the State, compared to the U.S. average of 1 airport for every 448 square miles. Only 16 are served by the airlines. Wisconsin's number of active aircraft per 10,000 population is 4.1 compared to the U.S. average of 4.6. Our number of active pilots per 10,000 of population is 16.3 compared to the national average of 19.7. Our State has 6,657 pilots and 1,985 general aviation aircraft. In addition, there are 23 FAA approved schools for pilot and mechanic training and 5 FAA certificated repair stations. There are 56 commercial general aviation busi-

nesses or fixed-base operators as they are called in the trade. Wisconsin also has five airport traffic control towers and six flight service stations operated by the FAA, although three of the latter are scheduled for modification or elimination as a result of Mr. Halaby's economy program for flight service stations.

I find it is important to realize that these bare Wisconsin numbers do not tell the entire story. The United States forms a great common market area and much of the economic impact on Wisconsin is generated by activity which originates outside the boundaries of the State. Our recreational attractions, manufacturing capabilities, business markets, agricultural and forestry resources and similar commercial magnets draw the attention of people thousands of miles away. In increasing numbers, they come by general aviation airplanes to enjoy, to consult, to review, to consider, to buy and to sell. Without the airplane, such commerce would be impractical.

Wisconsin also has a general aviation aircraft manufacturer. While not as big as some in the industry, the Champion Aircraft Co. at Osceola nevertheless turned out 99 airplanes last year with a retail value of approximately \$2,238,000. We also have our share of aviation trade publications. The Badger Airway Beacon is a small monthly publication that carries State aviation news to most of our air-minded people. Sport Aviation is the official publication of the Experimental Aircraft Association, a nationwide group dedicated to aviation education through do-it-yourself projects in the construction of home-built aircraft and the restoration of antique aircraft. This association of 20,000 members is unique. It has its headquarters at Hales Corners, publishes a 60-page monthly magazine and just recently held a national meet at Rockford, Ill., where 2,500 members and 2,000 aircraft gathered for 5 days of meetings, exhibitions, contests and fun—300 home-built and 150 vintage aircraft were displayed. In less than a week, this group made enough flights—over 18,000—to almost equal the FAA's annual requirement for an airport control tower. It is difficult to assess the economic impact of this type of activity but we all know that many of the improvements in a science—and aeronautics is no different—come from the imagination of individual experimenters like these led by Paul Poberezny, president of the Experimental Aircraft Association and an outstanding citizen of Wisconsin.

The development of general aviation services for a metropolitan area is exemplified by Milwaukee. Airline service is concentrated at Billy Mitchell Field, but general aviation also uses this field to a great extent. Many of Milwaukee's leading business firms have their own hangars and keep aircraft there. In addition, a ring of smaller but often more convenient fields provide access by general aviation aircraft to the area. Timmerman to the northwest is outstanding, and Aero Park, Capital Drive, Waukesha, Hales Corners, and Rainbow Airports are all busy hives of activity.

Racine Airport is an unusual instance where nonaviation business enterprise saw the need for general aviation service and took direct steps to see that it was provided. One of the large aerial agricultural services in the country is established at West Bend.

The Wisconsin lake country is loaded with examples too numerous to mention of communities and individual enterprises which have developed airport facilities as a means of making their recreational attractions more readily available to the public. The economic impact of all this activity is incalculable but we do know that trade in these areas has accelerated and these businesses are drawing customers from more distant places with greater frequency. We also find that many customers close at hand are benefiting from the development. The Milwaukee summer bachelor, commuting on a daily or weekly basis to a summer home in the lake country, is no longer a rarity. He sees his family more, gives it a pleasant experience, does better work and multiplies the economic activity.

A survey made by the Lakeland, Wis., Airport Commission 2 years ago both suggests and describes some of these impacts in just one small area. They found that almost \$700,000 was spent by general aviation aircraft users in their area in just one 5-month summer season. Less than 4 percent of this money was expended for airport services. The balance was spent for such diverse things as food, lodging, local transportation, sports, clothing, laundry and dry cleaning, housing, utilities, auto service, entertainment, and other items. This money was distributed through more than 10 communities in the Lakeland area. The survey further revealed a potential for a significant volume of convention business if facilities are improved sufficiently to permit it to develop.

We have State associations of pilots, airport businessmen, airport managers, and groups like the Civil Air Patrol, the Air Scouts and Air Guides. The Wisconsin Department of Aviation carries on an aggressive campaign to improve aviation services in the State. Their activities generate more business. Our banks and insurance companies are finding aviation business and aircraft sales profitable lines for their services. Like the stone dropped in the pond, the general aviation dollar has rippling effects throughout the State and beyond.

The Federal Government has established a unique organization to regulate and serve a unique industry: the Federal Aviation Agency. The economic impact and consequences are staggering. The FAA is the eighth largest agency or department of the Government. It employs about 46,000 people. It maintains a billion dollar air traffic control system that costs half a billion a year to operate. It has practically unlimited power to regulate aviation and it makes use of a great deal of this power to do so in virtually every area of concern.

Three observations about general aviation are worth sharing.

General aviation has greatly expanded our horizons for recreation, com-

merce, and government for a relatively small but potent and influential number of people. It can do so for many more.

General aviation has sharply increased the pace of business and political competition. By reducing the unproductive travel time of costly personnel, the airplane, particularly in general aviation, has acted as a labor creator rather than as a labor saver. By making it possible to do more things, the airplane has forced people to do more things to keep ahead of the competition.

General aviation in the rest of the world suffers under an oppressive load of regulatory restriction to so great an extent that it barely exists. We must guard against burdening U.S. general aviation with similar controls producing the same result.

REPORT OF THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

Mr. MANSFIELD. Mr. President, now that the report of the Warren Commission has been released and made available to the press and the public, it is fitting and proper that a word of commendation should be extended to the group of men who comprised that particular Commission.

Under the distinguished chairmanship of the Chief Justice of the United States, Earl Warren, we find there were associated on the Commission our outstanding colleague from Georgia [Mr. RUSSELL], our outstanding colleague from Kentucky [Mr. COOPER], our outstanding colleagues from the other body, Representative BOGGS, of Louisiana, and Representative FORD, of Michigan, as well as two other well-known Americans, Mr. John McCloy and Mr. Allen Dulles.

Theirs was not an easy task, but they have endeavored to look into all the material and information available to them on the tragedy last November. They have set down in writing, after long and arduous days, the results of their findings.

The Commission took its task very seriously. It tried to compile everything possible in connection with the dastardly assassination of our late beloved President John F. Kennedy. It visited the scene of the tragedy. It held meetings day after day, week after week, and month after month.

There are those, I assume, who will find fault with the report; but certainly no American can find fault with the members who comprised the Commission. They are all men of the greatest integrity and capability. They are all patriotic and devoted to their country. They are all seekers after the truth. Some of them took the responsibility reluctantly, but once they assumed office on the Commission, they gave to it all they had.

To me, it is an accurate, objective presentation of the facts available to this group.

So far as I am concerned, I accept wholeheartedly what the Commission had to say. Certainly, as far as their recommendations are concerned, they will be looked into very thoroughly by

the Panel which was created yesterday by the President.

It is my understanding that this Panel, under the chairmanship of the distinguished Secretary of the Treasury, Mr. Douglas Dillon, will go over the recommendations made by the Warren Commission. It is my further understanding that this Panel will meet with the President later this week.

It would be my opinion, on the basis of the suggestions and recommendations made by both the Warren Commission and the Dillon Panel, that the groundwork will be laid for whatever legislation needs to be considered by Congress at the beginning of the next legislative year.

Again, I extend my congratulations and commendation to all members of the Commission. As far as the Membership of the House and Senate are concerned, four men of greater integrity and responsibility could not have been found in either body.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. This work was a rather monumental task. All too often the one group identified with this kind of work that does not particularly share in the credit is the staff. I believe that the Commission has had the services of the most talented and able men that I have ever seen in any group.

I was happy to note that Albert E. Jenner, familiarly known as Bert, one of the leading lawyers in Chicago, and former president of the American Judicature Society, was a member of that staff.

I believe it is appropriate that that staff be saluted. As we all know, when a committee or commission is established, much of the work is done by the staff. The thorough-going nature of the work is obviously a tribute to them.

I believe the RECORD should show a real salute to those who did so much of the legwork, and the painstaking and tedious detail that is a part of that kind of undertaking.

Mr. MANSFIELD. Mr. President, I wholeheartedly agree with the remarks made by the distinguished minority leader. I join him in commending the staff for the leg work and excellent service they rendered in making possible, on as accurate a basis as was possible, the report of the Commission, whose work extended over a number of months.

Mr. KUCHEL. Mr. President, the stark and monstrous tragedy in Dallas of last November will never be erased from our memories.

It returns today in all its incredible development and detail as the Presidential Commission's report is made available to the American people and to the world.

The Warren Commission has performed a high and essential service to our country.

The Commission's conclusions and recommendations, which were reached without any dissent among the members of the Commission, bear the mark of earnest credibility and truth. They assume a unique importance, not merely for history, but also for the future of this Nation.

The need for far greater security measures to protect our President is clear. So, too, is the need for complete and constant cooperation among all appropriate Federal agencies charged with guarding his life.

A sound solution of the problem of presidential succession is also implicit in consideration of the specific recommendations which the Commission has made. I must add that the grievous error of permitting a defector, one who renounces his American citizenship, to return, nevertheless, to this Nation, and to do so almost automatically, must never, never, never be repeated.

Earlier the distinguished majority leader referred to the committee which the President has now created to make specific recommendations, including legislative recommendations, based on the conclusions of the report. They will take time. The committee must act with as great dispatch as is feasible, and Congress—the present Congress or the next—must, as I am sure it will, be prepared to act with equal urgency in order that we may be able to do what we can to prevent a repetition of the disaster and the overwhelming gloom which suddenly befell our country last November.

HORATIO, OR WHAT'S IN A NAME

Mr. MCGOVERN. Mr. President, GOP Presidential Candidate BARRY GOLDWATER has made what he seems to regard as a most important contribution to our understanding of the basic issues before the Nation. He has discovered that the middle name of the Democratic vice-presidential candidate is HORATIO. One gathers that in Mr. GOLDWATER'S view, this should be considered an unbearable burden for the Johnson-Humphrey ticket to carry in November.

Senator HUMPHREY has very modestly reminded us that he deserves little credit for his middle name. He attributes this responsibility primarily to his father and has expressed his pleasure that his beloved, deceased dad has been properly recognized in the campaign.

I have known and admired HUBERT HUMPHREY for many years. But I must confess that heretofore I have thoughtlessly failed to press him for a proper justification of his middle name. Once again, we are reminded of the value of a vigorous presidential campaign in focusing public attention on the crucial issues.

Toward that end, I have consulted the encyclopedia on the name Horatio. My research led me first to Horatio Alger, Jr., a 19th century American writer who schooled an entire generation of American youth in the "rags-to-riches" stories of the boy who made good by an astonishing combination of individual initiative and self-reliance. Scarcely an American lad growing up in the post-Civil War period failed to read "Ragged Dick" or one of the other 130 books poured out by Horatio Alger.

Indeed, the name Horatio Alger is synonymous with the ambitious, hard-working, incredibly thrifty, rugged individualist that Mr. GOLDWATER holds up as the American ideal to which we must

return. One wonders, therefore, why the Senator from Arizona would advertise to the American electorate that the enemy camp had the amazing foresight to preempt, in a humble South Dakota home 53 years ago, the honored name "Horatio."

Even the mythology of the ancient world offers a highly prestigious antecedent for the name "Horatio." Which one of us has not been mightily stirred by the poem of Thomas Babington Macaulay, "Horatius at the Bridge."

Recall brave Horatius standing at the Tiber River with flashing sword and indomitable courage singlehandedly stemming the tide of the Etruscan army. That one man was able to turn back an entire army has led some cynics to the conclusion that Horatius was only a creature of mythology.

But no one can ever take away these immortal lines by Macaulay:

When the goodman mends his armor
And trims his helmet's plume;
When the goodwife's shuttle merrily
Goes flashing through the loom;
With weeping and with laughter
Still is the story told,
How well Horatius kept the bridge
In the brave days of old.

One would think that this stirring picture of a single brave patriot standing up to an entire army would appeal to the kind of man who has said that what America needs is a backbone instead of a wishbone. There was certainly nothing wish-washy about Horatius. And I suspect that this is partly what the senior Humphrey had in mind when he added that third H—Horatio—to an already distinguished combination—HUBERT HUMPHREY.

What's in a name?

Shakespeare asks—

that which we call a rose by any other name
would smell as sweet.

Shakespeare may be right, but I share the view of the late senior Mr. Humphrey that there is a special sweetness in the name Horatio, and I fully expect to see it adorn the next Vice President of the United States.

FEDERAL SPENDING

Mr. ROBERTSON. Mr. President, economists appear to be in general agreement that the current boom will last all of this year, and perhaps well in 1965. With these hopeful forecasts, some economists point out danger signals. For instance, the Chrysler wage agreement has set the pattern for what could be an inflationary price increase, not only by the manufacturers of automobiles, but by industry generally. General Motors promises to hold the price line on 1965 models, and I trust they will succeed. The price index of industrial raw materials—admittedly volatile—is now about 14 percent above a year ago, and a third of this increase has come in the last couple of months. When the price of raw materials goes up, retail prices usually follow the same trend. Current increases in wages and in the prices of raw materials will undoubtedly put addi-

tional pressure on the steadily increasing consumer price index.

Not all economists predict future price inflation, but I think most of them would agree that it should be given serious consideration.

My personal opinion is that price inflation, in view of the current trends and built-in accelerated Federal spending, is inevitable. The only question is whether it comes this year or at a later period.

When the President presented his budget for fiscal 1965, he said:

It calls for a reduction from the preceding year in total administrative budget expenditures.

But we have had no reductions. Instead, we have increases.

For fiscal year 1964, the Congress appropriated \$92.1 billion.

For fiscal year 1965, budget estimates submitted to the Congress have totaled \$98.3 billion. Appropriation bills already enacted make available \$89.3 billion—\$3.5 billion less than requested for those programs. The budget estimates for the remaining appropriations, the foreign aid and supplemental bills—\$5.4 billion together—if granted in full, would increase the total appropriations for fiscal year 1965 to \$94.8 billion.

We may be able to cut the foreign aid and supplemental appropriation bills from this \$5.4 billion figure. The President originally recommended supplemental appropriations of \$1,370,468,374. The bill which passed the House on September 22 carried a total of \$998,645,374. The biggest cut in the supplemental request was for mass transportation and the antipoverty program. The Senate Appropriations Committee has heard witnesses appealing for the restoration of those cuts. Additional requests have been submitted to the Senate amounting to more than \$108 million. The present indications are that the supplemental bill recommended by the committee to the Senate will exceed \$1 billion.

Even though Congress eliminates some \$3.5 billion from the budget requests, it seems likely that appropriations in fiscal year 1965, instead of decreasing, will, in fact, be larger than those granted in fiscal year 1964 by \$2 to \$3 billion. This increase, coupled with the availability of funds carried over from appropriations made in previous years, indicates a steadily rising level of Federal spending.

But this may not be all. Congress is to act on the Appalachian bill, a new crash spending scheme which is as devoid of careful planning as the discredited Area Redevelopment Act. If Congress approves the Appalachian bill, it also will approve money with which to finance it. Both the House and the Senate bills authorize an immediate appropriation of \$1,200 million, of which \$840 million is the 5-year authorization for a highway program, with Federal contributions ranging from 50 to 70 percent of individual projects. The remainder is the 2-year authorization for programs administered by the Department of Health, Education, and Welfare, the Department of Agriculture and the Corps of Engineers. But that could lead to spending of unprecedented sums, because the bill au-

thorizes the creation of a commission, which is to study how Federal money can be spent for highways that are not in a State highway system, for timber operations which could include the establishment and operation of paper mills, for agriculture, especially the increased production of beef, and for many public works, health, education, and welfare programs which are not being financed as liberally as some may desire.

Undoubtedly, the deficit at the end of this fiscal year will be larger than predicted when the fiscal 1965 budget was presented. Furthermore, both candidates for the Presidency are committed to additional tax cuts next year.

In addition to increased Federal spending, there will be, during this fiscal year, an increase in spending at all levels—State, local, and personal. Unfortunately, no small part of all the combined increased spending will be the spending of borrowed money, which, together with substantial wage increases, will make an inflationary trend inevitable.

Each of the factors which increase the trend to inflation must be faced. Government deficits must be reduced as much as possible, and inflationary wage increases must be resisted. Only by constant resistance to these tendencies can we hope to stop the current inflationary drift. A program of planned deficits will lead to disastrous inflation.

FIRE DEVASTATION AT SANTA BARBARA, CALIF.

Mr. KUCHEL. Mr. President, most Senators are acquainted with historic, beautiful Santa Barbara in my State of California. Most Senators will share my own great concern and sorrow at the terrible farflung forest fires which have been raging there for several days, and which have wreaked a holocaust with a frightening toll in life and in damage to property, public and private, in the area. Scores of houses are destroyed. What the Congress may be able to do to assist these stricken areas, I have no doubt it will do. Only this morning I received an urgent message from a member of the Board of Supervisors of Santa Barbara County indicating a mounting apprehension that, with the coming of rains in the midst of the winter, and with the mountains of Santa Barbara laid bare and denuded, the people in Santa Barbara, particularly in the fairly heavily populated areas along the sea, stand in danger of another type of disaster brought on by floodwaters rolling down the bare mountainside with all the muck and debris which may have accumulated during the fire, which would wreak additional damage.

I make this statement because it may be that with the approval of our distinguished dean of the Senate, the chairman of the Committee on Appropriations of the Senate, and of Senators on both sides of the aisle who serve on that committee, the executive branch of our Government may now indicate to our committee, and to the Congress, some additional steps might be taken legislatively to assist the people in a stricken area of

my State, and by construction for example, of debris dams, bring a measure of protection to them.

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

Mr. KUCHEL. I yield to my distinguished friend.

Mr. HAYDEN. I am sure that the Committee on Appropriations will be very glad to consider any recommendations that California might make.

Mr. KUCHEL. I thank my able friend.

SEPTEMBER'S MELANCHOLY MOMENT

Mr. STENNIS. Mr. President, the William S. White column, "September's Melancholy Moment," which appeared in the Washington Star on September 25, is a beautiful and eloquent expression of the depth and happiness of the daughter-father relationship in all of its sacredness and tenderness.

With his gifted pen, Mr. White has recorded some of those tender and precious feelings which, as he says, are indescribable. Rare indeed in these days are we so blessed as we are with Mr. White's column, which speaks for itself.

Mr. White's remarks on any subject are always worthwhile.

In this column he writes as a father and for all fathers in paying tribute to his daughter. I ask unanimous consent that the column be printed in the RECORD.

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

[From the Washington Star, Sept. 25, 1964]

SEPTEMBER'S MELANCHOLY MOMENT

(By William S. White)

The melancholy days are not really in November, when the last leaves are falling. They are now, in late September, when the first daughter goes for the first time far off to college and takes with her so much of the light and nearly all the gaiety of these present splendid days of Indian summer.

One could never really know the lost feeling of war's parting until, long ago, one himself felt it, as the darkened ship crept out from a home port not soon if ever to be seen again, with no bands playing and none upon the dock to say farewell.

Equally, many years later in a man's life, he now realizes for the first time that one can never really know the full poignancy of any leavetaking until it becomes his task to stand with a cherished daughter at the airport waiting for the plane that is to take her, suddenly a new adult, to a new, strange life in which he is not anymore to have much part.

No doubt, when a man's little girl marries and goes away for good all this present somber thing will be seen in retrospect as not so hard to bear at all. Still, until that time does come, that which presently clutches at the throat and smarts behind the eyes will be enough of sorrow—and, yes, or loss—to be going on with.

For now a man finds a shattering human reality in what he had so casually and so unthinkingly accepted in only an academic sort of way: That the relationship of daughter and father has a special, an irreplaceable and an indescribable gentleness, a heartstopping quality that is like nothing else on this earth or in this life.

She stands so poised in her high heels—to which she had become quite accustomed quite before he had really noticed them.

And for the very first time he sees that to those around her she is a young lady—while to him she is much as she was when, a thousand years ago, she went off for her first day at kindergarten.

Then come the small and infinitely precious memories. They roll in upon him in a bitter-sweet tide while he averts his eyes and adjusts his sunglasses, which suddenly have moistened in the sun. The sun, it seems, will not let his eyes alone. Then come, too, the large questions that will not let his mind alone.

Has he done for her all that he could have done to prepare her for this, the opening of a new life where she is, so far as he is concerned, to be for the first time all alone? Has he been patient enough, thoughtful enough, and kind enough? Does she know what he really thinks of her; since never for him has it been easy to speak of some things? And if not, is there any way that he can tell her in these brief and speeding moments of goodbye?

Is she not, after all, an awfully little girl to be going so far away? Will they take care of her out there? Does the fact that he has so often called her "The Brain," in pride of her success in the life of the mind, mean also that she is able to meet that world which he has so long known to be hard—but which, against all commonsense, he has always somehow thought she would not have to meet in quite all its harshness?

The questions have no answers, just as the memories have no ending. And as the aircraft lifts off for its far passage, he knows that for him time has parted like a broken rope and that the movement of time will not resume again until the Christmas recess brings her back again. He has always heard that mothers invariably weep at daughters' weddings—and he has always laughed. But which is really the weaker sex? And who is laughing now?

In the meantime, there is work to do. But the great affairs do not, at the moment, seem of very much account. Will November 3 be a day for immense and stirring decisions at millions of ballot boxes? Beyond a doubt; and the world waits in intentness and in suspense. But there is something else to wait for and to watch for. And that is the arrival, a thousand years hence, of the Christmas season. Roll on time. And up the Christmas season.

WHAT IS THE ADA?

Mr. MCGOVERN. Mr. President, during the current presidential election campaign, the Americans for Democratic Action, or the ADA, has been injected as a political issue because the Democratic vice presidential nominee, Senator HUBERT HUMPHREY, is one of the founders of that organization.

Although I have never been a member of the ADA, I have, like other Members of Congress, known some of its members, including both of the distinguished Senators from Minnesota, Mr. HUMPHREY and Mr. MCCARTHY, and the Secretary of Agriculture, Orville Freeman. I also have known that these three men and other early members of the ADA formed the organization in large part as a means of combating Communist influence in American liberalism.

An objective analysis of the ADA, its background and its program, has been carefully prepared by the editors of the Congressional Quarterly. Because of the interest in this organization generated by political critics during the current campaign, I ask unanimous consent that

this analysis, which was published in the September 18, 1964, issue of Congressional Quarterly, be printed at this point in the RECORD.

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

HUMPHREY CANDIDACY DRAWS ATTENTION TO ADA STANDS

Senator HUBERT H. HUMPHREY's (Democrat, of Minnesota) nomination as the Democrats' vice-presidential candidate has placed in the limelight the Americans for Democratic Action, a liberal organization frequently under attack as "socialistic" and representing "extremism of the left." HUMPHREY was one of the founders of the ADA and, until his nomination, was a vice chairman of its executive committee. HUMPHREY has resigned from that post, but not from his membership in the ADA.

Conservatives, GOP presidential nominee BARRY GOLDWATER among them, have attacked the ADA in the past. HUMPHREY's presence on the ticket, however, has produced a barrage of sharp attacks on the ADA from the Republican hierarchy. This fact sheet explains the background and the programs of the ADA.

ADA'S FOUNDING

The liberals who formed the Americans for Democratic Action in January 1947, had been spurred by two elements: their desire for a pressure group to push for a continuation of the New Deal in the postwar era; and for the formation of a liberal political action group free of Communist influence. Liberals' fear of a turn to conservatism was prompted by the accession to the Presidency of Harry S. Truman, and the Republican sweep of congressional elections in 1946.

Liberal intellectuals never enjoyed the same rapport with Truman as they had with Roosevelt (who had brought many of them to Washington during the New Deal). Furthermore, they felt that several of Truman's actions during 1946 evidenced a turn to the right. At the same time, the Communists had become strong in the labor movement, particularly the CIO and the United Auto Workers, and the liberals who formed the ADA wanted a group which would disavow Communist tactics and aims. In this period, the Communist issue was a sensitive one, putting many liberals on the defensive. "To raise the issue of communism in those days was to be the skunk at the garden party," recalls Washington attorney Joseph L. Rauh, Jr., a founder and current cochairman of the ADA.

The moving forces behind the formation of the ADA were James Loeb, now ambassador to Guinea, and Reinhold Niebuhr, now professor emeritus at Union Theological Seminary in New York, who had formed the Union for Democratic Action in New York during World War II. The UDA, a small, anti-Communist organization, was to provide liberals with an alternative to joining with Communists in a "united front" during the war. Loeb and Niebuhr then began talking with other liberals such as James Wechsler, an editor of the New York Post, Arthur M. Schlesinger, Jr., the Harvard historian, and Rauh, about turning anticommunistic liberalism into a political action organization.

Among those at the founding meeting of the ADA were Mrs. Franklin D. Roosevelt and Franklin D. Roosevelt, Jr., Will Rogers, Jr., Eugenie Anderson, current Ambassador to Bulgaria; several union leaders including Walter Reuther of the UAW, A. J. Hayes of the Machinists Union, James B. Carey of the CIO, and David Dubinsky of the International Ladies Garment Workers Union; Senators Herbert Lehman, Democrat, of New York, 1949-57, and Paul H. Douglas, Democrat, of Illinois, 1949-present; L. Kenneth Galbraith, currently a Harvard economist

and former Ambassador to India (1961-63); and the current Ambassador to India Chester Bowles. Also attending the founding meeting were a number of the clergy and editors and journalists.

The 130-odd founders issued the following statement: "We reject any association with Communists or sympathizers with communism in the United States as emphatically as we reject any association with Fascists or their sympathizers. Both are hostile to the principles of freedom and democracy on which this country has grown great." The ADA constitution specifically excluded Communists and Communist sympathizers from membership. The Communist Daily Worker in 1948 called the new ADA "the imperialists' fifth column inside the liberal and labor movement." Rauh says that he has never seen any infiltration of ADA by Communists.

The sharpest cleavage between the ADA and persons to its left was over foreign policy. The ADA supported the Truman doctrine of aid to Greece and Turkey, the Marshall plan, and the formation of the North Atlantic Treaty Alliance. All were opposed by Communists.

In 1948 the ADA backed Truman's presidential candidacy and worked to rally liberals behind it; Communist sympathizers tended to turn to the Progressive Party and the candidacy of Henry A. Wallace, provoking a bitter controversy between the ADA liberals and the Wallace followers. The ADA was behind HUMPHREY'S successful fight at the 1948 Democratic Convention for adoption of a strong civil rights section in the platform. The civil rights plank caused a southern walkout, but has been widely credited with contributing to Truman's 1948 election victory.

SIZE, INFLUENCE

The ADA claims to have an influence "far out of their proportion to their numbers," in the words of one ADA release. Although its membership numbers just over 50,000, many of the members are articulate spokesmen and many served in prominent positions in the Kennedy administration. Numerous politicians, however, dismiss the ADA as of being of little if any consequence.

The ADA's Washington office, which in 1963 operated on a budget of \$150,000, has a national director, one registered lobbyist, a director of information, a director of organizations, director of projects, and seven clerical employees. ADA's Capitol Hill lobbyist this year has concentrated on passage of civil rights, antipoverty, housing, and mass transit legislation; he has opposed attempts to overturn the Supreme Court's reapportionment decision and to extend the Mexican farm labor import program.

Ten times a year, the ADA distributes a newspaper, called the ADA World. In one issue, the organization rates the voting performance of all Members of Congress on issues which the ADA feels are of importance. There are annual conventions and "Roosevelt Day" dinners. Local chapters conduct "workshops" on various issues. An ADA representative testified before the platform committees at both national conventions; only at the Democratic gathering, however, did it maintain an office. The ADA was deeply involved in the Mississippi Freedom Democratic Party's fight to be seated at the convention. Rauh, who also is a national committeeman from the District of Columbia, acted as the MFDP's counsel.

ALWAYS ENDORSED DEMOCRATS

The national ADA endorses a candidate in each presidential election—and it has always endorsed Democrats. It is up to the local chapters to endorse local candidates—and they do not always endorse Democrats. At this point the organization is hard at work for the defeat of BARRY GOLDWATER. It has distributed its own analysis of the Goldwater voting record, is compiling one for MILLER,

and supplies chapters with other related materials. Another current major project for the ADA is to drum up support for changes in congressional rules: insuring that all Presidential proposals will be considered on the floor; breaking the seniority rule; making it easier to bypass the House Rules Committee and to shut off filibusters; and imposing strict conflict-of-interest regulations on Congressmen. ADA spokesmen say they are undeterred by past failures on these issues, and are working on a stronger campaign than ever.

The large number of ADA members who won jobs on President Kennedy's "New Frontier" prompted Senator GOLDWATER to say in 1952: "The Americans for Democratic Action, who talk about peaceful coexistence, are in the White House close to the President. There are 31 members of the ADA there. I am not worried about the extreme rightwing in our country. They are not in the Government in Washington. I am worried about the extremists to the left who are in the Government."

Comparison with Birch Society

Rauh rejects the arguments that ADA members are either extremists or socialists. "It is absolutely false," he says, "to equate the ADA and the John Birch Society. The right equation is between liberals and conservatives, because both believe in the process of law; neither the Communists nor the Birchers believe in the electoral or other democratic processes." ADA members are not Socialists, he says, "because we believe in free enterprise; it's as simple as that. Some large operations, like TVA, are necessary, but we don't believe in Government ownership of the means of production. Our ideas are in the mainstream of American political life," says Rauh, "and they have often been adopted. The 1948 civil rights plank was adopted in 1964. They may have been advanced ideas, but they were not outside the mainstream."

ADA PLATFORM

Following are highlights of the ADA 1964 platform, adopted at its 1964 convention:

Foreign policy

United Nations: "Strengthening the U.N. is imperative. The United States should support the principle of universal membership in the United Nations of all nations. Permanent status should be accorded a U.N. police force. * * * We welcome indications of a changed U.S. policy in supporting the claims of non-self-governing peoples against our Allies in NATO. * * * American economic aid to newly independent states should be channeled mainly through the U.N. in order to reduce great power competition. * * * The development of world law should be encouraged through U.S. sponsored treaties and covenants subject to judicial enforcement. * * * We favor increased efforts to bring Communist nations into more international institutions to further enlarge the framework of world cooperation and the sense of responsibility of the Communist nations."

Disarmament and security: "Our aim must be to achieve general and complete disarmament, subject to effective inspection and control. * * * It must be recognized that no safeguards can provide 100 percent protection against error or treachery. For this reason it is necessary to build the capacity of the U.N. to enforce disarmament arrangements. * * * No nuclear negotiations or treaties can be meaningful without the participation of all nations who now have or will have in the near future nuclear weapon capability. All measures should be taken to assure that all those who stand on the nuclear threshold, including the French and Peking Governments, accept and be bound by the conclusions of such negotiations. We oppose the transfer by any nuclear power of

nuclear weapons or information on their manufacture to other nations or regional military organizations. * * * We urge the formation of regional denuclearized and ultimately demilitarized areas including Africa, Latin America, southeast Asia, Israel, and the Arab States."

International economic policies: "The \$20 billion trade gap which may face the developing countries in 1970 and the accompanying gaps in education, living standards, and collateral opportunities must be closed. * * * As long as new barriers to world trade are not created, the United States should continue to support the development of integrated regional economic and trade groupings and access therein for the major trading nations. * * * We urge the administration to advance a vigorous program to assist American business to vastly expand American exports. Economic and development programming is necessary for a country which receives aid if it is to utilize the aid effectively."

Europe: "That the Atlantic alliance and the communities of Europe which the alliance contains and protects do not degenerate into quarrelsome and rival Balkanized states, pursuing special prestigious aims at the expense of others, should be a prime objective of Americans and Europeans alike. * * * ADA opposes all policies having as their consequence the further diffusion of nuclear weapons in Europe * * * (including) the proposed NATO multinational force. * * * The American commitment to the short-range goals of West Germany's defense, and that of West Berlin, are legitimate and should continue; also, the long-range commitment to German reunification in freedom. These special goals, however, should not be seen as necessarily incompatible with East-West agreements, either for central European reductions in military force, for a nuclear arms freeze, or for the creation of thermonuclear-free zones."

Other areas

Southeast Asia: "ADA calls upon the administration to oppose widening the area of combat operations into North Vietnam and the making of further substantial commitments of arms and forces in South Vietnam. * * * to seek a political solution recognizing the principle of self-determination. * * * to support the strengthening of the International Control Commission created by the 1954 Geneva Conference so that it can fulfill the purposes for which it was devised, and to make use of Geneva Conference machinery toward the end of achieving an independent zone in southeast Asia—free from military forces of all powers—and whose independence would be guaranteed by the major nations, including mainland China. * * * to support all steps to extend a U.N. presence in the southeast Asia area."

India: "We deplore the refusal of Congress to grant economic aid to the Indian public program for expansion of her needed steel production. We urge the granting of increased economic assistance, on a long-term basis, to India in order that she may fully develop her human, natural, and industrial resources."

China: "ADA urges immediate initiation, together with our allies, of negotiations toward diplomatic recognition of the Peiping regime and its accreditation to the U.N. as the government of China, not as gestures of moral approval of its past actions but as means of establishing the normal channels of international communication. * * * Recognition of Communist China and its accreditation to the U.N. do not mean abandonment of Formosa. Until a U.N. solution is reached, the U.S. treaty pledge to defend Formosa should remain unaltered. * * * We should press for immediate and democratic elections by the inhabitants of Formosa. * * * We urge the removal of all passport barriers preventing travel by Amer-

icans to China (as has already been done in the case of journalists) in order that U.S. relations with it may evolve through full and informed public debate * * *. We further urge the lifting of barriers to trade, in recognition of the fact that trade builds understanding and our economic isolation from China's 650 million people achieved little."

Latin America: "The U.S. Government must show increased awareness of Latin America's revolutionary struggle for essential economic, social, and political reforms."

Cuba: "We do not believe that actions contrary to our international obligations under the OAS and U.N. charters or reckless sporadic raids upon Cuban territory or ships in Cuban waters, are proper or effective means of achieving this goal. We especially urge the United States to commit itself to the support of a Cuban Government dedicated to effectuating the democratic social and political aims implicit in the original Cuban revolution which Castro has betrayed."

Middle East: "The United States should propose a great-power guarantee of the security and territorial integrity of the Arab nations and of Israel."

DOMESTIC POLICY

Poverty: "The Economic Opportunity Act of 1964 only represents the first skirmish in a long fight * * *. If poverty is to be erased, a much more extensive attack is urgently needed * * * extend the coverage of the Federal minimum wage * * * to all farm, domestic, retail, hotel, and motel, restaurant, factory, laundry and hospital workers (and) that the minimum wage be increased to \$2 an hour. * * * Urgently needed is a \$2 billion accelerated public works program. * * * The low benefits presently paid to the aged, disabled, and family survivors under social security should be doubled by 1968 by raising the income tax base and by allocating general revenues. Health insurance financed through social security must be adopted. * * * A realistic Federal insurance program for those temporarily disabled and unemployment insurance that provides at least two-thirds of a worker's wage or salary for as long as he is forced into joblessness are essential."

Economic policy: "The blind forces of the marketplace cannot be depended on either to achieve full employment and vigorous growth or to direct economic resources in accordance with national priorities. For these purposes we need democratic national economic planning to evaluate our resources and our needs and to develop an order of priorities for the application of resources and our needs. * * * The current level of Federal spending is grossly inadequate to meet the needs of a growing population. We cannot support a fiscal policy which offers tax reduction at the expense of investment in essential public facilities and public services."

Civil rights: "ADA calls for vigorous enforcement of the rights guaranteed by the (1964) act. * * * Vacancies in Federal courts should be filled by judges whose devotion to the 14th amendment is unquestioned. * * * We continue to urge Federal administration of the registration system in areas where there is a pattern of voting discrimination. * * * For years we have noted the patterns of de facto segregation and their implications. Too little progress has been made in overcoming this condition. * * * Federal, State, and local action is desperately needed to eradicate economic and educational deprivation. The oppressed condition of millions of Negro and Puerto Rican citizens in northern cities demonstrates dramatically that merely passing civil rights laws does not guarantee equality of opportunity. * * * We urge the national leadership of the AFL-CIO and its affiliated unions to intensify its ef-

forts to make the concept of brotherhood a living reality in the labor movement."

Civil liberties: "ADA urges defeat of the Becker amendment and other proposed amendments to the Bill of Rights relating to public school prayers, Bible reading in the public schools, and praying in public places. * * * We urge that congressional investigations be limited to obtaining information leading toward legislative action. We urge that the Un-American Activities Committee of the House of Representatives be discontinued. * * * We urge that all employees removed as loyalty or security risks under the Executive orders of Presidents Eisenhower and Truman be given the opportunity to have their cases reexamined on their merits. We oppose loyalty oaths other than the traditional oath taken by Government employees to support the Constitution and the laws of the United States. * * * We wholeheartedly support energetic enforcement of the laws against espionage and sabotage. * * * We propose repealing statutory provisions which limit the right of free speech, free association, and free political expression, such as are contained in the Smith Act, the Internal Security Act of 1950, and the Communist Control Act of 1954. We urge the abolition of the Attorney General's list of subversive organizations. * * * We oppose wiretapping as an intolerable violation of civil liberties, whether practiced by the Federal Government, by States, or by individuals. * * * We believe there is no security justification for imposing passport controls based on belief or association."

Immigration: "We urge that the national origins quota system be abandoned and a new policy created in its stead."

Congressional reform: "Congressional reform must be achieved if this country is to meet and solve its problems."

Equal representation: "Although the primary obligation of fair play rests with State legislatures, Congress has the power, under the 14th amendment, and under article I, section 4 of the Constitution, to establish enforceable standards for compact and contiguous districts. Congress should exercise this power."

Welfare: "Further expansion of coverage and increase of benefits under the federally administered old age and survivors insurance program. * * * The setting and enforcement of adequate Federal standards for size and duration of benefits and for eligibility under the unemployment insurance program. * * * Strengthening of State action in the welfare field."

Education: "We favor the use of Federal funds to aid education development beginning with preschool age children and continuing through adult education."

Housing and urban renewal: "ADA supports the right of all Americans to obtain decent housing in good neighborhoods at sales prices and rentals that they can afford to pay."

Labor and management: "Congress should reexamine the secondary boycott, organizational and recognition picketing provisions of the Taft-Hartley Act, as amended by Landrum-Griffin. * * * We call upon Congress to repeal section 14(b) of the Taft-Hartley Act, which permits States to adopt right-to-work laws."

ARTHUR LARSON HEADS GROUP TO COMBAT BIRCH SOCIETY AND RELATED EXTREMISTS

Mr. McGOVERN. I have been pleased and proud of the courageous manner in which my distinguished South Dakotan, Dr. Arthur Larson, has spoken out against extremism in our national life.

Dr. Larson, a highly respected Republican, was an important member of the

Eisenhower administration, and is now director of the World Rule of Law Center, at Duke University. I have followed with especial interest his impressive career in public service, because of our mutual South Dakota heritage.

Recently, he has released a public letter to President Johnson; and in the letter Dr. Larson explains why he, as a Republican, cannot support the candidacy of BARRY GOLDWATER, and is, instead, backing the President. He has also taken the lead in heading a group of distinguished Americans who have set out to combat the growing power of radical, rightwing groups that have been saturating the radio and TV airwaves with extremist propaganda.

Dr. Larson's group includes retired Gen. J. Lawton Collins; former Eisenhower Cabinet member Marion Folsom; Clarence B. Randall, chairman of the board of Inland Steel; Dr. Vernon T. Miller, dean of the Catholic University Law School; and Rev. Arthur C. Lichtenberger, presiding bishop of the Protestant Episcopal Church.

Dr. Larson has pointed out that the John Birch Society and other fanatical organizations are now spending \$20 million a year to sponsor 7,000 radio and television broadcasts weekly in all 50 States.

This political rightwing propaganda is frequently masked behind a narrow and twisted version of religious emotionalism. It is a travesty against both sound religion and rational politics.

It is to be hoped that Dr. Larson and his group will be successful in countering this well-financed propaganda, by their plan to provide radio broadcasts, at least twice a week, of a "dignified, factual, documental" nature.

Mr. President, I ask unanimous consent that a news account of the newly formed council, published in the New York Times of September 23, be printed at this point in the RECORD.

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

CIVIC LEADERS FORM ANTI-BIRCH COUNCIL

(By Martin Gansberg)

More than 100 civic, educational, religious and business leaders joined forces yesterday in a move to tell "the truth about the John Birch Society and related radical reactionary groups."

The leaders, representing both major political parties and all sections of the country, announced formation of a National Council for Civic Responsibility aimed at exposing "impropriety of methods and falsity of substance" of the Birch Society and 12 organizations that are reportedly linked to the society by members or finances.

At a news conference at the Overseas Press Club, 54 West 40th Street, Arthur Larson, director of the World Rule by Law Center at Duke University and a former consultant to President Dwight D. Eisenhower, was introduced as chairman of the council.

Among members of the council are Dr. Detlov V. Bronk, president of Rockefeller Institute; Gen. J. Lawton Collins, retired, vice chairman of Pfizer International; Marion B. Folsom, director of Eastman Kodak, who was a member of the Eisenhower Cabinet; Erwin N. Griswold, dean of the Harvard University Law School.

Also Clarence B. Randall, retired chairman of the board of Inland Steel; Dr. Vernon T. Miller, dean of the Catholic University Law

School; Dr. Alan T. Waterman, chairman of the board of the American Association for the Advancement of Science; Roy Wilkins, executive director of the National Association for the Advancement of Colored People, and the Right Reverend Arthur C. Lichtenberger, presiding bishop of the Protestant Episcopal Church.

The council, which will raise funds from the public, is being sponsored by the Public Affairs Institute, a nonprofit group with headquarters in Washington that was set up in 1947 for dissemination of information about Government activities.

Mr. Larson, who announced his support of the Johnson-Humphrey ticket in a letter to the President last week, said that the council would play no role in the election campaign.

"But we do have a growing concern about the damage that will be done to American standards of political discussion and responsible behavior in a democratic society if misstatements on public issues and personalities are allowed to continue," he said.

Mr. Larson said that the council's members believed that "radical reactionary propaganda has reached the point where it is now going far beyond the function of merely reassuring the reactionary prejudices of a small fringe group."

BROADCAST FEES CITED

He said that rightwing groups spent more than \$20 million a year to sponsor 7,000 radio and television broadcasts weekly in 50 States. "Even more disquieting than the size of these activities," Mr. Larson declared, "is their rapid rate of growth."

Mr. Larson named the following organizations as being part of the major radical reactionary structure:

Americans for Constitutional Action, America's Future, Christian Crusade, Christian Freedom Foundation, Church League of America, Citizens Foreign Aid Committee, Conservative Society of America, Liberty Lobby, Manion Forum, National Economic Council, Dan Smoot Reports, and We the People.

One of the first projects of the council, Mr. Larson said, "will be to begin dignified, factual, documentary" radio broadcasts at least twice a week at a cost of \$500,000 to expose "the daily distortions of the radical reactionary groups." The broadcasts are to begin soon in the West and Midwest.

GUANTANAMO BAY

Mr. LAUSCHE. Mr. President, today I had the privilege of reading a series of articles written by Jessie Buscher, of the Washington bureau of the Columbus Dispatch. In August, she was given an assignment, as a representative of the Columbus Dispatch, to visit Guantanamo Bay, to observe its operations and, especially, the relationship existing between the United States and the Castro-Communist government with respect to this possession of our country.

The Guantanamo possession was obtained by the United States in 1903, under a lease granted by the Cuban Government to our Nation. The lease vested in our Government possession of 45 square miles of land, containing about 48,000 acres of land, for a period of 100 years.

Since 1959, when Castro took control of the Cuban Government, intermittent incidents with regard to this holding of the United States have arisen. The operations at this base have in the past been a source of great economic help to Cuba. Many Cubans were employed in its operations, providing for these work-

ers annual incomes far, far in excess of what they would be able to earn in the Cuban economy.

Our Government had been dependent upon Cuba for its water supply, which, after the Bay of Pigs tragedy, Castro shut off. Through the alertness and effective work of Rear Adm. John D. Bulkeley, the commander of the naval base, a desalination plant was established, and is now in very effective operation.

Other problems have intermittently come to the attention of the people of our country. Mrs. Jessie Buscher wrote five interesting and informative articles on this item of our international relations. They are worthy of being read. Therefore, I ask unanimous consent that the articles be printed in the RECORD.

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

[From the Columbus Dispatch, Thursday, Aug. 20, 1964]

OHIOANS AT GITMO HAVE NO FEAR (By Jessie Buscher)

GUANTANAMO BAY, CUBA.—Fear is unknown among the Ohioans at the U.S. naval base in Cuba that borders on the "Cactus Curtain."

"Gitmo," as the base is commonly termed, is at the eastern end of Cuba. In 1903, United States signed an agreement leasing 45 square miles—48,000 acres of land—from Cuba for 100 years.

Today, 17.4 miles of 8-foot steel fence with barb wire at the top separate the naval base from Communist Cuba. This area is guarded at 22 sentry posts by U.S. Marines. These 30-foot high towers are located from 50 to 150 yards from the fence known as the "Cactus Curtain" because on the Cuban side is 10 feet of cactus bordering the fence to prevent Cubans from escaping.

A marine from the Columbus area—Cpl. David Clifton, whose mother, Mrs. Mae Hubbard lives in Linden (no street address, only box No. 245), is corporal of the guard working 4 hours on and 8 off.

Clifton drives the marines to their posts when changing the guards and has other responsibilities. He joined the Marines 4 years ago and has been at Gitmo since December 1963. After graduation from Linden High School, Clifton joined the Marines and trained at San Diego.

When his enlistment is up, Clifton is going to college majoring in history.

Another Ohio marine fired a shot that was heard, and made news around the world, is Pfc. John Kozell III, of Cleveland.

Kozell was at his sentry post when a Cuban guard fired at the American marines standing guard. He returned the fire as he saw them aim at his partner coming down the post ladder.

The 18-year-old Cleveland lad, made a quicker decision returning the fire than either Defense Secretary Robert McNamara or State Secretary Rusk ever made since joining the Kennedy-Johnson Cabinet. He stated, "I hope it doesn't happen again. I will always follow orders. If lives are endangered, I will return fire as I did before."

His father, John D. Kozell, Jr., and his aunt, Mrs. Anna E. Bobba, live at 3525 Bosworth Road, Cleveland.

Others at the "hardship post" who enjoy every moment of their stay at Gitmo are Radarman Chief and Mrs. Burton Barnhart, and their 3-year-old daughter, Barbara Lynne, 1144 Chalet Drive, Sandusky. His parents, Mr. and Mrs. Paul Barnhart reside at 1602 Shelby Street. Her father, Ernest Warner lives at Vickery, Ohio.

They have been at the post 13 months. Of the water crisis caused when Castro turned

off the water, which led the naval admiral to cut the water pipes and bring it in via ships, they said, "It was an experience. * * * It showed us what we could do when necessary. We used paper plates and cups and other methods to save on water."

On July 30 the salt water desalination plant producing fresh water was dedicated. Today all 10 swimming pools are being used.

Vincent J. Thigpen, 936 West Main Street, Kent, son of Mr. and Mrs. Paul Heaton, enlisted in the Marine Corps 8 months ago, has enjoyed the recreation facilities.

While at the naval base he is taking some college work by correspondence. When enlistment is up he plans to finish college majoring in engineering.

Lt. and Mrs. Roy F. Carlson and their four children have been at the Cuban base since January. The dental officer's parents are Mr. and Mrs. Roy A. Carlson, 783 Franklin Boulevard, Highland Heights, Ohio. Her mother is Mrs. Joseph E. Hodan, 3752 Beckley Road, Cleveland Heights.

Mrs. Carlson said of the base, "we are afforded greater opportunity here with so many more recreation facilities than in the United States. Dr. Carlson plays tennis and golf. I am taking golf lessons. We both bowl, see the plays, swim, and participate in other post activities."

Even though a mild cold war is taking place between Rear Adm. John Bulkeley, commander of the base, and Fidel Castro, the 9,000 Navy men, marines, and dependents expressed no fear of being in a danger area so close to the "Cactus Curtain."

The recreation facilities include 3 baseball fields, 8 softball fields, 10 swimming pools, 8 basketball courts, 8 tennis courts, 20 bowling alleys, 8 volley ball courts, one 27-hole golf course, 5 movie theaters, riding stables, boat and sailboat facilities, all free, and then bicycles for rent, a roller skating rink and boxing ring, plus 2 beaches with 100 cabanas on the Caribbean Sea.

Base Commander Bulkeley proud of the esprit de corps, stated, "Recreation at Guantanamo is big business and we are inclined to regard it as an important adjunct to providing a working base for the fleet."

In addition, Bulkeley arranges for the dependents to fly or go by ship to nearby shopping areas such as Port-au-Prince, Haiti, Kingston, Jamaica, San Juan, Puerto Rico, to obtain clothing not provided by the base post exchange.

The only regret expressed during my stay there was that the dependents are being phased out by December 1965 and the base will become a garrison force. Many families plan to ask for return duty when there is peace again in Cuba.

[From the Columbus Dispatch, Sept. 7, 1964]

REDUCES U.S. DOLLARS: COMMANDER OF BASE HELPS STRANGLE CUBA

(By Jessie Buscher)

WASHINGTON.—Democratic and Republican Members of Congress have been talking about strangulation of Cuba through economic measures since Fidel Castro took over in 1959.

One person who is actually doing something about reducing the flow of U.S. dollars to the Cuban Prime Minister is Rear Adm. John D. Bulkeley, commander of the U.S. naval base at Guantanamo.

Last February 12, Bulkeley discharged 700 Cuban employees at the base. A Presidential order asked that Guantanamo be more self-sufficient and lessen the monetary assistance to the Cuban economy.

This was 6 days after Castro announced the water flowing from Cuba into the base would be cut off unless the 36 Cuban fishermen held by the United States were released immediately. The men were seized while fishing in Florida waters.

The water was cut off by Castro on February 6.

Today, the fresh water needed at Guantanamo is provided by desalination of salt water.

To prove to the world the naval base was not stealing water as the Cuban Government claimed, Bulkeley cut the water pipe on February 18 and removed one section so that no water could possibly flow into the base. Daily water consumption was 1.2 million gallons.

Then, 700 Cubans doing domestic work, the less desirables and subversives were dismissed and escorted off the base through the one remaining gate connecting it with Communist Cuba.

This reduction left 759 Cuban workers who come through the gate daily plus 800 exiles living on the base.

This cut the flow of American dollars to Castro by \$1.5 million annually.

Another reduction in outflow of gold was the \$13,000 paid monthly for water, or \$156,000 annually.

Bulkeley says the daily Cuban workers who come and go still take \$1.4 million from the base. He reports 80 percent of this amount is taken by the Cuban dictator as they return to their homeland on payday.

The only other U.S. payments to Castro are \$4,000 annually for rental of the base, and \$8,000 per year for a telephone line into Cuba for use by the Cubans on the base to communicate with their families on the other side of the "Cactus Curtain."

Bulkeley proudly admits his part in cutting off more than half of the \$3.1 million in dollars paid from the base annually.

[From the Columbus Dispatch, Aug. 13, 1964]

GENERAL BULKELEY OUTSMARTS RED LEADERS: CASTRO, MARINES AT GUANTANAMO WAGE CACTUS CURTAIN COLD WAR

(By Jessie Buscher)

GUANTANAMO NAVAL BASE, CUBA.—A mild cold war is taking place daily in Cuba across the "Cactus Curtain" between the U.S. Naval Base and Fidel Castro, the Premier of Communist Cuba.

And it will continue mild and cold because Rear Adm. John D. Bulkeley, commander, U.S. Naval Base, Guantanamo Bay, Cuba, outsmarts the Cuban leaders.

Bulkeley, who assumed command in December, moved his 30-foot sentry towers back from the 17.4 miles of 8-foot-high steel wire fence with three strands of barb wire about it.

The 20 sentry posts are now 50 to 100 yards from the fence so that if the Cubans continue to throw rocks they cannot reach the posts.

It also put them out of reach when the Cubans feel like making nasty, provoking remarks to the marines.

Since June 25, when the Cuban leader cried loudly to the world that a U.S. marine at his post had shot a Cuban behind the "Cactus Curtain," Bulkeley examines the ammunition daily and knows if a shot has been fired and if so, why.

On that occasion the marine, a 19-year-old Cleveland youth, fired one shot obeying orders, which are to return fire above the heads of the Cuban firing.

The marine and his buddy, through powerful binoculars, saw the seven Cubans at their sentry post leave and return with an ambulance. The stretcher placed in the ambulance was empty.

Bulkeley says his intelligence sources informed him the body that Castro paraded on July 26 before the 30 American newsmen visiting Cuba as his guests was an Army man killed elsewhere.

In one of Castro's 4-hour broadcasts before the U.S. newsmen, he said, "I'll put my men back."

He is now building slit trenches, pillboxes, and other military offensive protectors about 200 yards from the 8-foot-high security fence.

Bulkeley says this action serves two purposes.

One is a showplace for visiting Communist leaders to protect his men from the horrible marines, and the other is that the distance between American and Cuban sentry posts will prevent rock throwing and unpleasant words.

On the Cuban side of the fence, built in 1953 according to the treaty between Cuba and the United States, there is at least 10 feet of cactus. The fence has become known as the Cactus Curtain.

Bulkeley says the cactus and other obstacles are not placed there by the Cubans to keep Americans out but to keep the Cubans in.

The naval base commander is not easily frightened. It was he who cut the 14-inch water pipeline on February 19 that delivered water to the naval base.

Castro suddenly turned off the water on February 6. Then later he offered to deliver water 1 hour daily because of the women and children at the naval post.

Bulkeley decided he had sufficient water stored to meet the base's needs until water was brought in by tankers.

On July 30 the first phase of the salt water desalination and electric powerplant was dedicated.

It converts sea water into fresh water. Now water is plentiful and the 10 swimming pools are open again.

Bulkeley isn't easily scared. In fact, he is proud of Cuban Defense Minister Raul Castro's comment about him. Castro said:

"The Guantanamo base commander is a little gorrilla of the worst specie. He has been one of MacArthur's clique which was notably warlike, and this gentleman, it seems, is directly responsible for the big provocations that have been taking place in the base.

"From our point of view, the interest of that gentleman is that we return the fire, kill a pair of marines, in order to use it in the election campaign as a political lampoon against President Johnson."

Bulkeley's military background, training, and foresight will keep the Cuban dictator guessing as to plans of the Americans.

The admiral tours the line of defense daily in a helicopter. He knows what is going on all the time.

[From the Columbus Dispatch, Aug. 14, 1964]

CLEVELAND MARINE EXPOSES PHONY SHOOTING IN CUBA

(By Jessie Buscher)

GUANTANAMO NAVAL BASE, CUBA.—Marine Pfc. John Kozell III, of Cleveland, made a quick decision that is usually reserved for Dean Rusk, Secretary of State, and Robert S. McNamara, Secretary of Defense.

Kozell on July 13 was standing watch at sentry post No. 6 about 50 yards from the 8-foot steel wire fence or commonly known as "Cactus Curtain," the division line between U.S. property and Communist Cuba.

Kozell's partner, Pvt. Michael J. Furillo of Chester, Pa., atop the 30-foot tower telephoned to the corporal of the guard that a Cuban truck had come to the Cuban guard post about 175 yards away and dropped off five men, making seven at the post. He saw them start to aim at the American sentry post and then heard the shot.

Kozell saw this action and observed the shot about 20 feet above their heads. He called to his partner to come down the ladder to the bunker. When Furillo was half way down the ladder Kozell fired a shot 20-feet over the Cubans' heads. He says only three Cubans were standing at this time.

Kozell, Marine trained, recalled his orders. He fired to protect the life of his companion who was half-way down the ladder. They both hit the deck. Three or four minutes later the officer-of-the-day Lt. John Polchak

of Donora, Pa., arrived, as the Marines at the adjoining sentry post had telephoned the sergeant of the guard of the shooting.

Polchak told the men to get up. They did but Kozell says he still was shook up. Polchak counted the ammunition and found only one shot missing. Polchak ordered Furillo back to his post. Kozell was taken to the guard shack.

While at his post the 18-year-old Cleveland lad observed an ambulance arriving at the Cuban post. Through binoculars they saw that the stretcher when placed in the ambulance was empty. The supposed victim of the Marines shooting was paraded through the streets of Guantanamo City in Oriente Province (where Castro started his revolution). Reliable reports are that a Cuban army man received the honors Castro accorded to the supposed Marines' victim.

Kozell still frightened but in Marine style reported the details. Capt. R. H. Widdows, of Hagerstown, Md., the commanding officer of the Marines, said, "It was well staged. That was the first time the Marines ever saw an ambulance on the Cuban side. For the next 6 days the Cuban guards stayed in their holes."

Kozell's father, John D. Kozell Jr., and his aunt, Mrs. Anna E. Bobba, live at 3525 Bosworth Road, Cleveland. His father is part owner of a tool and die shop. They formerly lived at Parma. The 6-foot 4-inch fighting Marine joined the Marine Corps in April 1963. After boot training at Paris Island, N.C., he attended the Infantry Training School at Camp Geiger, N.C., then aviation school at Memphis, and later aviation and ordnance school at Jacksonville, Fla.

His infantry company reported to Guantanamo for duty on June 28. The 235-pound Marine is anxious to leave Cuba as he is homesick for Cleveland to see his father, and his girl and drive his new car. He says he will reenlist in the Marine Corps if given another promotion before his enlistment expires in April 1965.

Commanding officer Widdows reports the promotion will be made before leaving Cuba within the next few months.

Of his quick decision, the Marine says, "I hope it doesn't happen again. I will always follow orders. If lives are endangered, I will return fire as I did before."

[From the Columbus Dispatch, Aug. 16, 1964]

NAVY BASE CONVERTER OPERATING—SALT IS REMOVED AT COST OF 90 CENTS PER 1,000 GALLONS

(By Jessie Buscher)

GUANTANAMO NAVAL BASE, CUBA.—Our Navy is in Guantanamo to stay, commented Rear Adm. John D. Bulkeley, commander of the Cuban naval base.

Proof is the recent dedication of the salt water conversion and electrical power generation plant, and the two additional installations to be completed. The ultimate three-phase water conversion of salt water into fresh water will produce 2.25 million gallons of water daily.

The cost of the converted water, with only the first phase producing 530 gallons per minute, is approximately 90 cents per 1,000 gallons. The power cost is less than 2 cents per kilowatt.

Total cost of the completed three-phase water conversion and powerplant to the U.S. Government will be \$9.4 million. Water that came from Communist Cuba prior to Cuban Premier Fidel Castro cutting it off last February was 29 cents per 1,000 gallons plus 10 cents per 1,000 gallons for purification. When the three water evaporators and the powerplant are in full operation in December, Bulkeley says the cost per 1,000 gallons will be considerably less.

The secret of the successful operation so soon after arrival of the Westinghouse plant on April 15 was due to "moonlighting" of some base employees.

Bulkeley said base technicians, workers, and sailors worked on the construction after completing their regular 8-hour-a-day jobs. He believes the installation of a similar unit in the United States would require at least 1 year.

The site of the desalination plant is believed to be the same location where Christopher Columbus landed in 1494, 470 years ago. The event ultimately opened the area to seafaring men of the entire world. The plant site also marks the location where U.S. Marines landed during the Spanish-American War in 1898 to assist the Cuban people in freeing themselves from Spanish rule.

The layout of the plant allows for future expansion. The operation allows for the salt brine to return to the Caribbean Sea from whence it came. To obtain 1 gallon of almost pure fresh water with small amount of chlorine remaining, 15 gallons of sea water must be pumped into the plant.

From the time of cutting the Cuban pipeline on February 17, until the fresh water plant was operating, housewives had to conserve on use of water. Washing machines were filled to capacity and the rinse water was used to water the lawn and trees. Clothes were worn a day longer.

Bulkeley permitted summer khakis to be worn at all times, eliminating the laundry of "Navy whites." Families used the beach cabanas located on the Caribbean Sea on weekends as the swimming pools were dry.

Wives interviewed obeyed the admiral's orders to use less water. Some say they will always conserve on water since they have learned how to do it.

Presently all 10 swimming pools are in operation and enjoyed by 9,500 inhabitants of "Gitmo."

The Navy and Marines and their dependents realize that recreational facilities, prices at commissary and post exchange cannot be equaled in United States. They like "Gitmo" living and many have asked for returned duty at the Cuban base without any fear of the proximity of Communist Cuba at its borders on three sides of the base.

With "Gitmo" converting salt water into fresh water, the U.S. Government is tightening the economic squeeze on the Castro government, as the United States paid them \$13,000 monthly for water.

How does the water taste? Good, as it is almost pure, having very little chlorine.

SALMON CANNING—IT STARTED 100 YEARS AGO

Mr. BARTLETT. Mr. President, 1964 marks the beginning of the second century of salmon canning in the United States. In 1864, the first cannery was located on the Sacramento River, at what is now the city of Sacramento, by William and George Hume and Andrew S. Hapgood.

No industry, perhaps, has been subjected to more ups and downs in the course of its existence than has the one involving the taking and canning of salmon.

Today, the Sacramento River is no longer a commercial producer of salmon; now many streams which formerly yielded rich harvests of this wonderful food fish are barren of fish of any kind. Man has a surprising capacity to destroy. For many years, most of the canned salmon produced in the United States has come from the Columbia River, from Puget Sound, from Canada and, most particularly, from Alaska, the principal source of supply.

Mr. President, on April 30 of this year, I was honored when I was invited to join the then Under Secretary of the Interior, James Carr, in the unveiling of an historic marker commemorating the first salmon cannery in the United States. The marker was erected under the provisions of the Historic Sites Act of August 20, 1935.

In the September 1964 issue of the magazine *Pacific Fisherman*, a valued trade journal, special attention has been called to the salmon centennial. I ask unanimous consent that the article, entitled "One Hundred Years of Growth in Salmon Canning," from the *Pacific Fisherman*, be printed in the *RECORD*.

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

ONE HUNDRED YEARS OF GROWTH IN SALMON CANNING

Salmon canning began 100 years ago, in 1864.

Beginning of one of the world's greatest fishery enterprises was on the Sacramento River in California, but almost immediately the growth of the industry ran north and west far beyond California, bound for its eventual character as an international industry, as it is today.

In these pages of an issue dedicated to observance of the Centennial of Salmon Canning, *Pacific Fisherman* will look thoughtfully at the first 100 years of a romantic international industry—an industry which need not die although it depends upon wild things, born in mountain streams, and living in the endless pastures of the sea, beyond the sight and ken and counting of men.

The Pacific salmon industry is harvesting its fish today to a degree not matched before; with an intensity sharpened by competition, but the light of science shows us we are not necessarily depleting the resource, for we know so very much more about it than we did only a decade ago when salmon canning was 90 years old.

One had but to read Dr. William F. Royce's article in this issue to know that modern knowledge of the salmon assures other centuries, reaching into the future, if—

If man has the intelligence and ability to control himself. Danger to salmon through the first 100 years has always been rooted in man's greed and unwillingness to recognize that, properly used, the resource can be perpetuated.

Now man knows how he may, and that he must, fish wisely and with individual and international restraint and honesty. At the same time, as Dr. Royce shows, man must be willing to spend freely to find the facts, the ever-varying facts. If soundly sought and intelligently applied these facts can show where to fish, how much to take, and when, in order to maintain this magnificent resource at full tide.

It is not enough for men to understand the fish and how to catch them and control them wisely. Those who fish also must come to understand themselves, and the men of countries other than their own. They must come to comprehend that control of exploitation and greed is vital, and that conservation of this resource calls for self-control, by individuals, and by nations composed of individuals.

Thus as salmon canning enters its second century the problem is not how to catch salmon and can it, but how to harvest the resource without impairing it, that salmon may continue to serve mankind for centuries beyond today's horizon.

This issue is not a historical review, year by year, of a century. Nor is it a study of the "bad old days" when salmon was a primitive industry and the resource was rated

"inexhaustible." Those days are part of the story, surely; and we can learn from them, but they were only the beginning.

In these we shall seek the significant steps by which salmon canning has grown for its first 100 years. It has been an exciting century, but the future is more so.

BEGINNINGS ON THE SACRAMENTO

Even before three men from the State of Maine started salmon canning on the Sacramento in 1864, there was a salmon industry based on salt on the Columbia River. Through the 1840's there were sporadic efforts to utilize the salmon for trade, but it appears that the first commercial success was that of John West, who began salting salmon at Westport, Oreg., in 1857. His name lives today in the leading salmon label in the United Kingdom.

But salmon canning as such began in 1864. William Hume emigrated to California in 1852 from Maine, bringing with him a gillnet with which he had fished on the Kennebec River. He came of a line of Scottish salmon fishermen, and he made his living fishing on the Sacramento until 1856, when he returned to Maine and persuaded his brother, George W. Hume, to go to California with him. In 1863 George W. Hume returned to Maine and invited Andrew S. Hapgood, who had some experience in canning lobsters, to join the Humes in a salmon canning venture on the Sacramento at Washington, Yolo County.

There in 1864 the three started canning on a small barge—the first "floater."

All this is told interestingly and in some detail in an article by R. D. Hume—a nephew—which was published in *Pacific Fisherman* in January 1904. The article remains to this day the basic document in the history of salmon canning. In arranging for it, Miller Freeman, founder and publisher of this journal, had an artist draw a sketch of the cannery in collaboration with R. D. Hume, who worked in the original plant. This sketch, here reproduced, is the only known picture of the first cannery.

GROWTH—NORTH AND WEST

Salmon canning spread at a racing pace, with the Humes in the saddle. By 1866 William Hume established the second cannery—at Eagle Cliff on the Columbia River in Washington territory. P. J. McGowan, grandfather of John S. McGowan, today president of Bumble Bee Seafoods, Inc., was fishing beach seines at Chinook in that year.

By 1881 there were 35 canneries active on the Columbia and their pack in that year was 549,115 full cases. The river reached its all-time peak pack in 1883, when it was 629,400 full cases, each worth \$5—all handpacked in handmade cans.

From the Columbia River salmon canning spread to the Fraser in 1870 with a cannery at Annville, just below New Westminster.

First cannery on Puget Sound was established at Point Roberts, Wash., in 1893 by A. E. Wadhams of Portland.

ALASKA, CANADA, AND COAST

It was in 1878 that the first salmon cannery was established in Alaska. Actually there were two, but precedence is usually given to the cannery built at Klawock in that year by North Pacific Trading & Packing Co., for this operation has been continuous virtually every year since. The other 1878 entry was the Cutting Packing Co. at Sitka, but it operated only that year and the next.

The westward rush of canning stepped up sharply about 1888 and 1889 as expeditions followed fast to the red salmon fisheries of Kodiak Island, with the result that the market was quickly glutted. By 1891 the first Kodiak consolidation came into being and the pack was put up in half the canneries. The first Alaska Packers Association was formed with five trustees who marketed the pack, and then disbanded.

Two years later the name was used again, this time in the incorporation of the great company which is still a leading factor in the industry.

Bristol Bay with its wealth of Red salmon drew attention early, the first cannery being built there in 1884. Surprisingly enough, the early development was all on the Nushagak, and it was not until 1895 that the first cannery was built on the Kvichak, with its greater potential. Several of the early plants actually were established as salteries and later converted to canning as the productivity of the location was proven.

Growth was rapid to Westward along the north coast of the Alaska Peninsula; and by 1912 the Midnight Sun Packing Co. built a cannery on Kotzebue Sound, above the Arctic Circle. Fifty years later, in 1962, the venturing floater *Bering Sea* went back to Kotzebue.

Development of Canada's Pacific salmon resource centered on the Fraser River for a decade from its start in 1870, and then in a series of leaps, notably in 1881, bounded up the coast to establish canneries in all the areas where Sockeye were to be had in volume. The Skeena had a cannery by 1877. Rivers Inlet and Naas River by 1881, the year of the great expansion.

A strange faith in the abundance of salmon, and in the ability of late comers, saw establishment of canneries in almost every opening in the coastline of Oregon and Washington, with canneries by the dozen at such unlikely points as the Soleduk, Hoh, Queets, Wash.; and Necanicum, Nehalem, Nestucca, Siletz, Yaquina, Alsea, Siuslaw, Coquille, Oreg.; and Sixes, Klamath, and Noyo Rivers, Calif.

None of these canneries today are active. Development of highway transport along the coast led to concentration of the fish at the larger centers, while later the legislative efforts of sport fishermen closed most of the small coastal rivers to commercial fishing, which was forced offshore, with trollers fishing outside State waters.

ASIA

Asian salmon canning apparently began in the period following the Russo-Japanese War, whose peace treaty of 1905 conferred greatly extended fishing privileges to the Japanese. There had, however, been one canning venture as early as 1900, preceded by a number of salmon salting and curing operations in Siberia for a number of years. By 1917 "Pacific Fisherman Yearbook" was able to announce that there were 17 canneries—both Japanese and Russian—active in Kamchatka in 1916, with a pack of 470,000 cases.

Number of salmon caught in Siberia in that year was reported as 94,582,000 fish, of which 85,400,000 were pinks. Reds were counted as 3,619,000.

Following World War I and the Communist revolution, increasing pressure was brought upon the Japanese operations, with progressive reduction by the Soviet in the fishing and canning sites available for lease to Japanese firms.

This growing opposition in Kamchatka led Japanese enterprisers to apply to salmon the technique which had been developed for canning king crabs in floating plants; venturing high seas fishing for salmon also.

Such operations proved spectacularly successful and the nets of the high seas gillnet fleet effectively "corked" the inshore fisheries of the Japanese and Russians alike. So intense did this competition become that the Japanese Government intervened and ordered an accommodation which would spare the shore operators from destruction, while at the same time awarding corporate advantages to the high seas operators whose daring tactics had brought them victory.

Now Japan was possessed of a high sea salmon fishing and canning fleet, of ocean

gillnetters and factoryships—and of the know-how of applying these facilities far beyond the coastal waters of Kamchatka.

Where to go? The answer was obvious, and by the early thirties Japanese "investigation" ships were probing along the Aleutian chain where the red salmon marshal for their spawning run to Bristol Bay, earth's richest fishery.

Let us leave the national and geographical development of salmon canning here for a moment and examine the technological growth which accompanied, and made it possible.

Salmon are a seasonal resource, available in the fullness of size and perfection only for a short time as they reach the coast to resume their fresh water existence. Moreover, the fish are highly perishable. Combined, these two characteristics put a high premium on the ability to handle a year's salmon in a few months or weeks, sometimes in a few days.

Proliferation of canneries and widest geographical distribution of them proved an uneconomic answer, and it was soon apparent that solution lay rather in mechanization and the speed and capacity it would make possible.

Cannmaking perhaps was the first long stride, followed by mechanical butchering through the iron chink—which 60 years have improved, but never replaced. Then came the early forms of fillers.

Second phase of mechanical improvement in salmon canning came with a rushing pace. The "sanitary" can was introduced in 1912; vacuum packing in the early twenties; followed by high-speed multiple-spindle filling, can-weighing, and still higher speeds, eventually to steam-jet vacuum methods, and precision instruments. Sterilization continues to remain a batch process, challenging the inventor.

Fishing has changed also, not so much in methods as in the means by which they have been employed.

Salmon for canning today are caught basically by two methods—gillnets and seines. True, some also are taken by hook and line—trolling and longlining; and by reef nets, but these are minor methods.

Gillnets and seines were among man's earliest methods of fishing, following fast behind the spear and weir. They have been improved, yes; and particularly in the last decade or two by synthetic fibers, but basically the methods are unchanged from those employed when Christ sought His disciples by Galilee, and the Picts and Scots caught salmon on the Tay and Dee.

Two of the most efficient forms of salmon fishing—traps and wheels—have been eliminated by law and the processes of democratic government. Merits of this gear, the rationale for its use, its effect on the resource, and the reasons for its extermination, will long be debated. "Pacific Fishermen" believes, and here ventures once more to declare, that traps and wheels had one fatal fault which led to their elimination. They presupposed an exclusive right of fishery at a preferred location.

Beside the enormous contribution of synthetic fibers to efficiency in modern gillnet and purse seine gear, motorization of vessels and the application of power to the handling of the gear itself have made today's fishing highly efficient. The hydraulic power block has been responsible for much of the modern advance in seining, and it finds application in gillnetting also.

Mounting efficiency of salmon gear, increasing quantities fished, and the Japanese policy of fishing on immature stocks on the high seas, combine to make it evident that the future of salmon canning lies in improved management of the resource and the industry it sustains, rather than improved harvesting and manufacturing methods.

The honest man with some knowledge of the Pacific salmon fisheries in its first 100 years of canning will readily admit that the early decades were marked by shameless waste and ruthless greed.

Further, early efforts at control were largely ineffective, placing blind and vain faith in hatcheries, and in the U.S. Federal formula of 50-50 catch and escapement in Alaska.

In less than two decades, beginning immediately following World War II, salmon biology and salmon resource management based upon scientific knowledge have come a very long way indeed.

Much of this may be ascribed to the standards set and basic studies initiated by the Fisheries Research Institute of the University of Washington College of Fisheries. Conceived in 1946 by a group of forward-looking salmon canners, and wholly supported for years by the contributions of their companies, this institute under the direction first of Dr. William F. Thompson and subsequently of Dr. William F. Royce, has exerted profound influence. This has extended far beyond Alaska, where the work has largely been conducted, and indeed has reached into all salmon-producing regions of the world.

The significant success of the International Pacific Salmon Fisheries Commission, through which Canada and the United States control and develop the Sockeye and Pink salmon fisheries of the Fraser River system and their boundary waters, also directed in its beginnings by Dr. William F. Thompson, has shown how science, engineering, capital investment, farsighted administration and an intelligent and enlightened fishing industry can reverse decline and in some cases at least actually improve upon conditions existing before man's exploitation of a salmon fishery began.

The last 10 years of salmon canning's first century have in many respects been the most dramatic; and surely from them comes the best light reflected into the future.

In the beginning of this brief review of 100 years of salmon canning we said this was an international industry, and such it is. Almost from the first salmon canning in 1864, the product has moved in international trade, notably to the United Kingdom.

First the United States, then Canada, Japan, and Russia, all have participated in this trade, as producers and exporters; and latterly as competitors also on the high seas as well as on Eastcheap and Hudson Street.

Not far back we left off tracing salmon canning's geographical expansion with the Japanese probing into east Bering Sea at the gateway to Bristol Bay in the years before World War II. Firm American protest and the Cordell Hull Doctrine that the United States had a special and unmistakable interest in salmon spawned in Alaska's streams led to the withdrawal of the Japanese vessels.

Treaty of San Francisco brought peace following World War II, and was itself followed in 1951 by the International North Pacific Fisheries Convention between the United States, Canada, and Japan. Ratified in 1953, it entered into force in 1954—10 years ago.

The North Pacific Treaty is unique in its principle that (a) historic utilization of an ocean fishery, (b) maintenance of scientific study of the fishery to determine its full productivity, (c) administration in keeping with scientific findings to sustain that productivity, and (d) exploitation by its historic users at the maximum level which can be sustained from year to year—creates a special interest in the fishery on the part of historic users which should be respected by other nations.

The nations signatory to this treaty have fished under it for a decade, and have carried out faithfully the obligation of scientific study of the salmon resource on the high seas.

They know more today—and all the world knows more—as result of those 10 years of study than was learned of the marine life of the salmon in the 90 years which went before.

Now, in 1964, the Centennial Year of Salmon Canning, the three nations party to the treaty are seeking means by which it may be improved and made more than ever an instrument for the wise use of this resource.

Now, today, as this issue of Pacific Fisherman reached its readers, representatives of the three nations are meeting in Ottawa, conferring to this end in the third such conference. There they consult as salmon canning moves into its second 100 years. From this meeting, or others which may follow it, must come the future of an industry spread across the North Pacific, in which Asians and North Americans alike engage and compete.

The very fact that three of these world powers, these competitors, can and will consult on the conservation of the salmon in the sea is perhaps the brightest portent for the future of a resource which, wisely used, sows itself and serve mankind forever.

HEALTH CARE OF THE AGED—HOSPITAL INSURANCE

Mr. ANDERSON. Mr. President, on September 17, at the invitation of the National Broadcasting Co., I appeared on the "Today" show to discuss the problems of the health care of the aged, with special attention to the proposal to establish a Government program of hospital insurance for the aged.

Immediately after the program was concluded, the American Medical Association demanded that NBC provide equal time for the American Medical Association to present its side of what admittedly is a controversial issue. In the interest of presenting both sides, the network agreed to have Dr. Edward Annis, a past president of the American Medical Association, appear last Friday morning. He did so, and was interviewed by Herb Kaplow.

This issue of health care for the aged has been before the public for several years; and the administration's proposal has been the subject of rather severe criticism, particularly from the American Medical Association. I would be the last person to attempt to still the voices of criticism, because such give and take is essential to our system of government. I feel equally as strongly, however, that the criticism should be based on the facts, and that views not be misrepresented and not be so misstated that they no longer bear any similarity to the truth.

On Friday, Dr. Annis performed the role of chief spokesman of the American Medical Association by continuing that organization's campaign of distortion of the position expressed by the advocates of a Government plan of health insurance for the aged.

Dr. Annis was high in his praise of the Kerr-Mills program of medical assistance for the aged. It is "doing a truly remarkable job," he declared.

That statement cannot be supported by the facts.

Governor Brown, of California, whose State receives almost one-fourth of all the Federal payments under medical as-

sistance for the aged, writes in the September 1964, issue of Harper's:

Designed to help States pay medical expenses for their indigent elderly citizens, it is an acknowledged failure. Years after its adoption, only 26 States have been able to implement the act at all. Of those, six spent 89 percent of the Federal funds available under Kerr-Mills—and Nelson Rockefeller and I, who spend most of that money, are equally and bipartisanly unhappy with the results. In California, we knew before the bill passed that the program would fall short of its goal. Most other Governors know it, too.

While by July, 34 States had implemented the medical assistance for the aged program—MAA—the situation is exactly as Governor Brown described it. In July, the most recent month for which figures are available, New York and California were spending 51.7 percent of the total Federal payment for this program.

I ask unanimous consent that the report for July be printed in the RECORD at the conclusion of my remarks, as exhibit 1.

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

(See exhibit 1.)

Mr. ANDERSON. Dr. Annis also said aged persons "need not be destitute," in order to receive help under MAA. That was the intent of Congress in 1960, in passing the Kerr-Mills law; but it has not worked that way in practice.

Mr. President, an accurate picture of the situation was presented in the supplemental views published in the Senate Finance Committee's report on the Social Security Amendments of 1964. I read this excerpt:

The medical assistance available in most States is inadequate, and the care provided is frequently of poor quality. Even as relief to the destitute, the medical assistance for the aged programs have been far less effective than was hoped. Few States have been both willing and able to finance reasonably adequate health care for even the very poor, let alone those who are somewhat better off—the so-called medically indigent, for whom the MAA program was designed. Eighty percent of the people who have been partially helped by MAA are persons who could meet the means tests of the regular old-age assistance program. These people are not only medically indigent; they are indigent for any and all purposes, by any decent standard.

During the interview, reference was made to a speech which I delivered last March 12 before the Kentucky State Legislature. Dr. Annis said I had not checked the facts which I presented in that speech. Mr. President, I ask unanimous consent that my Kentucky speech be printed in the RECORD, at the conclusion of my remarks, as exhibit 2.

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

(See exhibit 2.)

Mr. ANDERSON. Mr. President, after I gave that speech, no one challenged my statistics—at least, no one I heard of—until Dr. Annis made his charge last Friday. The unfortunate conditions that applied last March still hold true today. The only thing that has changed is that the American Medical Association campaign has grown more virulent as the showdown on health insurance for the

aged has drawn closer. I am not surprised.

What I do find surprising is Dr. Annis' statement that under the Kerr-Mills program, in Kentucky an elderly couple can live in a home worth \$50,000 and still can receive medical assistance for the aged. It is true that an aged person's homestead is not involved in the eligibility test for the MAA, in Kentucky.

But the ironic thing is that Dr. Annis attacks the administration's health care proposal because he says it would help rich people. If someone in Kentucky is improperly getting Federal help because he is medically indigent and is living in a \$50,000 home, Dr. Annis should let the proper officials know about it.

Dr. Annis dredged up an old American Medical Association charge that the Department of Health, Education, and Welfare, because it favors health insurance for the aged through social security, is not telling the States of the benefits under the Kerr-Mills program. That is not the truth.

The Department clearly has a responsibility to assist the States in implementing the enabling legislation. All available evidence indicates that the Department has accepted and fulfilled that responsibility to the fullest extent possible. The shortcomings of the Kerr-Mills program of medical assistance for the aged are substantive, and cannot be overcome by zealous promotion.

One of the methods employed by the Department to facilitate implementation and administration of MAA plans is a series of State letters which are regularly forwarded to State agencies administering public assistance programs. All these items date back to the inception of the Kerr-Mills program, and they typify the strong and legitimate encouragement supplied in support of the MAA program.

Interestingly, Mr. President, as long ago as August 1963, Dr. Annis was blaming Governors and State public welfare directors—not Federal officials—for impeding implementation of the Kerr-Mills program.

I ask unanimous consent that a letter from Dr. Ellen Winston, Commissioner of Welfare, U.S. Department of Health, Education, and Welfare, to Dr. Annis, and his reply, be printed in the RECORD, at the conclusion of my remarks, as exhibit 3. This exchange of correspondence demonstrates the inconsistency of Dr. Annis' remarks.

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

(See exhibit 3.)

Mr. ANDERSON. Mr. President, while Dr. Annis is entitled to express criticism of the administration's proposal or of the conclusions of a congressional committee, he has overstepped the bounds of fairness and decency by impugning the motives of the former chairman of the Special Committee on Aging.

In response to a question from Mr. Kaplow about figures presented by the McNamara committee, Dr. Annis said:

I could have written Senator McNAMARA's report before he ever had his committee action. No one is ever surprised with what he finds. He knows ahead of time what he's

going to report. He's been doing this for a number of years.

The work of the committee under the Senator from Michigan and his efforts as chairman of the Subcommittee on Health of the Elderly, of the Special Committee on the Aging, have been extremely favorable and have been evidenced during public hearings at which both sides of the issue have been fully presented. The Senator from Michigan is a supporter of the administration's approach to the problems of the aged. But he has never let this feeling outweigh his sense of fairness.

Dr. Annis further stated:

The only thing I can tell you is that when McNAMARA's report came out a year ago, the overall chairman of the committee decried the negative character of the report.

He was referring to the individual views of Senator SMATHERS, as published

in the October 1963 report by the Subcommittee on Health of the Elderly. The junior Senator from Florida—and this is his complete statement—stated:

While I regret the negative tone of this report, I believe it provides valuable information on the operation of the MAA program, its weaknesses, and the needs for its improvement. Unless and until another Federal program is enacted, MAA offers the most practical means available to assist senior citizens with their medical problems. It, therefore, behooves Congress to correct the weakness revealed by this report and make MAA a more effective instrument in achieving this important objective.

That is a long way from decrying a report by one of his subcommittees, and, in fact, shows that the junior Senator from Florida recognizes some of the shortcomings of the Kerr-Mills program.

Dr. Annis also declared that the aged can protect themselves, and are doing so,

through private health-insurance plans. If that were the case, we would not be laboring in conference to produce such protection through a contributory payroll program.

The truth was more accurately reflected by Mr. A. M. Wilson, chairman of the executive committee of the Massachusetts "65", when he said:

The early enthusiasm for a 65 plan as a means to combat Federal intervention is very rapidly subsiding as companies begin to realize the extent of their financial involvement. We are still a business which cannot function as a private social-relief association.

Mr. President, I hope the debate over health care for the aged will be ended this week by enactment of a Government plan that, together with other public and private programs, will assure the elderly the care they require and the means to pay for it.

EXHIBIT 1

Report on medical assistance for the aged (MAA): Vendor payments and recipients, July 1964

State	Total payments			Federal share of payments			Recipients		
	Amount	Percent of national total	Average payment per recipient	Matching percent	Amount	Percent of national total	Number	Percent of national total	Number per 1,000 aged population ¹
Total	\$36,264,602	100.0	\$195.35		\$18,527,483	100.0	185,641	100.0	13.9
New York	10,667,199	29.4	311.68	50.00	5,308,520	28.7	34,225	18.4	18.8
California	8,523,737	23.5	290.89	50.00	4,261,868	23.0	29,302	15.8	19.0
Massachusetts	4,408,376	12.2	163.41	50.00	2,155,044	11.6	26,978	14.5	45.4
Michigan	2,030,713	5.6	368.68	50.00	1,015,356	5.5	5,508	3.0	8.0
Pennsylvania	1,561,070	4.3	198.00	50.00	780,535	4.2	7,884	4.2	6.7
Washington	1,423,505	3.9	143.35	50.00	711,752	3.8	9,930	5.3	33.8
New Jersey	1,219,618	3.4	233.38	50.00	605,710	3.3	5,226	2.8	8.5
Connecticut	1,183,322	3.3	183.95	50.00	590,926	3.2	6,433	3.5	24.7
Oregon	549,562	1.5	146.16	50.00	274,781	1.5	3,760	2.0	18.8
Illinois ²	542,694	1.5	402.59	50.00	271,347	1.5	1,348	.7	1.3
Iowa	451,808	1.2	81.89	57.63	260,377	1.4	5,517	3.0	16.2
Kansas	344,840	1.0	146.55	56.63	188,792	1.0	2,353	1.3	9.3
Idaho	285,114	.8	137.67	67.43	192,252	1.0	2,071	1.1	32.9
Minnesota	257,297	.7	47.37	56.42	125,929	.7	5,432	2.9	14.2
North Dakota	257,084	.7	221.82	73.03	185,947	1.0	1,169	.6	19.3
Maryland ³	255,527	.7	25.09	50.00	123,182	.7	10,184	5.5	41.1
Utah	252,778	.7	117.52	62.28	157,430	.9	2,151	1.2	32.1
Kentucky ⁴	233,549	.6	35.81	75.27	175,792	.8	6,521	3.5	21.3
District of Columbia	223,768	.6	286.15	50.00	111,884	.6	782	.4	10.6
Hawaii ⁵	210,977	.6	393.61	50.00	105,488	.6	536	.3	15.3
Florida ⁶	191,545	.5	374.84	60.69	116,249	.6	511	.3	7.7
Tennessee	188,912	.5	49.16	75.53	142,685	.8	3,843	2.1	11.6
Oklahoma ⁷	164,041	.5	161.46	65.65	107,693	.6	1,016	.5	3.8
Arkansas	136,344	.4	48.87	80.00	109,075	.6	2,790	1.5	13.5
Virginia	124,746	.3	103.96	65.05	81,147	.4	1,200	.6	3.8
Puerto Rico	103,374	.3	32.74	50.00	51,687	.3	3,157	1.7	23.2
Nebraska	97,036	.3	602.71	55.10	53,467	.3	161	.1	.9
Maine ⁸	93,380	.3	274.65	65.65	61,304	.3	340	.2	3.1
Alabama	72,708	.2	285.13	78.29	56,923	.3	255	.1	.9
West Virginia	52,808	.1	17.76	71.76	37,895	.2	2,973	1.6	16.3
Louisiana	42,226	.1	143.14	73.46	31,019	.2	295	.2	1.1
South Carolina	33,515	.1	125.06	80.00	26,812	.1	268	.1	1.6
New Hampshire	31,177	.1	34.72	56.38	17,578	.1	898	.5	12.5
Vermont ⁹	27,186	.1	183.69	64.75	17,603	.1	148	.1	3.3
South Dakota	10,080	(e)	56.95	68.87	6,942	(e)	177	.1	2.3
Wyoming	5,737	(e)	(f)	50.00	2,868	(e)	13	(e)	.4
Virgin Islands	4,973	(e)	29.96	50.00	2,486	(e)	166	.1	83.0
Guam ⁸	2,276	(e)	17.51	50.00	1,138	(e)	130	.1	130.0

¹ Based on civilian population aged 65 and over estimated by Bureau of the Census as of July 1, 1964.

² Includes money payments to recipients not subject to Federal matching: Connecticut, \$1,470; Kansas, \$11,462; Maryland, \$9,164; Massachusetts, \$98,287; Minnesota, \$34,098; New Jersey, \$8,198; New York, \$50,159; North Dakota, \$2,467.

³ Includes an unknown number of persons who received money payments only, causing average vendor payment to be slightly understated.

⁴ Based on States listed in this table. Rate including States not making MAA payments is 10.3 per 1,000 aged persons.

⁵ Represents medical assistance for the aged segment of program for aid to the aged blind, or disabled and medical assistance for the aged.

⁶ Less than 0.05 percent.

⁷ Average payment not computed on fewer than 50 recipients.

⁸ Data for March; later data not available.

Source: Department of Health, Education, and Welfare, Welfare Administration, Bureau of Family Services, Division of Program Statistics and Analysis.

EXHIBIT 2

HOSPITAL INSURANCE FOR THE AGED

(Remarks of Senator CLINTON P. ANDERSON at Kentucky General Assembly, Frankfort, Ky., Mar. 12, 1964)

I consider it a privilege to be invited to address the general assembly on the issue of health care for the aged. It is an issue which has generated much attention—and, regretably, more heat than light. You are to be commended for seeking to hear both sides

of this controversy. Mr. Justice Holmes once said "that the ultimate good desired is better reached by free trade in ideas, that the best test of truth is in the power of the thought to get itself accepted in the competition of the market." I agree that these public social questions should be subjected to the test of public debate.

And I agree with Dr. Annis, who declared from this same rostrum that no one should be denied medical care because of inability to pay. This debate—which has been under-

way for more than a decade—has narrowed to the point where the central issue is not whether the aged are provided with the health care they need—although that is a serious concern. Nor is the issue whether many of them lack the ability to pay for that care—although large numbers do. At issue is how the cost of this service is to be met most effectively. And at the heart of the matter is whether we can prevent poverty or whether we must surrender and deal with

it only after it occurs. A look at the past tells us we need not surrender.

In the 1930's, I was the administrator of the State welfare program in New Mexico. The issue then was what, if anything, could be done to provide a decent level of life for aged people who could no longer work—and to provide this without interfering with the incentive to work and earn and save. Under the leadership of Franklin Roosevelt, social security was developed to assure people of a moderate income in old age sufficient for food, clothing, and shelter. A basic part of the idea was to assure these necessities of life to all of the aged—not just the impoverished or the improvident—so as not to discourage thrift and work. The object was to encourage people to add private resources on top of the social security benefit. It has worked that way because throughout the history of social security, life insurance and other private insurance have grown tremendously and employee benefits such as the United Mine Workers' plan have helped make for a decent life in old age. We who backed social security are proud of that fact.

Not even the few critics of social security can fail to recognize that this cooperative approach of Government and private effort has worked admirably to assist the aged.

Over the years, since the creation of the original Social Security Act, I have felt a deep sense of satisfaction as Congress has extended coverage to people on the farm and to other groups, has added the permanently disabled and their dependents, and has improved benefits. I watch with regret as the American Medical Association originally opposed social security coverage for the permanently disabled. Congress nonetheless acted to protect the disabled, and the physicians then cooperated in making this program work well. The AMA also opposes social security coverage for physicians, leaving this profession virtually the only one uncovered—although there are many physicians who do favor the inclusion of their profession under the Social Security Act. Lawyers, engineers, dentists, architects, and accountants are in; only the doctors stay out.

The great majority of the aged are able to meet regular day-to-day living expenses, of course, with the help of social security and their modest retirement resources. No doubt, the fact that in the year 1962 social security was paying benefits of over \$230 million in Kentucky is the primary reason that extreme poverty in old age has declined as much as it has. Some 213,000 aged Kentuckians—more than 70 percent of your aged—are receiving social security benefits. And next January 1,309,000 Kentuckians will be age 65 and over. If the administration's hospital insurance program is enacted, virtually every one of them would be eligible for its protection.

But today there remains a problem threatening the aged that is very similar to the one that so concerned us in 1935. This problem is medical costs—costs which today represent the last serious remaining gap in the economic security of most older people, and are the major single reason that older people are brought to the meager level of old-age assistance.

The plain fact is that older people generally cannot afford the cost of reasonably complete health insurance—insurance that costs a couple about \$450 a year even under the State 65 plans, which are operated on a nonprofit basis. Neither can they afford the \$900 or \$1,000 in health costs they may encounter in a year in which they are hospitalized. And the older person can expect two or three trips to the hospital after age 65. Thus, most older people are faced with the prospect that serious, and expensive, illness could wipe out their savings and force them to become dependent upon children or charity.

We are engaged in a war on poverty. Our President is leading it, and I am glad to march in the ranks. But surely there is much that can be done now so that we need not have to fight this war forever. We must prevent poverty. The challenge today is to keep from losing the income protection that was hard won in the 1930's because of the rising costs of health care in the 1960's.

The chief purpose of the King-Anderson bill and similar legislation is not to provide care that people are not now receiving, although many aged are deprived of adequate care. The aim is to give the aged some protection against the dread—and the actuality—of becoming destitute or dependent as a result of the costs of major illness. I say this because the hope behind the original Social Security Act was—in the words of the Supreme Court—"to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near."

It is rare that anyone in critical condition must go without care because he cannot afford it. But it is considerably less likely that a poor person would get the kind of care that would treat chronic disease to prevent it from becoming acute.

If, in order to obtain the medical care they need, old people must exhaust their savings or sell their homes—if they must turn to their children for help—if they must contemplate the possibility of jeopardizing their grandchildren's chances for an education—if after a lifetime of self-support they must ask for charity—if they must do any of these things, then surely some of the aged will postpone the trip to the hospital or the visit to the doctor, hoping for a miracle, hoping the pain will somehow go away—hoping, while the minor illness turns into a major one. Postponement in seeking medical care often is costly in dollars. But the toll in suffering is even more costly.

There is ample evidence that care is not as readily available to the aged without adequate funds as some would have you believe.

The Texas Research League, which is adamantly opposed to the King-Anderson bill, found 21,451 cases—that is, 8½ percent of the Texas public assistance caseload—with medical needs not being met in 1961.

An Illinois Congressman surveyed Chicago physicians last fall and got replies from 970. Some 36 percent reported that they had aged patients who declined to go to hospitals because either they could not afford the care or would have to go on welfare.

Only 18 percent of the aged in Kentucky hospitalized under Kerr-Mills medical assistance for the aged have stayed beyond 10 days. Yet nationally about half of the aged who go to the hospital stay longer than 10 days. It is a matter of concern that patients may be discharged although still in need of hospital care.

And too often aged persons are hospitalized in mental institutions not because they need psychiatric care, but because financial barriers have prevented them from getting the medical care they need in general hospitals.

As an example of what I mean, let me read part of a letter from a New Jersey mental hospital superintendent announcing that his institution could no longer admit bedridden patients, mainly the aged. This physician declared:

"These patients belong in general hospitals or nursing homes. I know the problem of keeping chronic patients in acute beds. But it is no solution to label them 'insane' and send them to an understaffed, overcrowded psychiatric institution."

There can be no doubt whatsoever that the relief from financial worry provided in a social security hospital insurance program would contribute significantly—in a way that no means test public welfare program ever could—to making needed health

services available at the time they are needed, to many who are too proud to ask for charity, and too reluctant to burden their children.

Prevention of poverty requires a program which will aid not only the very poor among the elderly meet their health costs but also the many of modest income. The rich among the aged—whom some contend the social security insurance proposal would unjustly help—are rare. Only about 3 percent of the aged have incomes of \$10,000 a year or more, and they already receive very substantial income tax deductions for their medical bills.

Some persons concerned about this problem saw in the Kerr-Mills program the solution to aiding the great majority of the aged—the middle-income aged—with their health costs. The late Senator Kerr, who sat beside me in the Senate, visualized in 1960 that some 10 million aged not on old-age assistance would become eligible for medical assistance under his bill. That has not come about nor are we close to achieving it.

It seems virtually impossible for all the States to meet the costs of a plan of that scope and provide meaningful benefits and at the same time pay for all the other things you must do. I say that because Kentucky is like New Mexico and every other State. You are spending more for education, more for highways, more for parks and for industrial development.

Last November 21, representatives of the Kentucky State Medical Association testified before the House Ways and Means Committee in Washington that by July 1, 1965, Kentucky would have a medical assistance for the aged program covering hospitalization for 21 days, and other liberalizations with more reasonable standards of eligibility. Such a program would cost about \$40 million a year in Kentucky, and the State would have to put up \$10 million of that cost. You have rejected that program because of its costs.

Kentucky, however, is to be commended for being one of the first States to implement the Kerr-Mills law. And I do not think I am imposing on your kindness in having me here when I say that what you have done is imply not enough. I compliment you on what has been done and know that it is as much as you can do in the face of other demands on the State treasury.

I understand that the record budget you have approved for the next biennium provides only enough medical care funds to maintain the present level of medical care benefits. But even if Kentucky's funds for welfare could be increased, there is a question of where these funds should go—whether eligibility for medical assistance should be increased or whether it might be better to provide somewhat more liberal cash payments for the indigent who now, in Kentucky as in many other States, must get along on a very meager budget.

You know far better than I that the Kentucky medical assistance program must keep benefits low to stay within available funds. Hospital care beyond 10 days per admission is not covered. The goal of your legislation, then, of removing the fear that the aged person who becomes hospitalized and has low income will not be forced to lose his home or liquidate his life insurance, falls far short of being met. When the patient must be hospitalized beyond 10 days the hospital has no other recourse but to use all means within its power to obtain payment from the patient. The State may not apply a lien against the patient's assets to recover its welfare payment; but if the State welfare payments do not cover the cost of care, what can the provider of costly services do? The hospitals are as much the victim of this system as the impoverished aged.

They are the victims because the cost of the care they are providing the welfare recipient is not being fully met, and they must turn elsewhere to make up the difference. As legislators you have had to face this problem, and you will continue to confront it until a national program is instituted. Under the social security approach, the hospitals would be reimbursed for the cost of their services, and this would relieve them of a burden they should not be compelled to carry.

All of this was discussed in some detail on the floor of the Senate of the United States in 1962. In the course of that debate, the great majority of Senators came to the agreement that Kerr-Mills legislation would not suffice to meet the problem. JOHN SHERMAN COOPER joined with me and almost, but not quite, half of the Senators in voting for the social security hospital insurance bill. Many others including THURSTON MORTON, favored other means—tax credits and such—to solve the problem. But the great majority recognized that the Kerr-Mills legislation was not enough. Since 1962, the social security supporters in the Senate have not diminished in number. They have increased as the deficiencies and problems in present law have been more widely recognized.

This is not a partisan issue, although my party has vigorously worked for enactment of a social security hospital insurance program. Last November, a bipartisan group of distinguished physicians, educators, and insurance executives recommended a contributory payroll plan to finance such insurance. The committee was headed by Arthur Flemming, President Eisenhower's Secretary of Health, Education, and Welfare.

Some 9 million of the aged have health insurance of one type or another. But it should not be concluded from this that half of the aged have adequate health insurance coverage. A large body of evidence shows that the limited financial capacity of large numbers of the aged has resulted in their purchase of policies they can afford and not what they really need to cover the large expenses they may face. All too often the insurance is costly yet still does not protect against bankrupting costs. The bitter irony is that many of those who are insured eventually have to resort to old-age assistance because, despite their insurance, medical costs have wiped them out.

A special Senate Committee on Aging intends to investigate this situation in the next month or so. I think its members will find more evidence of just how difficult it is for private insurance to do the job on its own.

Blue Cross has been one of the more responsible organizations in the effort to do something to protect the aged. But Blue Cross, too, runs up against sharply rising hospital costs and the attendant necessity to increase premiums.

In New York, some 7½ million Blue Cross subscribers would be affected by a 25-percent average increase in rates proposed earlier this month. The most painful part of that announcement was that under a proposed new rating system some groups of subscribers with records of unusually high use of hospital service would receive a maximum rate increase of 40 percent. These groups—it was explained—are largely composed of women and the older age groups.

In neighboring Illinois, the Blue Cross announced last fall that it was cutting benefits for individuals—primarily the aged—25 percent rather than raise premiums. But the effect is the same—less protection for more money.

Here in Kentucky—where room and board rates for a two-bed hospital room in metropolitan areas such as Louisville and Lexington are in the neighborhood of \$19 a day—Blue Cross' program for the aged pays \$12 a day. That helps, but those indemnity benefits always lag behind actual charges. It leaves a protection gap for the aged.

Another aspect of this is the fact that the national average expense per day of hospital care—not counting physicians' or surgeons' fees—has increased 400 percent since 1946, and is now nearing \$40 a day.

The Blue Cross-Blue Shield campaign in October 1962, to enroll more of the aged in Kentucky, resulted in an extension of protection to only slightly over five-eighths of 1 percent of Kentuckians over 65. That is one measure of the enormity of the problem facing private and group insurance. Moderately good insurance is beyond the reach of large numbers of aged Americans.

There must be a way out of this dilemma. And there is. It is to provide basic hospital and skilled nursing home protection through social security as embodied in the King-Anderson bill. Briefly, the bill provides these benefits for virtually all the aged:

Inpatient hospital services for up to either 45 days with no deductible; 90 days with a deductible of \$10 a day for the first 9 days; or 180 days with a deductible equal to about \$92.50.

Up to 180 days of skilled nursing home services affiliated with hospitals after transfer from a hospital.

Outpatient hospital diagnostic services, with a \$20 deductible.

And also up to 240 visits per year by a therapist or visiting nurse to the patient's home of a patient under a physician's care.

This approach—recommended by both President Kennedy and President Johnson—would not cover physicians' or surgeons' fees. But the fact that the costly, unpredictable part of the total medical bill—the hospital portion—would be covered under the Government plan means that private insurance could provide coverage on doctors' charges.

When present health insurance of the aged is so clearly inadequate—much of it covering less than 20 percent of medical costs—I, and others in the insurance field, see a large market for health insurance sold to supplement the social security plan.

Indeed, one nationally known insurance company testified in favor of the administration's plan, and others are very much interested in the possibilities it presents for new markets.

The widely discussed arrangements for pooling of insurance company resources to provide insurance to the aged on a nonprofit basis have emphasized major medical expense policies which would supplement the social security plan. The King-Anderson bill specifically encourages this cooperative effort between the private and public sectors to solve an urgent national problem. It is in keeping with the very nature of our American system.

Let me contrast this with what would happen under a broad coverage means test program—an expanded Kerr-Mills. A person with, say, \$2,000 to \$2,400 a year income and supporting himself would be foolish to buy private insurance if, upon becoming ill, he could rely on the State to take care of him. A person who could receive \$2,500 in income would seek to avoid the last \$100 if he could be eligible for assistance only if his income were \$2,400. He would seek to divest himself of assets, waive benefits, perhaps to reduce his mine workers' pension. This is the dilemma of the means test. It is the dilemma that is solved only through social security.

As an insurance man, too, I have been much concerned with the system for financing the proposed social security hospital insurance plan. I see the following advantages in its arrangements:

1. It would obtain its funds from the working groups, not the disabled, not the assistance recipients, not the unemployed. These disadvantaged groups, of course, have to contribute directly or indirectly through real estate tax, sales tax, and similar sources of revenues to support medical assistance.

2. The one-fourth of 1 percent tax would be shared by employees and employer equally.

3. The tax would be in proportion to earnings up to \$5,200 per year so that the lower income rural population of States such as Kentucky would pay substantially less than the high income fully employed urban worker. This is in contrast to Blue Cross, for example, which exacts the same premium from each member, and for that reason finds all too few customers among the aged—as I pointed out a moment ago.

4. The social security plan—raising funds by applying a percentage tax rate to earnings—would have an advantage over present insurance in that, as earnings rise and the system is kept up to date, income to the program would automatically increase, permitting the program to keep its benefits in relation to current costs.

There are those who say the administration is urging passage of the social security approach for political reasons. There is no disguising the fact that this is a political year. But the problem has been before the Nation in other years, too, and it demands an answer now. As justice delayed is justice denied; so care delayed is care denied.

The difficulty has multiplied in intensity as the number of aged have multiplied in number. The aged population has increased over 2½ times, growing from 6.6 million in 1930 to 17.7 million. Every 24 hours something like 3,200 more Americans become 65. This is the equivalent of another Pineville, or another Carrollton, or another Fulton, all of whom would be 65 or over.

Medical science, for one thing, has helped stretch the life span of Americans. At the turn of the century, life expectancy was 43 years; by 1935, it was almost 62 years; and now it is 70. But the cost of this medical care has risen phenomenally, and the end is not in sight.

Despite the efforts of private and group insurance plans, despite the efforts of States like your own, which have inaugurated a medical assistance for the aged program, the problem remains unresolved. In truth, it is growing more acute.

The goal we have set ourselves is to continue what was begun three decades ago when the original social security program was established. We intend—and I sincerely believe it will be this year—to write another chapter in social security history—the chapter of hospital care for the aged through social security.

EXHIBIT 3

EDWARD R. ANNIS, M.D.,
*American Medical Association,
Chicago, Ill.*

DEAR DR. ANNIS: We have had called to our attention an article in the Albany Times-Union of June 29, 1963, reporting that you stated, during a news conference in Utica, that officials who administer medical care for the aged in New York and in many other States do not try to make it work.

As you know, the Department of Health, Education, and Welfare is charged with reviewing and approving State plans for medical assistance for the aged programs. Under title I, section 2(a), of the Social Security Act, as amended, it is required, among many requirements, that such plans "provide such methods of administration * * * as are found by the Secretary to be necessary for the proper and efficient operation of the plan." In the case of a State where it is found, after reasonable notice and opportunity for a hearing, "that in the administration of the plan there is a failure to comply substantially with any provision required by section 2(a) to be included in the plan," the Secretary shall withhold payments under the plan until he is assured that there is no longer such failure to comply.

The Secretary has delegated his functions under these provisions to me, as the Commissioner of Welfare. Since it is my responsibility to assure that the medical assistance for the aged program operates in each State in accordance with that State's approved plan, I would appreciate any specific information upon which your press statement was based. Our experience in the Department to date has been that the 32 State administrators of MAA plans are diligently administering these plans within the limitations act by State laws and State appropriations. I am certain that you would not wish to go on record as making charges of maladministration by State welfare administrators without definite evidence. I shall appreciate a prompt reply.

Sincerely,

ELLEN WINSTON,
Commissioner.

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., August 29, 1964.

ELLEN WINSTON,
Commissioner, Department of Health, Education, and Welfare, Welfare Administration, Washington, D.C.

DEAR COMMISSIONER WINSTON: During the first year after the Kerr-Mills bills were enacted into law, there occurred many instances of Governors or State public welfare directors who publicly stated their opposition to the Kerr-Mills approach and their support of King-Anderson type legislation. Obviously these statements were not likely to inspire confidence in the Kerr-Mills Act or in the State implementation of the law. It is this attitude of reluctant administration or even stubborn opposition to the Kerr-Mills approach that I was thinking about in my comments which appeared in the Albany Times-Union.

Frankly, I think that the general atmosphere has improved markedly since you became Commissioner of Welfare in the reorganized national administration of the program. I am aware of the fact from my good friend Lester Karnodde that you were most cooperative with the physicians of North Carolina when you were director of public welfare there; and I am hopeful that under your direction and guidance the administrators of the programs in the States will administer the law with more enthusiasm than many of them have shown in the past.

Sincerely,

EDWARD R. ANNIS, M.D.

REDUCTION OF COST OF PRODUCTION UNDER FEDERAL CONTRACTS

Mr. PEARSON. Mr. President, we frequently overlook the efforts of private enterprise to reduce the cost of production under Federal contracts. We also accept the technological innovations generated by these contractors as a matter of fact and with little attention to the effort and dedication which goes into such developments.

I would like to call to the Senate's attention a recent change in manufacturing techniques introduced by the Boeing Co., in Wichita, Kans.

Boeing is currently producing parts for the S-1C first stage booster of the Saturn V under a contract with the National Aeronautics and Space Administration. Boeing engineers were faced with the problem of turning out a part for which milling equipment was not available. Applying the ingenuity which has kept Boeing in the forefront as aircraft and space vehicle innovators, Bo-

ing engineers created a new manufacturing technique.

The product of this effort will not only maintain the work schedule under the contract, but will effect a savings of at least one-half million dollars throughout the life of the project.

Mr. President, I believe such service as this deserves widespread acclaim from the participating Government agencies.

While the innovation is technical in nature, a brief article explaining the breakthrough and the resulting dollar saving to NASA was carried in the September 17, 1964, issue of Boeing Wichita's publication, Plane Talk.

I ask unanimous consent that this article accompany my remarks in the RECORD.

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

SATURN PARTS MILLED INPLANT—CHANGE IN TECHNIQUE TO SAVE NASA HALF-MILLION DOLLARS

A change in milling techniques will save the National Aeronautics and Space Administration an estimated half-million dollars by 1967, in connection with work being done at Boeing-Wichita on the S-1C first-stage booster of Saturn V.

The Boeing estimate is based on moneys already saved from remaining milling requirements plus those that are expected to result from work performed in the future.

The manufacturing switch involves substitution of machine milling in the flat condition prior to forming (generally called presculpturing) for chemical milling (done after forming) on fuel and liquid oxygen (lox) tank gore sections for the Saturn V.

The basic purpose of either chemical milling after forming or presculpturing before forming is to reduce weight of the skins by etching or sculpturing away metal, not needed for strength or function.

The techniques also can be employed to form cutaway areas for the various inner fittings of the fuel system.

At Boeing-Wichita, two revolutionary forming methods are employed to fabricate the giant cylindrical skins and gore sections for NASA's moon rocket booster, being developed under contract to the Marshall Space Flight Center. One technique, bulge forming, is used to shape both the apex and base sections which comprise the caps for the fuel and lox tanks. It is here that presculpturing outmoded chemical milling.

During fiscal year 1963-64, 136 gore panels were presculptured inplant for the fuel and lox tank caps. Prior to this time the panels were bulge formed and then shipped to one of four designated companies for chemical milling. Afterward, they were returned for hand finishing to specified thickness.

As a result of the change to presculpturing in lieu of chemical milling, Boeing produced an actual savings of more than \$132,000 on the 136 panels. But that's not the entire story.

Examples of some additional, but related, savings are: Prior to July 1, 1963, preparation cost on the panels was greater than that for both presculpturing and bulge forming the panels, combined.

Manhours required in chemical milling for cleaning, masking, scribing, etching and inprocess mapping (in and out of chemical tanks for tolerance checking), and the materials needed for these processes, have been eliminated along with other items.

A most important reduction is elimination of the shipping costs incurred from Wichita to the chemical mill centers and their return.

Although a minor item, costwise, presculpturing has a certain amount of recovery on aluminum salvage, whereas chemical milling washes away all excess metal.

Cost improvement is an "everyday" term at Boeing, and has been for years. Every possible effort is continually made to lower production costs.

Boeing-Wichita is manufacturing approximately 90 percent of the parts for the S-1C first-stage booster for Saturn V under an interdivisional assistance agreement with the company's Launch Systems Branch at New Orleans.

RADIATION OF MARINE PRODUCTS

Mr. SALTONSTALL. Mr. President, today the Atomic Energy Commission's new experimental laboratory for the radiation of marine products was dedicated in Gloucester, Mass.

The laboratory will experiment with preservation of seafood, and already we can foresee the possibility of shipping fresh seafood to the Midwest which has never been able to appreciate these superb foods. There is a very remarkable difference between fresh fish and that which has been iced for a number of days before it is prepared for the table. Irradiation would "freeze" the product, preventing deterioration.

I am glad to welcome this new laboratory in Massachusetts, and I am sure that it will do much to help our fishing industry.

I ask unanimous consent that an article published yesterday in the Boston Globe be printed in the RECORD.

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

EERIE BLUE LIGHTS—A REVOLUTION IN SEAFOODS

(By Timothy Leland)

GLoucester.—At the bottom of the metal well, far under the water, three eerie blue lights glowed with a ghostly transparency, like beacons from a distant world.

"That's the stuff that does it," the man said. "We bring it up on those dollies."

Inside the little room his voice bounced hollowly off the 5-foot-thick cement walls and then was swallowed up, leaving a softer silence than before.

Deep under the water, the lights glowed on—waiting.

Very soon, scientists here will begin experimenting with these "lights." And the research that ensues may revolutionize the Nation's fishing industry, making possible the delivery of fresh seafoods to millions of midwestern homes that have never had them before.

To be dedicated here tomorrow is the Atomic Energy Commission's new experimental laboratory for the radiation of marine products.

This \$600,000 facility, housed in a one-story brick building overlooking the Annisquam River, is the first in the world devoted to investigating the use of radiation for preserving seafoods.

The dedication will be held in conjunction with the 3-day International Conference on Radiation Preservation of Foods, which gets underway today in Boston, with more than 300 scientists attending.

ENORMOUS POTENTIAL

The possibilities of preserving food by radiation have been well established on a theoretical basis since 1946. Studies undertaken at Massachusetts Institute of Tech-

nology at that time clearly revealed the enormous potential of the process.

But only recently has the promise been translated into product.

Last year, the Food and Drug Administration approved sale of the first irradiated product—bacon. Since then, the use of radiation for disinfecting wheat and for inhibiting potato sprouts has also been sanctioned.

But it remains for the \$80-billion-a-year food industry to pick up the ball and run with it.

A MISTAKEN NOTION

Before reaching the marketplace however, irradiation as a means of food preservation must overcome several obstacles. And one of the biggest is the mistaken notion that it has something to do with radioactivity and atomic fallout.

"Actually," says John D. Kaylor, supervisor of the new Gloucester facility, "nothing could be further from the truth. What we do to the food here has no possible connection with either."

The purpose of radiation in this technology, he explains, is to kill the bacteria that causes decay. Bacteria is present on all foods—including fruits, vegetables, meats, milk, and fish.

Given the chance to multiply, the tiny organisms gradually break down the cell constituents of a food, causing it to "go bad" and then deteriorate altogether.

Bacteria doesn't like cold, and refrigeration has the effect of slowing down their multiplication. Radiation, however, kills them outright.

"Any number of different radiation sources will do the trick," explains Kaylor, "but we're going to use gamma rays."

The ghostly blue lights at the bottom of the well are strips of radioactive Cobalt 60. The gamma rays they emit are similar to X-rays except that they have a shorter wave length.

"You can think of the radiation of food as being something like sound waves passing through a wall," says Kaylor.

"In the process they kill off a lot of the bacteria and pass on, like heat through a hamburger."

At the U.S. Army Natick Laboratories, research has been underway with radiation for several years to sterilize food—that is, kill all the bacteria in a product. To do this, however, involves higher ranges of radiation that (like overcooking) may affect the flavor and texture of a food.

DIFFERENT APPROACH

The AEC has been taking a different approach. Instead of completely sterilizing food, the emphasis has been on pasteurization.

"Our radiation with Cobalt 60 will only kill about 99 percent of the bacteria," notes Kaylor. "In time that remaining 1 percent will multiply and cause the product to spoil, but this will take much longer than usual."

It will, as a matter of fact, take more than a month in most cases.

The scientists in the Gloucester laboratory will be experimenting with different kinds of packaging and ways of distribution.

The fruits of their research will almost certainly be fresh seafood served in Kansas, Nebraska, and North Dakota—several weeks after it was caught off the New England coast.

THE AMYOTROPHIC LATERAL SCLEROSIS FOUNDATION OF AMERICA

Mr. BEALL. Mr. President, on Saturday, September 26, the Amyotrophic Lateral Sclerosis Foundation of America was started in Glen Burnie, Md. The formation of this foundation culminates

the tireless and dedicated efforts of Mr. James B. Dunkum, whose wife's life was claimed by this dreaded disease. Since the doctor's diagnosis of the disease, last year, Mr. Dunkum has been working for the establishment of such a foundation.

This month, he received a charter from the State of Maryland; and the foundation was officially opened on Saturday.

Mr. President, Mr. Dunkum's efforts exemplify the finest traditions of this Nation's concern for the suffering of its citizens; and I compliment Mr. Dunkum and the other citizens of Glen Burnie who have helped to establish this foundation.

I ask unanimous consent that various clippings from newspapers and a fact sheet on amyotrophic lateral sclerosis be printed in the RECORD.

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

FACT SHEET: AMYOTROPHIC LATERAL SCLEROSIS WHAT IS IT?

Amyotrophic lateral sclerosis (A.L.S.) is a neurological disorder of adult life. It is characterized by a degeneration of motor cells in the spinal cord and brain leading to muscle weakness which may affect hand, foot, arm, leg, tongue, and other muscles. Sight and hearing are usually not affected.

HOW PREVALENT IS THE DISEASE?

A.L.S., an adult disorder, occurs most often between the ages of 40 and 60. Of the estimated 5,000 to 10,000 persons with A.L.S. in this country, approximately two-thirds are men. The disorder is found throughout the United States and in most countries of the world.

WHAT ARE THE SIGNS OF A.L.S.?

The early symptoms of A.L.S. are so gradual that they are frequently overlooked. In nearly two-thirds of the patients, the first symptom is a weakness and wasting of the muscles of the hands and feet.

Minute jerks or twitches in the muscle fibers are characteristic, though in the early stages they are seldom pronounced enough to produce joint motion. Activity of deep tendon reflexes increases even in wasting muscles. Muscle cramping may occur in hands and feet.

Muscles of the palate, pharynx, tongue, neck, and shoulders are commonly affected in the more advanced states of the disease leading to thick speech and difficulty in swallowing. The tongue becomes too weak to move the food, and the throat muscles may not respond when swallowing is necessary.

However, since other diseases have similar symptoms, a positive diagnosis can be made only after a careful neurological study of the patient.

WHAT CAUSES A.L.S.?

The cause of A.L.S. is unknown. Factors such as injury, acute infections, nutritional disturbances, and physical exhaustion are not considered actual causes. However, they may call attention to symptoms which had been overlooked.

Possibly a genetic factor makes some individuals more susceptible than others. Studies have shown that A.L.S. occasionally attacks several members of a family, appearing in more than one generation. However, most authorities conclude that inheritance usually does not play a significant role.

Variations in geography and climate, apparently, are not causes of A.L.S. since studies show the occurrence is approximately the same throughout the United States, Canada, the British Isles, Scandinavia, Holland, and Australia.

WILL ANY TREATMENT BENEFIT THE A.L.S. PATIENT?

Treatment for A.L.S. is limited to relieving the symptoms of the disease where possible. No cure for A.L.S. has yet been discovered.

Patients with disabling hand, wrist, foot, jaw, or neck weakness may have better use of them if fitted with supporting devices. The involuntary movements of muscles may often be eased by treatment with medicines. Many who have lost the ability to speak intelligently can communicate by writing notes. A soft or semisoft diet should be provided if regular chewing and swallowing has been impaired and if muscles weaken further, tube feeding with liquids may become necessary.

The course of A.L.S. is progressive with or without treatment. There is, however, great variation in the rate. The average course is about 3 to 4 years from the appearance of symptoms, but other individuals remain active for 10, 15, or more years, with long periods of apparent arrest of the disease.

[From the Baltimore News American, July 28, 1964]

PROFIT ISN'T IN THE PICTURE—HE FORMS CORPORATION TO SEEK OUT A MIRACLE

(By Kent Adams)

Corporations are usually headed by businessmen, who expect their ventures to show a monetary profit.

James Burley Dunkum is one corporation officer who is not interested in making money for himself.

The 46-year-old truckdriver, who recently incorporated the Amyotrophic Lateral Sclerosis Foundation of America, a research group to study the nerve disorder which claimed baseball player Lou Gehrig's life 23 years ago, is hoping only to find a cure for the invariable fatal disease.

Amyotrophic lateral sclerosis has stricken Mrs. Dunkum, and he is determined not to rest until he has started a fundraising research drive. Incorporating the foundation was just the first step.

Almost 6 years ago, his wife's ailment was diagnosed as bursitis. Her health steadily declined, and in March of last year, a nerve specialist discovered she was suffering from A.L.S.

Since then, Dunkum has been organizing the foundation, but there are still many obstacles to overcome.

A board of directors is needed, and the 30-year Teamster Union veteran plans to contact former President Eisenhower, Baltimore's Mayor McKeldin, two former baseball stars, Goose Goslin and Jimmy Fox, and several politicians and lawyers from Anne Arundel County, to aid in the administration of the project.

Dr. Michael Brand, a former city hospitals physician who is now connected with the Clinical Research Fellow Department of Neurology in New England, has agreed to head the A.L.S. Foundation.

Dunkum is also trying to reactivate the United Mine Workers Hospital in Morgantown, W. Va., which was abandoned a year ago. He noted that the hospital, built with mine workers union funds, could be used for a research center to seek alleviation of the disease.

Publicity on Dunkum's efforts has appeared in newspapers and magazines throughout the world, including England, France, Japan, and Australia.

"I think it's a world problem," says the Severna Park resident, "and this campaign should have started years ago. If it is God's will that this thing is to be conquered, I think it's time the American people got on the ball."

Dunkum feels that "only a miracle" can save his wife now. With the proper help in his campaign, the miracle could occur.

[From the Baltimore Sun, Sept. 1, 1964]

DREAM OF NERVE DISEASE FOUNDATION COMES TRUE

A Severna Park truckdriver will see his dream of more than 2 years come true today when a new foundation to combat a dreaded nerve disease opens its national office in Glen Burnie.

James B. Dunkum, 47, has been waging a determined, one-man campaign since January 1962, to solicit funds for research of the malady which has afflicted his wife, Virginia, 50. It was then, after 3 years of illness, that doctors diagnosed it as amyotrophic lateral sclerosis and told her there was no hope for a cure.

TIRELESS EFFORTS

As a result of Mr. Dunkum's tireless efforts, he received a charter from the State this month to establish the Amyotrophic Lateral Sclerosis Foundation of America, Inc., a nonprofit corporation to solicit and disburse funds for medical research in the causes and treatment of the nerve disorder and related ailments.

The foundation office, located at 103 Crain Highway, in Glen Burnie, will be managed only by volunteer help, Mr. Dunkum says, and all donations will go directly into research.

Placards requesting a \$1-a-month contribution from every wage earner have been posted in business places throughout the country.

FUND ACCEPTANCE

"The A.L.S. fund is open for acceptance of funds, starting September 1, 1964," the notices state. "Any money contributed is deductible from your taxes. See your shop steward or your supervisor."

Mr. Dunkum says he plans to ask President Johnson to encourage passage of legislation that would provide for Federal matching of private funds.

Twice during the past 2 years he has pushed a wheelchair from Baltimore to Washington to bring the President's attention to what he termed the need of a national campaign against the crippling spinal nerve disease.

WORLD PROBLEMS

A sign on the chair stated, "I need your help. A world problem. Billions for space but how much for crippling, killing disease research?"

He also carried his pleas for funds to State Governors and legislators, but they were unproductive.

Finally, through the help of three Anne Arundel County attorneys—Mrs. Marjorie Holt, Bruce Williams, and John Demyan—he organized the foundation.

OFFICERS NAMED

Officers are Norman R. Mathias, of Baltimore, president, and Russell F. Purdy, of Washington, secretary-treasurer. The board of directors includes: the Reverend Evan J. Mason, of Glen Burnie; the Reverend Jack G. Buckingham, of Pasadena; Rabbi Robert Schriebman of Arnold; the Reverend Arthur Bastress, of Glen Burnie, and the Reverend Vernon K. Hoover, of Severna Park.

Others, in addition to Mr. Mathias and Mr. Purdy, are Grover C. Richards, Jr., of Arnold, and Bernard L. Clifford, Jr., of Baltimore.

DISTRIBUTION

Mr. Dunkum said the board would determine distribution of funds to hospitals, universities, and professional people who are engaged in research of the central nervous system.

The lateral sclerosis disease, which took the life of baseball player Lou Gehrig in 1941, now afflicts between 5,000 and 10,000 persons in the United States. The incidence in Guam is reported to be 100 times greater than in this country.

The need for additional research, he pointed out, was made clear when a neurologist

from Georgetown University Hospital in Washington had to return from Guam and Saipan, where he was doing research, because of lack of funds.

"What if we should get an epidemic here?" he asked.

[From the Maryland Labor Press, Sept. 21, 1964]

RESEARCH GROUP FOUNDED BY TEAMSTER NEEDS FINANCIAL AID TO FIGHT DISEASE

Mrs. Virginia C. Dunkum died on September 13, at the age of 50. She was the wife of James B. Dunkum, a member of Freight Drivers 557 employed with Adley Transfer Co. Her death had been expected momentarily for 5 years. She had suffered from amyotrophic lateral sclerosis, an incurable nerve disease, the same one which claimed the life of Lou Gehrig. With Mrs. Dunkum's passing her husband renewed his vow to do everything humanly possible to provide doctors and scientists with funds to intensify research programs dedicated to discovering the cause of the disease and thus, find a cure.

Two years ago, Mr. Dunkum began in earnest to solicit support for establishing a nonprofit foundation through which money could be raised to finance the research program. At the time, he was caring for his bedridden wife during his off-duty hours. When his daughter returned from school each day she would take over the nursing job while Mr. Dunkum made the rounds of local unions, business offices, and professional people to seek support for his cause. Mr. Dunkum, upon his return home, would resume the vigil at his wife's bedside through the night.

INITIAL SUCCESS

Modest, sincerely humble, but fully determined to succeed, the weary teamster gained sympathy everywhere he visited. But the task he had undertaken seemed impossible. The problems confronting him appeared to be insurmountable. Active cooperation was slow to be offered.

"Let me make one point crystal clear," Mr. Dunkum had said; "I am not seeking financial support for myself or my family. I am not asking for help for my wife. Her disease is terminal. Her death is but a matter of time. Medical science can do nothing to save her life.

"What I seek to accomplish is to form an organization through which money can be raised to finance research so a cure can be found to spare people in the future from years of pain and ultimate death from this terrible affliction."

TEAMSTERS RESPOND

Mr. Dunkum has now achieved the initial step toward attaining his goal. With assistance from a group of clergymen, doctors, and lawyers, he has established the Amyotrophic Lateral Sclerosis Foundation of America. It is headquartered in Glen Burnie at 103 Crain Highway, SE. Its temporary telephone number is Southfield 6-6666. Financial contributions are beginning to trickle in.

At its meeting on September 3, delegates to Teamsters Joint Council 62 voted to make an initial contribution of \$100 to the foundation. Delegates also agreed to work to provide the Glen Burnie office with furnishings and business machines.

Members of local unions are also requested by the joint council to contribute to the foundation which for brevity, is called A.L.S.

Mr. Dunkum emphasizes that A.L.S. is strictly nonprofit. All of its workers are volunteers who serve without pay. There are no high-priced expenses to be paid. All money donated to the foundation will go toward research.

RESEARCH STARTED

Mr. Dunkum will welcome, also, the services of all persons who want to volunteer

to assist the foundation. A.L.S. is chartered by the State of Maryland and is registered with the State government as a nonprofit fund-soliciting agency.

Officers of the foundation are: Norman R. Mathias, president; Russell F. Purdy, secretary-treasurer; and its board of directors includes the Reverend Evan J. Mason, the Reverend Jack C. Buckingham, Rabbi Schriebman, the Reverend Arthur Bastress, and the Reverend Vernon K. Hoover.

Attorneys who volunteered to serve the foundation are Mrs. Marjorie Holt, Bruce Williams, and John Demyan.

Mr. Dunkum said that research on A.L.S. has been going on for some time, but the work has been handicapped by the lack of funds. There is no other foundation supporting work in the field. Money to carry on the project must come from the newly organized foundation.

ENVIRONMENTAL HEALTH CENTER—RESOLUTION

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Common Council of the City of Buffalo, N.Y., inviting the Department of Health, Education, and Welfare to locate its planned Environmental Health Center in the area of the Niagara frontier.

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

RESOLUTION 207

Resolution on Federal Health Center

Whereas the city of Buffalo has many natural resources and educational and health research institutions; and

Whereas the city of Buffalo is within a short radius of a substantial portion of the population of the United States and Canada and would thus be able to provide many skilled scientists, technicians, and laboratory assistants; and

Whereas the city of Buffalo is desirous of affording to the Department of Health, Education, and Welfare an opportunity to locate within the city of Buffalo so that it may have available many of the scientists and skilled workers required who are presently residing in the Buffalo area: Now, therefore, be it

Resolved, That this common council solicit and invite the Department of Health, Education, and Welfare to locate its planned Environmental Health Center in the area of the Niagara frontier; and be it further

Resolved, That the city clerk be and he hereby is authorized and directed to forward a certified copy of this resolution to the Secretary of Health, Education, and Welfare as well as the U.S. Senators representing the State of New York and the Congressmen representing the Niagara frontier.

FOREIGN AID APPROPRIATIONS

Mr. BREWSTER. Mr. President, on Thursday of last week, the Senate passed a \$3.3 billion foreign aid authorization bill. Before the end of this week, we are likely to be considering the appropriation.

The authorization and appropriation of these funds stems from the very real understanding that this is an investment in American security, as well as in protection for the free world.

In recent years, concern has developed over the outflow of U.S. gold through foreign aid, tourist spending, and American investment abroad. Some recent remarks of John D. Lockton, treasurer

of General Electric, seem to me to shed light on an aspect of foreign investment which is not widely understood. The interrelationships of today's foreign relations and domestic economics require the kind of careful analysis and balancing which Mr. Lockton provides here.

Mr. President, I ask unanimous consent that these remarks from Mr. Lockton's recent speech at Macalester College be printed in the RECORD.

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

REMARKS BY MR. LOCKTON

One of the necessities of freer world trade, which is not always well understood, is a freer flow of capital between nations. To develop permanent and sizable markets for American products in Europe, for example, we need adequate distribution and service facilities in the European market area. In many cases this means we also need manufacturing facilities in the same area with which the distribution system may be integrated, and this means foreign investment.

As these new facilities are put in place, they provide an immediate boost to exports from the United States, in the form of both the production equipment for the new plants and the component parts that must be shipped to the foreign subsidiary for incorporation in its output. Then as the subsidiary gains acceptance in the foreign market, it makes easier the sale of other products of the parent company from the United States, and we benefit from a further boost in exports. Not only the export sales but the business success of the subsidiary generates a flow of dollars into this country from abroad.

Finally, the foreign subsidiary can help the U.S. producer establish worldwide cost leadership for its products, by providing access to low-cost sources of materials and components. As a result, the U.S. producer is better able to export to world markets, to meet import competition, to offer better values to domestic customers, and to create more job opportunities.

Mr. McGOVERN. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

RESERVE OFFICERS' TRAINING CORPS VITALIZATION ACT OF 1964

Mr. McGOVERN. Mr. President, I ask that the Chair lay before the Senate the pending business.

The Senate resumed the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

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

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

The Chief Clerk proceeded to call the roll.

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

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

ADMINISTRATION OF LAKE MEAD NATIONAL RECREATION AREA, ARIZONA AND NEVADA

The PRESIDING OFFICER (Mr. WALTERS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 653) to provide an adequate basis for administration of the Lake Mead National Recreation Area, Arizona and Nevada, and for other purposes, which was, to strike out all after the enacting clause and insert:

That, in recognition of the national significance of the Lake Mead National Recreation Area, in the States of Arizona and Nevada, and in order to establish a more adequate basis for effective administration of such area for the public benefit, the Secretary of the Interior hereafter may exercise the functions and carry out the activities prescribed by this Act.

Sec. 2. Lake Mead National Recreation Area shall comprise that particular land and water area which is shown on a certain map, identified as "boundary map, RA-LM-7060-B, revised July 17, 1963", which is on file and which shall be available for public inspection in the office of the National Park Service of the Department of the Interior. An exact copy of such map shall be filed with the Federal Register within thirty days following the approval of this Act, and an exact copy thereof shall be available also for public inspection in the headquarters office of the superintendent of the said Lake Mead National Recreation Area.

The Secretary of the Interior is authorized to revise the boundaries of such national recreation area, subject to the requirement that the total acreage of that area, as revised, shall be no greater than the present acreage thereof. In the event of such boundary revision, maps of the recreation area, as revised, shall be prepared by the Department of the Interior, and shall be filed in the same manner, and shall be available for public inspection also in accordance with the aforesaid procedures and requirements relating to the filing and availability of maps. The Secretary may accept donations of land and interests in land within the exterior boundaries of such area, or such property may be procured by the Secretary in such manner as he shall consider to be in the public interest.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Establishment or revision of the boundaries of the said national recreation area, as herein prescribed, shall not affect adversely any valid rights in the area, nor shall it affect the validity of withdrawals heretofore made for reclamation or power purposes. All lands in the recreation area which have been withdrawn or acquired by the United States for reclamation purposes shall remain subject to the primary use thereof for reclamation and power purposes so long as they are withdrawn or needed for such purposes. There shall be excluded from the said national recreation area by the Secretary of the Interior any property for management or protection by the Bureau of Reclamation, which would be subject otherwise to inclu-

sion in the said recreation area, and which the Secretary of the Interior considers in the national interest should be excluded therefrom.

Sec. 3. The authorities granted by this Act shall be subject to the following exceptions and qualifications when exercised with respect to any tribal or allotted lands of the Hualapai Indians that may be included within the exterior boundaries of the Lake Mead National Recreation Area:

(a) The inclusion of Indian lands within the exterior boundaries of the area shall not be effective until approved by the Hualapai Tribal Council.

(b) Mineral developments or use of the Indian lands shall be permitted only in accordance with the laws that relate to Indian lands.

(c) Leases and permits for general recreational use, business sites, home sites, vacation cabin sites, and grazing shall be executed in accordance with the laws relating to leases of Indian lands, provided that all development and improvement leases so granted shall conform to the development program and standards prescribed for the Lake Mead National Recreation Area.

(d) Nothing in this Act shall deprive the members of the Hualapai Tribe of hunting and fishing privileges presently exercised by them, nor diminish those rights and privileges of that part of the reservation which is included in the Lake Mead Recreation Area.

Sec. 4. (a) Lake Mead National Recreation Area shall be administered by the Secretary of the Interior for general purposes of public recreation, benefit, and use, and in a manner that will preserve, develop, and enhance, so far as practicable, the recreation potential, and in a manner that will preserve the scenic, historic, scientific, and other important features of the area, consistently with applicable reservations and limitations relating to such area and with other authorized uses of the lands and properties within such area.

(b) In carrying out the functions prescribed by this Act, in addition to other related activities that may be permitted hereunder, the Secretary may provide for the following activities, subject to such limitations, conditions, or regulations as he may prescribe, and to such extent as will not be inconsistent with either the recreational use or the primary use of that portion of the area heretofore withdrawn for reclamation purposes:

- (1) General recreation use, such as bathing, boating, camping, and picnicking;
- (2) Grazing;
- (3) Mineral leasing;
- (4) Vacation cabin site use, in accordance with existing policies of the Department of the Interior relating to such use, or as such policies may be revised hereafter by the Secretary.

Sec. 5. The Secretary of the Interior shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable laws and regulations of the United States and the respective States: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

Sec. 6. Such national recreation area shall continue to be administered in accordance with regulations heretofore issued by the Secretary of the Interior relating to such areas, and the Secretary may revise such regulations or issue new regulations to carry out the purposes of this Act. In his administration and regulation of the area, the Secretary shall exercise authority, subject to

the provisions and limitations of this Act, comparable to his general administrative authority relating to areas of the national park system.

The superintendent, caretakers, officers, or rangers of such recreation area are authorized to make arrests for violation of any of the regulations applicable to the area or prescribed pursuant to this Act, and they may bring the offender before the nearest commissioner, judge, or court of the United States having jurisdiction in the premises.

Any person who violates a rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 7. Nothing in this Act shall deprive any State, or any political subdivision thereof, of its civil and criminal jurisdiction over the lands within the said national recreation area, or of its rights to tax persons, corporations, franchises, or property on the lands included in such area. Nothing in this Act shall modify or otherwise affect the existing jurisdiction of the Hualapai Tribe or alter the status of individual Hualapai Indians within that part of the Hualapai Indian Reservation included in said Lake Mead National Recreation Area.

SEC. 8. Revenues and fees obtained by the United States from operation of the national recreation area shall be subject to the same statutory provisions concerning the disposition thereof as are similar revenues collected in areas of the national park system with the exception, that those particular revenues and fees including those from mineral developments, which the Secretary of the Interior finds are reasonably attributable to Indian lands shall be paid to the Indian owner of the land, and with the further exception that other fees and revenues obtained from mineral development and from activities under other public land laws within the recreation area shall be disposed of in accordance with the provisions of the applicable laws.

SEC. 9. A United States commissioner shall be appointed for that portion of the Lake Mead National Recreation Area that is situated in Mohave County, Arizona. Such commissioner shall be appointed by the United States district court having jurisdiction thereover, and the commissioner shall serve as directed by such court, as well as pursuant to, and within the limits of, the authority of said court.

The functions of such commissioner shall include the trial and sentencing of persons committing petty offenses, as defined in title 18, section 1, United States Code: *Provided*, That any person charged with a petty offense may elect to be tried in the district court of the United States, and the commissioner shall appraise the defendant of his right to make such election, but shall not proceed to try the case unless the defendant, after being so apprised, signs a written consent to be tried before the commissioner. The exercise of additional functions of the commissioner shall be consistent with and be carried out in accordance with the authority, laws, and regulations, of general application to United States commissioners. The provisions of title 18, section 3402, of the United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such commissioner. The probation laws shall be applicable to persons tried by the commissioner and he shall have power to grant probation. The commissioner shall receive the fees, and none other, provided by law for like or similar services.

SEC. 10. There are hereby authorized to be appropriated not more than \$1,200,000 for the acquisition of land and interests in land pursuant to section 2 of this Act.

Mr. BIBLE. Mr. President, I move that the Senate agree to the House amendment to S. 653, the bill to provide an adequate basis for administration of the Lake Mead National Recreation Area in Arizona and Nevada.

I would like to point out that this is the first national recreation area ever specifically authorized by the Congress. This official designation has been well earned.

The latest figures I have available from the Park Service ranked Lake Mead among the top four attractions in the United States, with visits in 1963 being 3,049,600 compared to 2,688,700 in 1962.

This Lake Mead popularity explosion is no secret to anyone who has been in southern Nevada. Its attraction is nationwide and the facilities provided there by the Park Service are enjoyed by people from all 50 States.

I am not in complete agreement with the amendments adopted by the House. However, in view of the pending adjournment of Congress and because of the importance of passage of the measure this year, I am willing to accept the House version and request that those amendments be concurred in by the Senate.

I have discussed this matter with the ranking minority member of the Committee on Interior and Insular Affairs, and he is in agreement that the amendment can be accepted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada that the Senate concur in the House amendment to S. 653.

The motion was agreed to.

PAYMENT OF RELOCATION COSTS MADE NECESSARY BY ACTIONS OF DISTRICT OF COLUMBIA GOVERNMENT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1024) to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes, which was, to strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia are hereby authorized to provide such relocation services as they shall determine to be reasonable and necessary to individuals, families, business concerns, and nonprofit organizations which may be or have been displaced from real property by actions of the United States or of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency, such actions to include, but not be limited to, acquisition of property for public works projects, condemnation of unsafe and insanitary buildings, and enforcement of the laws and regulations relating to housing. The Commissioners shall provide that such individuals and families so displaced shall be given the same preference with respect to vacancies occurring in housing owned or operated within the District of Columbia by Federal or District of Columbia governmental agencies as is provided in section 8(b) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-707(b)). The Com-

missioners are authorized to make housing surveys in order to carry out this Act.

SEC. 2. The Commissioners are hereby authorized to make relocation payments to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit caused by their displacement from real property acquired by the Commissioners after the effective date of this Act for public works projects of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency. No such payment shall be made in any case where a payment for a similar purpose is authorized by any other Act. Such relocation payments shall be made in accordance with regulations prescribed by the Commissioners and shall not for any one relocation exceed \$200 in the case of an individual or family or \$3,000 (or, if greater, the total certified actual moving expense not to exceed \$25,000) in the case of a business concern or nonprofit organization.

SEC. 3. Prior to the acquisition of real property for any public works project of the government of the District of Columbia the Commissioners shall make the same determinations with respect to the availability of housing for displaced individuals and families as is required by section 8(a) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-707(a)).

SEC. 4. There is hereby established within the District of Columbia Redevelopment Land Agency an office to be known as the District of Columbia Relocation Assistance Office (hereinafter referred to as the "Office"). The Office shall provide the relocation services authorized by the first section of this Act, administer the payments authorized by section 2 of this Act, and provide the relocation assistance which the District of Columbia Redevelopment Land Agency is authorized to provide by the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-701 et seq.) and any other Act.

SEC. 5. The Commissioners are hereby authorized to make regulations to carry out the purposes of this Act.

SEC. 6. This Act shall take effect sixty days after the date of its approval.

Mr. BIBLE. Mr. President, the amendment of the House is acceptable. I move that the Senate concur in the House amendment.

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

The motion was agreed to.

RESERVE OFFICERS' TRAINING CORPS VITALIZATION ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

The PRESIDING OFFICER. The committee amendment is a complete substitute for the bill and open to amendment in two degrees under Senate precedents.

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

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

FOOD FOR PEACE HAS EXPANDING FUTURE

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed to speak on a nongermane subject.

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

Mr. McGOVERN. Mr. President, last week during the Senate debate on the extension of the food-for-peace program, which derives its legislative authority from Public Law 480, the senior Senator from Vermont [Mr. AIKEN] made a statement that merits comment. He predicted that the 2-year extension of food for peace approved on Thursday represented the last time Congress will extend this great program that has been operating since 1954. He said in support of his prediction that we are running out of surpluses and therefore will soon have no need for oversea food-for-peace programs.

Because the Senator from Vermont is one of the most experienced agricultural spokesmen in the Nation, I think that what he has to say always bears close consideration.

But, Mr. President, I am fully convinced that the distinguished Senator from Vermont is at least a country mile wide of the mark on this prediction.

It is my own view at the end of the first decade of Public Law 480 that we have entered a second decade of continued and doubtless expanding food-for-peace operations.

Predictions are always hazardous, but I have little hesitance in predicting that 10 years from now we will be completing a second decade of food-for-peace operations as great as or greater than those of the first decade.

I see ahead a world population growth outstripping the increase of food production. I see a world population double its present size by the end of this century pressing on an arable land base that cannot expand at anywhere near that rate. I see the American farmer being called upon to produce not less for oversea use, but more. I see the American people with their practical sense of humanitarianism urging that we meet the needs of millions of hungry new mouths around the world by utilizing rather than restricting our amazing agricultural productivity.

Is there any one of us who really believes that we comfortable, well-fed Americans can rest secure in the future on a little island of affluence in a sea of desperately hungry human beings?

It has been the policy of the Kennedy-Johnson administrations to set food production goals large enough to include margin for food-for-peace needs abroad and food donations to the needy here at home. The Secretary of Agriculture has sought successfully to work down the surplus stocks to reasonable levels while retaining in our production goals a margin sufficient to meet our food-for-peace needs. The success of that policy is indicated by Senator AIKEN's statement that the "burdensome surpluses" which former Secretary of Agriculture Benson used to deplore have disappeared. I am convinced that no rational, humanitarian

administration or Congress would reverse this policy of wise stewardship of our agricultural abundance.

So long as there are hungry, needy people in the world and so long as we have a vast, unused American potential for food production, there will be a food for peace program.

On top of the food operations made possible by Public Law 480, the Senate has accepted my amendment adding \$50 million to the foreign aid program which can be used to purchase high protein foods such as beef, poultry, and fish for use in oversea school lunch programs and similar efforts. That amendment can help point the way toward a food policy based on genuine human need rather than the accidental accumulation of surpluses followed by a cycle of shortage and famine.

I intend for whatever time I am permitted to serve in public life to fight with all my strength for a rational, intelligent food policy that assures our producers a fair return here at home and eliminates the anguish of human hunger for all the children of the earth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESERVE OFFICERS' TRAINING CORPS VITALIZATION ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs, of the Army, Navy, and Air Force, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending business, there be a time limitation of 1 hour on all amendments, the time to be equally divided between the proponents of amendments and the distinguished Senator from Georgia [Mr. RUSSELL], the chairman of the Committee on Armed Services, and that there be 1 hour on the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I have been notified by the distinguished Senator from Wisconsin [Mr. NELSON] that it is his intention to call for the yeas and nays on his amendment. I do not believe a sufficient number of Senators is present to secure the yeas and nays, since many are absent on official business. I suggest to the attachés of the Senate that they notify Senators on both sides of the aisle that there will be a yea-and-nay vote on the Nelson amendment.

Mr. RUSSELL. Mr. President, the overall objective of this bill is to improve the Reserve Officers Training Corps pro-

grams in an attempt to assure a steady flow of high quality junior officers to the Armed Forces.

The bill makes changes to the laws relating to the junior ROTC and the senior ROTC.

JUNIOR ROTC

At the present time the junior division ROTC program is operated by the Army at 254 secondary schools throughout the country with approximately 60,000 cadets enrolled in the program. The junior division involves a course of instruction in military fundamentals of at least 3 years, with the Army providing uniforms for the cadets and active military personnel as instructors. The Army has not established any new junior ROTC units since January of 1947, despite the fact that a number of the largest and finest high schools in the Nation have sought to become members of the junior ROTC program. Instead of approving any of the applications, an attempt has been made to emphasize the National Defense Cadet Corps program. This program is entirely supported by the local school systems except that the Army contributes text books, some training equipment, and surplus rifles. The National Defense Cadet Corps program has not been sufficiently attractive as an alternative to the junior division ROTC.

While more than 500 applications for junior ROTC were received and disappeared in the period between 1947 and 1956, only 61 schools have begun participation in the National Defense Cadet Corps program since 1947.

The junior division of this bill is intended to require an expansion in the number of junior ROTC units. The Secretaries of the military departments would be required to establish new units at qualified secondary schools at the rate of not more than 200 per year beginning in 1966. A limitation of 1,200, including the 254 now established, would be imposed on the number of participating schools. The new units to be established would be those that best meet the criteria prescribed under regulations issued by the President.

I must say, Mr. President, that the Department of Defense, or those directing policy there, is unenthusiastic about this expansion in the junior ROTC program. But this is an instance in which the House and the Senate Committees on Armed Services strongly disagree with the view of the Department of Defense and believe that the benefits of this program abundantly justify the relatively moderate cost. The 254 units now in existence involve an annual expenditure of about \$5 million. When 1,200 units are established the estimate is that the annual cost will be approximately \$21 million. I am convinced the Department of Defense is spending this much and more on some activities that provide less military benefits than this program.

To facilitate the use of retired military personnel in conducting the junior ROTC program, the bill authorizes the Secretaries of the military departments to pay to schools having junior ROTC units that employ retired military persons one half the difference between the retired military pay of that person and

the pay and allowances he would receive if on active duty.

SENIOR ROTC

The senior ROTC course is spread over 4 years, with the first 2 years considered the basic course and the latter 2 years the advanced course. Completion of the 4-year course and the award of a baccalaureate degree results in a commission in one of the Armed Forces.

While pursuing the advanced course, students receive \$27 per month as subsistence, and while attending summer camp they receive pay of \$78 per month. The senior ROTC program is operated by the Army at 247 schools, with a total enrollment of approximately 175,000 students, and by the Air Force at 186 schools, with a total enrollment of about 102,000 students.

The Navy operates two senior ROTC programs. The one known as the regular program, but more popularly described as the Holloway Plan, involves the Navy's paying the cost of tuition, books, and fees, plus \$50 per month for those students selected for this program. Graduates receive regular commissions and are obligated to serve on active duty for at least 4 years. The Navy's contract ROTC is the normal type that is comparable to the ROTC programs of the Army and the Air Force. The Navy offers these programs at 53 schools, with a total of about 10,100 students, approximately 5,500 of whom are in the regular Holloway program, involving scholarship assistance and monthly retainer pay of \$50. The requirements of each of the Armed Forces for officers are somewhat different; and there are, therefore, some variations in the programs offered. Thus it is difficult to generalize about the difficulties that exist in the senior ROTC program and the best approach for solving them. I think it is fair to state, however, that the services are concerned about the diminishing number of students who desire to take the advanced course that leads to a commission. From the figures I cited earlier and from the charts that appear in the committee report it can be seen that the preponderant part of the ROTC enrollment is in the basic course. This bill provides additional financial inducement for young men to enter the advanced course that will result in their being commissioned.

The principal changes in the senior ROTC program are as follows:

1. FINANCIAL ASSISTANCE TO STUDENTS IN THE 4-YEAR ROTC PROGRAM

The bill would authorize all the military departments to provide scholarship assistance to students in the 4-year ROTC program. This assistance could be provided for a minimum of 1 year, or a maximum of 4 years, and would be virtually the same as that now provided by the Navy in the so-called Holloway program.

The scholarship assistance would consist of the payment of tuition, books, laboratory fees, and similar charges, and the payment of retainer pay in the amount of \$50 per month for 10 months of each academic year.

Since this will be a new program for the Army and the Air Force, the committee has provided a temporary ceil-

ing of 4,000 on the number of scholarship students for these departments during the next 4 years. After 4 years the Army and the Air Force would be allowed a total of 5,500 scholarship students, this being the same maximum the bill applies to the Navy.

2. INCREASE IN RETAINER PAY FOR NONSCHOLARSHIP STUDENTS

Students in the advanced course of the senior ROTC program now receive \$27 per month. This bill would increase that payment to a minimum of \$40 per month and would provide permissive authority for this payment to be increased to \$50 per month.

3. OPTIONAL 2-YEAR SENIOR ROTC PROGRAM

Third, and one of the most important features of the bill, is the optional 2-year senior ROTC program. This section would authorize those schools that prefer a 2-year senior ROTC program to establish such a program for students who have first completed successfully a 6- to 8-week period of summer military training. This training period would serve as a substitute for the first 2 years—the basic course—of senior ROTC training. This 2-year program would be intended to attract transfer students from junior colleges without ROTC units and students at 4-year colleges who had not had the basic course of the senior ROTC program.

There is a trend in this country today in many sections to establish junior colleges in considerable numbers, in which are enrolled many thousands of young men. Many of them, upon completing the 2-year course in the junior colleges, go to 4-year colleges or universities that have established ROTC programs. Under the existing system it is well nigh impossible for them to obtain a reserve commission. This provision will open up an opportunity for a reserve commission for young men who have had 2 years of junior college and then complete their work for academic degrees at senior colleges where there is an ROTC program.

4. UNIFORM GRATUITIES FOR ROTC GRADUATES COMMISSIONED AS REGULARS

ROTC graduates commissioned as Reserve officers now receive a uniform allowance of \$300. In contrast, ROTC graduates who are commissioned as regular officers do not receive this allowance. The bill would authorize this uniform allowance for ROTC graduates upon their initial commissioning, irrespective of whether they are commissioned in the Regular components or in the Reserve.

5. THERE ARE SOME MODEST INCREASES IN OTHER ALLOWANCES

The allowance for ROTC students traveling to and from summer training would be increased from 5 to 6 cents per mile and the payment to students while at summer training would be increased from \$78 per month to \$115 per month.

It is somewhat difficult to estimate accurately the additional cost entailed by this bill because of uncertainty about the extent to which some of the authority would be implemented.

Expansion of the junior ROTC program from 254 units to 1,200 units involves an annual increase to about \$21

million as compared to the \$5 million for 254 units. The scholarship assistance program if fully implemented, would cost an additional \$14 or \$15 million annually, exclusive of the indeterminate cost of administration. The increase in the monthly retainer pay of students in the normal senior ROTC program from \$27 to \$40 per month would result in an annual cost of \$5.3 million. If the permissive authority to increase this payment to \$50 were fully utilized—I may say I am confident the Department does not intend to use it at the present time—the total additional cost is estimated at slightly more than \$9 million.

The provisions on uniform allowances for graduates of the ROTC program who are commissioned as regulars would cost about \$900,000 a year, and the additional travel allowances and summer pay are estimated to involve \$400,000 annually.

In summary, the total additional cost to the Department is unlikely to exceed \$50 million for all these programs, including the expansion of the junior ROTC. When one considers the cost of other programs designed to attract and retain competent military officers, this sum seems relatively moderate.

The committee is convinced that the benefit to be derived from this relatively small amount is completely warranted and will, in the end, promote economy in the operations of the Armed Forces.

Mr. President, I have touched upon the highlights of the bill in summary form. I urge its approval.

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

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Mr. President, I rise to support the chairman of our committee in urging the passage of the pending bill. As he always does, the senior Senator from Georgia has studied this legislation thoughtfully and considered carefully the various points of view which were presented to us for consideration. He has worked hard and deserves a major share of the credit for fashioning a bill which we hope will improve the ROTC program and provide our Armed Forces not only with an increasing number of officers, but also with men of even higher caliber than are presently being obtained.

As I see it, the bill's purposes are twofold. Its primary purpose is to make the program sufficiently extensive and inexpensive so that we can stimulate a greater interest in our young men to make a career of the military services and thus to keep the services more efficient and less expensive.

A second purpose is to give the Army and Air Force authority to provide a scholarship program equivalent to the program which the Navy has been carrying on for a number of years under the so-called Holloway plan.

The military departments have emphasized the importance of the ROTC program to fulfillment of their officer manpower needs. It enables them to meet their requirements at the junior officer levels in both Regular and Reserve components. They want the program to continue. Yet our armed services

face a serious problem in the thousands of young men who take part in the first 2 years of the senior ROTC program, as freshmen and sophomores in college, and do not continue in the program during their junior and senior years. As the committee report states, of the 90,000 students in the Air Force ROTC course, only 11,000 will enter the advanced course; that is, the junior and senior years, and because of attrition, only about 3,300 probably will be commissioned.

If the needs of our services are to be met, more men must be encouraged to complete the ROTC course. Such an achievement would have the added advantage of enabling the Departments greater choice in the selection of those men they consider to be most promising as commissioned officers.

By making participation a little more attractive, the Armed Services Committee has tried to encourage men who complete the basic part of the course to continue into the advanced program and recruit to the program individuals who for one reason or another did not participate during their freshmen and sophomore years.

For example, an optional 2-year senior ROTC program would be established to operate concurrently with the regular 4-year program. This 2-year program is designed to attract transfer students from junior colleges without ROTC units as well as students at 4-year colleges who have not had the first 2 years of the ROTC program. To participate in the optional 2-year senior program, students would be required to complete a 6-to-8-week period of summer training.

In addition, payment to ROTC students at summer camp would be increased from \$75 per month to \$111.50 and their travel allowance would be raised from 5 to 6 cents a mile. The monthly retainer pay of students enrolled in the advanced course of the senior ROTC program would rise from \$27 to \$40 monthly, and permissive authority would be granted to increase the payment to \$50. All military departments would be authorized to provide scholarship assistance to students in the 4-year ROTC program with a maximum being placed on the number of cadets who could receive this assistance. All ROTC graduates, whether commissioned as Reserve or Regular officers, would receive a uniform allowance of \$300, an allowance presently given only to those graduates receiving Reserve Commissions.

In these ways and by expansion of the junior ROTC program, it is hoped that encouragement will be given promising men to join and continue in the ROTC program.

There has been some division of opinion regarding the desirability of expansion of the junior ROTC program which presently is being carried on at 254 secondary schools in the country. At one point it was hoped that the National Defense Cadet Corps program would offer an attractive alternative. That program, which is entirely supported by the local school system except for contribution by the Army of textbooks, some training equipment and surplus rifles, has been

disappointing however. Since 1947, when the Army ceased establishing any new junior ROTC units, only 61 schools have begun participation in the NDCC program. The Department of Defense itself has questioned the wisdom of expanding the junior ROTC program, but a study prepared for it by the Human Resources Research Office of Georgetown University, "A Program for Improvement of Recruitment Training," and just made available to our committee today, may modify its stand. This report indicates that participants in the junior ROTC program enlist in larger numbers in the senior program and stay with it somewhat longer than do men who have not participated in the junior program. Although the Armed Services Committee recommends expansion of this secondary school level program, it provides for less expansion than did the other body. In the committee's judgment it would be best to limit the program to a maximum of 1,200 units with a gradual increase to that amount by limiting expansion to 200 units per year. The program would be expanded on an equitable geographic basis.

I believe the bill is an excellent one which will advance the interests of our young people in the military.

When we consider some of the other plans that the military services have or are talking about, the proposed program is practical and realistic and will be helpful in creating a body of officers who will make a career of the armed services.

I hope the bill may be passed in its present form, and that any amendment offered to it will be defeated, particularly if it is designed to cut down in any way the number of opportunities that the bill would provide. I say that because our committee was unanimous in support of the chairman's position. The committee staff and the chairman have gone into the provisions of the bill very carefully. I hope the Senate will pass the bill without adding any amendments to it.

Mr. RUSSELL. I thank the Senator from Massachusetts for his statement. We have restricted some of the provisions in the bill that came from the House. We have placed a lower limitation on the number of junior ROTC units. We have reduced the retainer pay of the young men in the senior ROTC program. We lowered the number of students who may participate in the scholarship program.

We should never lose sight of the fact that the great majority of the officers who commanded troops in the field in World War II came from the ROTC program and were trained in these schools. The program has been a bonanza for the Government, particularly when we measure the cost of the program against the cost of training officers in officer candidate schools.

No revision has been made in the program, nor has any increase been made in the retainer pay to those who will be commissioned to serve in the armed services since 1950. We all know that other costs have been substantially increased since that date.

Mr. ERVIN. Mr. President—

Mr. SALTONSTALL. Mr. President, with the indulgence and courtesy of the Senator from North Carolina, I should like to make one more brief statement.

I do not know whether the chairman has brought out the fact that when a man transfers from a junior college into the 2-year plan, he does not qualify for a scholarship. He must do that on his own, because of his interest and because of his desire.

Mr. RUSSELL. Yes; and he will be compelled to qualify with an 8-week training course in the summer to establish his eligibility for it. With the high educational demands, it is essential that we open up some means for young men who go to junior colleges to obtain a Reserve commission. Under existing law they are denied that privilege while in college.

Mr. SALTONSTALL. The purpose of the junior ROTC is to stimulate an interest by the schools and to give more schools an opportunity to participate. Our idea was to have more schools interested in the program and participating in it. I do not believe the Army has been doing enough to promote the junior ROTC plan.

Mr. RUSSELL. Not only that, they have not approved any applications since 1947.

Mr. ERVIN. Mr. President, I send to the desk amendments to the committee amendment, and ask that they be stated.

The PRESIDING OFFICER. The amendments to the amendment will be stated.

The LEGISLATIVE CLERK. On page 37, line 15, in the committee amendment, it is proposed to strike out the word "or" and after the word "veterinary" insert the words "or sciences allied to medicine."

On page 37, line 21, strike out the word "or" and after the word "veterinary" insert the words "or sciences allied to medicine."

Mr. ERVIN. Mr. President, the purpose of the amendments is extremely simple. They are designed merely to make it clear and plain that students of optometry, students of laboratory sciences, and students of the other sciences allied with medicine shall be eligible for membership in ROTC units.

I sincerely trust that the chairman of the committee will accept the amendments.

Mr. RUSSELL. Mr. President, the Senator intends to amend section 2103. As I understand, that section has never been used. I understand that the proposed language is the same as that contained in the Selective Service Act describing the professions concerned. I see no objection to the amendments. I shall be glad to accept them.

Mr. ERVIN. I thank the Senator. I believe the amendments improve the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments to the committee amendment offered by the Senator from North Carolina.

The amendments to the committee amendment were agreed to.

Mr. RUSSELL. Mr. President, I send to the desk some perfecting amendments,

which do not change the substance of the bill, but merely correct slight errors in the numbering of sections and in a date.

The PRESIDING OFFICER. The amendments to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 34, line 16, strike out "1967" and insert "1966".

On page 46, line 2, strike out "2104(b) (6)" and insert "2104(b) (6) (B)".

On page 59, line 22, strike out "V" and insert "IV".

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Georgia.

The amendments to the committee amendment were agreed to.

AMENDMENT NO. 1249

Mr. NELSON. Mr. President, I call up my amendments numbered 1249.

The PRESIDING OFFICER. The amendments to the committee amendment will be stated.

Mr. NELSON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with. I shall explain them.

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

The amendments to the committee amendment are as follows:

On page 31, beginning with line 3, strike out all down through line 16 on page 34.

On page 34, line 17, strike out "TITLE II" and insert in lieu thereof "TITLE I".

On page 34, line 19, strike out "Sec. 201." and insert in lieu thereof "Sec. 101.".

On page 49, line 16, strike out "Sec. 202." and insert in lieu thereof "Sec. 102.".

On page 52, line 18, strike out "TITLE III" and insert in lieu thereof "TITLE II".

On page 52, line 20, strike out "Sec. 301." and insert in lieu thereof "Sec. 201.".

On page 55, beginning with line 3, strike out all down through line 6, and insert in lieu thereof the following:

"(10) Chapter 405 is amended to read as follows:

"CHAPTER 405. JUNIOR RESERVE OFFICERS' TRAINING CORPS

"Sec.
"4381. Junior Reserve Officers' Training Corps.

"§ 4381. Junior Reserve Officers' Training Corps

"(a) The President may establish and maintain a Junior Reserve Officers' Training Corps, organized into units at public and private secondary education institutions which apply for a unit and meet the standards and criteria prescribed by the President.

"(b) Not more than 300 units may be established and maintained under authority of this chapter, including those units already established on the date of enactment of the Reserve Officers' Training Corps Vitalization Act of 1964.

"(c) No unit may be established or maintained at an institution unless—

"(1) a commissioned officer of the Regular Army is detailed to it as professor of military science and tactics; and

"(2) the unit contains at least 100 physically fit male students who are at least 14 years of age and are citizens of the United States."

(11) The chapter analysis of subtitle B and the chapter analysis of part III of subtitle B are each amended by striking out the following item:

"405. Reserve Officers' Training Corps..... 4381."

and inserting in lieu thereof:

"405. Junior Reserve Officers' Training Corps..... 4381."

On page 58, line 10, strike out "Sec. 302." and insert in lieu thereof "Sec. 202.".

On page 59, line 22, strike out "TITLE V" and insert in lieu thereof "TITLE III".

On page 59, line 23, strike out "Sec. 401." and insert in lieu thereof "Sec. 301.".

On page 60, line 4, strike out "Sec. 402." and insert in lieu thereof "Sec. 302.".

On page 60, line 9, strike out "Sec. 403." and insert in lieu thereof "Sec. 303."

Mr. NELSON. Mr. President, I ask unanimous consent that the name of the senior Senator from Pennsylvania [Mr. CLARK] be added as a cosponsor of the amendments at their next printing.

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

Mr. NELSON. Mr. President, I do not see a sufficient number of Senators in the Chamber to secure the yeas and nays on my amendment; therefore, 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. NELSON. 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. NELSON. Mr. President, I have been advised that I neglected to ask unanimous consent that the time for the calling of the quorum be not charged to my time. I now suggest the absence of a quorum and ask unanimous consent that the time for the calling of the quorum not be taken from the time under my control.

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

Mr. NELSON. 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. NELSON. 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. NELSON. Mr. President, on my amendments, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I have carefully read the committee report and the testimony on the proposal in the bill to expand the junior ROTC. I do not find a compelling argument in the committee report for the expansion, and the argument against it is so compelling that my amendment ought to be unanimously accepted by the Senate, although I have a feeling that will not be.

This amendment would eliminate the section of H.R. 9124 which compels the military departments to undertake a fivefold expansion of the high school junior ROTC program from its present size of 254 units to 1,200 units up on application from eligible schools. The amendment would limit the size of the junior ROTC to 300 units, which is an increase from 254 to 300.

The Department of Defense has always had the authority to establish new

junior ROTC units at high schools which apply for them, but since January 1947, the Army has followed a policy of not accepting any new applications.

The services do not wish to expand junior ROTC because the program has no direct military value. It does not contribute in any way to alleviating the shortage of officers in the armed services, since it does not lead to the commissioning of officers. No significant correlation has ever been shown between boys participating in the junior ROTC program and men later receiving commissions in the armed services.

The Armed Services Committee does not claim a direct military requirement for the program. However, the bill as reported would require the Army to establish new units at schools which apply for them, and would compel the Navy and the Air Force to begin operating junior ROTC programs, which they do not do now.

At its present size of 254 units, the junior ROTC costs the Defense Department \$4.8 million to operate each year, and requires 700 active-duty personnel. If the proposed expansion were carried out, according to the estimates made by an ad hoc committee of the Department of Defense, annual costs to the Federal Government would be increased to \$21 million, and the active-duty personnel requirement would rise to 3,500. Although these estimates were made on the basis of a bill which directed the Defense Department to accept applications until 2,000 units had been established, the ad hoc committee calculated that only 1,200 applications would actually be received, so the figures remain valid for the revised version of the bill. Another \$80 million to establish the program would be required in that first year.

The Defense Department has made the point that unless we can show a need for expanding this program, spending more than \$80 million to establish new units, and increasing annual operating costs by \$17 million each year, the expansion would be a waste of money.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. LAUSCHE. From what components is the \$80 million derived?

Mr. NELSON. I have been informed that for the outfitting and initial starting of the units, that will be the cost for the expansion to 1,200 units, since the expansion is to be at the rate of 200 units a year. That would be spread over a 5-year period. Is my understanding correct?

Mr. RUSSELL. The 5-year period is correct; but I do not accept the amount of \$80 million. The Department of Defense has not suggested any such amount as that.

Mr. NELSON. The Department of Defense furnished that figure to my office.

Mr. LAUSCHE. The thought I have in mind is, does that cover the annual cost of supplying equipment and paying the wages of the students, plus the cost to the Government of the personnel that will be necessary to train the students?

Mr. NELSON. The \$80 million, as my staff was informed when it made inquiry of the Department of Defense, includes an increase of \$17 million in the cost of operation.

Mr. LAUSCHE. That money would be used for the payment of the students and for the cost of equipment?

Mr. NELSON. For the cost of supervisory personnel and all else that goes into the operation of the program, the increase would be \$17 million a year.

Assistant Secretary of Defense for Manpower, Norman Paul, stated to the Senate Committee on Armed Services:

There is no direct military requirement for this type of program. It does not produce officers. Junior ROTC programs today require the services of some 700 active-duty military personnel. Expansion of this program to a level of 1,200 schools would require the services of 3,300 active-duty military personnel as instructors, and an additional 200 as supervisors. We do not believe that this constitutes a wise use of military resources, considering the enormous demands of our defense, and the related priorities that must be placed on funds and personnel.

Considering the potential cost and manpower requirements, which would use critical resources at the expense of combat-ready Armed Forces, the Department of Defense strongly recommends that the junior ROTC portion of the bill be modified to authorize the program on a permissive basis.

Deputy Secretary of Defense, Cyrus Vance, in a letter to the Senate Armed Services Committee, emphasized:

While the Department recognizes that there are benefits that would accrue to the Nation as a whole, there is no direct military requirement for this type of program. The importance of acquainting our youth with the military traditions of this country, and the need of developing leadership, discipline, and patriotism in our young people are fully appreciated. However, we believe that greater responsibility should be accepted by our national civic organizations and public and private educational systems for indoctrination and training in this general area, and that such training should be incorporated in the academic program of these educational systems without direct participation by the Department of Defense (p. 14, S. Rept. 1514).

Mr. President, I quote one more sentence from a different part of Secretary Vance's letter:

Considering the potential cost and manpower requirements, which would use critical resources at the expense of combat-ready Armed Forces, the Department of Defense strongly recommends that the junior ROTC portion of the bill be modified to authorize the program on a permissive basis and eliminate from the bill any designation as to the number of institutions in which junior ROTC units may be maintained.

The Armed Services Committee does not claim a direct military requirement for junior ROTC. However, the committee disagrees with the Department of Defense on the value of the program, stating:

The committee is convinced that the benefits of such a program justify its relatively moderate cost. An effectively administered junior ROTC program can make important contributions to the production of qualified officers and enlisted members for the Armed Forces. There is some evidence that persons who have had junior ROTC

training volunteer for the Armed Forces in larger numbers than those who have not had such training. In addition, the junior ROTC program encourages the development of leadership, discipline, and patriotism in our young people.

The meaning of this last sentence is, apparently, that by taking these young boys and subjecting them to the discipline of military drill, we shall somehow be making better citizens of them. Many nations in the past have adopted the idea that young people should be compulsorily trained in the values which the nation thought worth while. Both Germany and Russia have used militaristic youth movements as an important part of their efforts to teach patriotism. In Communist China today, the youthful cadres of the Communist Party are being indoctrinated with their party's belief through a combined program of military training, work, and ideological instruction.

Our junior ROTC program has not been similar to any of these. The reason for the difference is that it has been kept firmly in mind that the purpose of the ROTC is not to impose some special military viewpoint of patriotism and good discipline on young boys, but to provide our armed services with the officers they need. Since the junior ROTC program makes no contribution to this end, I believe that a better place to spend this extra \$17 million per year can be found. I agree with the Department of Defense that the Nation's large, civic organizations, its educators, and its churches must retain responsibility for teaching national values and patriotism.

The proposed large expansion of the junior ROTC seems particularly unnecessary when we consider that there is an alternative program—the National Defense Cadet Corps, or NDCC—which provides an identical curriculum, but which is largely financed locally, and so operates at much less cost to the Federal Government. The Department of Defense provides junior ROTC units with instructor, uniforms, equipment, and books, at an average annual cost of approximately \$80 per enrollee. In the NDCC program, individual schools provide the personnel and uniforms, and some of the equipment, while the Federal Government supplies some equipment and educational materials. Under this program the cost to the Federal Government of giving a boy the same military training as he would receive in the junior ROTC is \$3.85 a year, or one-twentieth the cost of junior ROTC.

We regularly hear, on this floor and in the House of Representatives, a great deal of justified praise from Senators for the idea of maintaining local initiative, of letting local bodies, rather than the Federal Government, operate programs wherever they can. I suggest that this is a good place to apply that doctrine of local initiative.

In the 1962-63 school year, there were 11 private and 243 public schools participating in the junior ROTC program. At 55 of these schools, including 46 public and 9 private schools, the ROTC course was required of male students. I think there is some question as to the wisdom of compelling young boys of high school

age to undergo military training. In these 46 public schools boys must subject themselves to 3 hours a week, 96 hours a year of military training in order to receive the education to which they are supposed to be entitled in any event. I believe that compulsory military service is something we should avoid whenever possible.

In summary, the junior ROTC program is costly and makes no direct contribution to America's military strength. I believe that the expansion of this program to over a thousand schools, together with the change in the conception of the ROTC's mission which is implied in this bill, can have grave effects on our American traditions of individual freedom.

Perhaps most important, the Defense Department has recently ordered a complete evaluation of this program to determine its worth. It hardly makes sense to expand a program to five times its present size before we have the benefits of such a study. I suggest that if we should further study it and discover that it really had benefits, there would still be time enough to expand the program. This is certainly not the time to do so.

(At this point Mr. BREWSTER took the chair as Presiding Officer.)

Mr. NELSON. Mr. President, the national chamber of commerce recently offered a fine, concise statement of the case against an expansion of junior ROTC:

The national chamber has serious reservations regarding the proposed expansion of the junior ROTC program at this time, as provided under chapter 102. We appreciate the benefits attributed to the junior ROTC program—the development of leadership, discipline, and patriotism in our young people at the high school level. Important as these benefits are, the Department of Defense has stated that there is no direct military requirement that can be established for the junior ROTC program.

It is noted that the estimated cost of the newly expanded junior ROTC program, when fully implemented as proposed in H.R. 9124, would be about \$25 million per year, as compared to about \$5 million for the present program.

The Defense Department has recommended that a complete evaluation be made of the junior ROTC program and of the National Defense Cadet Corps, through pilot programs and studies, to determine the role and function of each of these two high school level programs.

The national chamber recommends, therefore, that legislative action on the proposed expansion of the junior ROTC program be deferred at this time.

Mr. RUSSELL. Mr. President, the distinguished Senator has painted a very vivid picture of the terrible consequences of compulsory military training in foreign lands.

There is absolutely no compulsion whatever in the junior ROTC bill from the Federal level. If there is any compulsion, it grows out of the rulings of the trustees of the local schools in which the program has been installed.

I was amused to hear that the Senator relies so strongly on the recommendations of the Department of Defense in this instance. When the regular appropriation bill was up for consideration,

he scoffed at all of the reasons advanced by the Department of Defense for having a strong military system. The Senator stated that we did not need it, that the Department was wrong. But, in this case, when the arguments of the Department happen to coincide with the views of the Senator, that there should not be any Reserve officer training program in the secondary schools of this country, he relies heavily on the arguments of the Department.

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

Mr. RUSSELL. I yield. I have forgotten what the time limitation is. I do not want to yield to the extent that I shall lose my time.

Mr. NELSON. I should like to correct the Senator. I did not at any time, on this floor or in this country, anywhere, scoff at the idea of the necessity for a strong military defense. On the contrary, I have always supported it, and still do.

Mr. RUSSELL. The Senator said that he was in favor of a strong military program, but the Defense Department wanted one that would be too strong. Perhaps that is the more appropriate way of stating it. The Senator was in favor of cutting it below what the Defense Department requested.

Mr. NELSON. I was. The reports filed over a 1-year period from the General Accounting Office showed that the Department of Defense was wasting \$500 million. My argument was that we should eliminate the waste from the Defense budget.

I believe that when it is shown that waste has been found, we should vote to eliminate such waste.

Mr. RUSSELL. This is not waste. The Department did not claim any waste. I do not know where the Senator gets the figures.

Deputy Secretary Vance wrote a letter to me in which he did not disagree with the estimate of \$21,216,000 for 1,200 units, and that would include 254 schools that have the Reserve training program at the present time.

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

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. Are these schools on the secondary college level or high schools?

Mr. RUSSELL. Both. But we are now talking about high schools, or military preparatory schools, or schools that give military training.

Mr. FULBRIGHT. There is a school located in my State that is at the college level. They have been trying to get the ROTC. They cannot get it. Apparently there has been a freeze on the college level.

Mr. RUSSELL. There has been a freeze on all of them. In 1947, when we started to do away with the Military Establishment and abolish the draft, a freeze was placed on this program in all high schools. That is the reason why there has not been an increased figure. The action of putting the freeze on the Military Establishment cost us billions of dollars in wastage when we were com-

elled to rearm immediately for the Korean war.

The Senator has mentioned that it would require 700 military men to operate these schools. What are 700 men out of 975,000 who are in the Army at the present time, when they are training 60,000 cadets in these schools? It is the most economic measure that we could possibly have.

Mr. President, the cost runs to about \$80 a cadet per year in the junior ROTC unit for the country. I confess that there is no immediate and direct military need for this training. But it does teach some semblance of discipline. The Senator seems to discount that. It does provide some basic training. That would be very helpful in the event of an emergency. It does assist in maintaining the health of the young men. It does enable us to get the young men out and drill them.

The Senator supported legislation which would establish a Job Corps to take care of those who dropped out. It would take care of those whose health was bad. What would that cost per capita? Four thousand seven hundred dollars a year per man, to keep them in the Job Corps, as compared with \$80 a year per cadet in a junior ROTC program which would improve the health and discipline of these young men.

If we need anything in this country today, we need something that would instill some semblance of discipline, some respect for order, and some respect for authority in the young manhood of America. I can conceive of no more beneficial piece of legislation than this measure. When we pass a measure like this, we reduce the need for the job corps, with the resultant cost of \$4,700 per man. We reduce the need for training in the poverty program that we so blithely created here at a cost of \$1 billion a year.

We have an opportunity for \$21 million a year at the end of a 5-year period before it reaches \$21 million a year—to train some 600,000 or 700,000 young men in the high schools and colleges in this country in an effort to give them some semblance of an idea as to discipline and order, and respect for authority, as well as improving their health.

Mr. FULBRIGHT. I am still not clear. Will this make it more probable that the secondary schools which want the program will get it?

Mr. RUSSELL. It does not necessarily increase it.

Mr. FULBRIGHT. Why is it in the high schools? I should like to see the college in my State get the program. I think it is needed.

Mr. RUSSELL. The committee has indicated to the Department of Defense, in the strongest of terms, that the collegiate program should be expanded. There are some 10 or 12 colleges that ought to have the program. One of them happens to be in my State.

Mr. FULBRIGHT. There is one in my State. They have attempted to get the program for several years. I have never been able to move them at all.

Mr. RUSSELL. Neither have I.

Mr. FULBRIGHT. I do not see why we cannot incorporate that provision in

the measure. It is my view that the colleges should have equal priority with the high schools.

Mr. RUSSELL. Mr. President, we were hoping to get this bill out in this session of the Congress. We have reduced the amount contained in the bill as it came to us, very drastically from the amount that the House approved. The House provided for 2,000 units of ROTC. We cut it back to 1,200. We required that it be spread over a period of 5 years. But we are strengthening the senior ROTC to such a degree that I feel that there will be some expansion of the senior ROTC units. But there is no mandate in the bill which would compel it.

Mr. FULBRIGHT. No prohibition exists.

Mr. RUSSELL. None whatever.

Mr. FULBRIGHT. They could do it if they wanted it?

Mr. RUSSELL. That is correct. They have the authority now. And the bill would tend to encourage them to do it.

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

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. The Senator mentioned the additional cost. He compared the \$4,700 with the \$80 per man contained in the measure. Is it true that in our committee, we have tried to devise means to encourage the men to reenlist, because of the extreme cost of training new men? Furthermore, have we not found that it takes fewer men to train other men coming in? That would leave more sergeants for active duty, rather than requiring them to train the new men.

Mr. RUSSELL. I did not wish to drag out this debate. But the testimony from the Secretary of the Army shows that the young men who have had the training in high school become noncommissioned officers more quickly. They adjust themselves to the Army much more rapidly. They reenlist to a much higher degree than those who have not had this high school training. The program involves one of the cheapest things that we can do, not only to give us some sense of military strength—though that would not be an immediate result, for it would merely be training and would not fit a man to step into the ranks of a soldier—but also to give us some sense of discipline and order in the United States.

When we consider the hundreds of millions that we have authorized at this session of the Congress to try to correct conditions that the proposed system would have helped to prevent had it been in existence, the \$21 million is a mere pittance. I hope that the amendments will be rejected.

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

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. I should like to ask one more question. Is it logical to assume that, in voting to retain the full amount which would be authorized for the high school program, we would not in any way prejudice the remainder of the ROTC program?

Mr. RUSSELL. It would not in the slightest degree prejudice the other pro-

gram. In my opinion, the college ROTC program would be encouraged.

Mr. NELSON. Mr. President, I hope not to be repetitious, but it seems that the issue is clear and simple. The item would be a part of the budget and would be paid for by the Department of Defense. To argue that the purpose of the program is to instill patriotism, discipline, and improved health is one kind of an argument. If that objective is so important, let us introduce a bill which would achieve that result.

But when the Department of Defense itself has strongly recommended against the program and has said that it would take resources from their combat-ready troops, and since the testimony of the representatives of the Department of Defense has been that the program would have no direct military value, why in Heaven's name should we require the Department of the Army, and the Departments of the Navy and the Air Force—which do not now have such programs—to accept up to 1,200 schools when the Department has said that the program is of no value?

When we try to cut \$1 billion from the budget, the argument is made that the proposed cut is too large. If a \$17 million cut is proposed, some Senator rises and says that such a cut would not amount to anything. In my State \$17 million does amount to something.

I do not hesitate to vote for the appropriation of funds that are necessary, but in the face of all the evidence and all the arguments that there is no military necessity for the bill and, to top it off, at a time when we are in the midst of a study to find out what value such programs are, Congress is asked not to wait for the results but to pass the bill anyway and make the Department take 1,200 schools—

Mr. RUSSELL. Oh, no. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. RUSSELL. No one would be compelled to take any of these schools.

Mr. NELSON. I did not say that. I said that the Department of Defense would be compelled, if a school should apply, to accept it, whether the Department wants it or not. The proof of the pudding ought to be that since 1947 the Department has not accepted a single new school under the program because the Department has seen no value in it.

It seems to me that if we are going to economize in the Congress, some time we ought to start with a clear and simple case. When we have the remarkable situation of the Department of Defense coming in and saying that the proposed program would be of no military value, we ought to take the representatives of the Department at their word and save the \$17 million a year, which, over a 10-year period, would amount to \$170 million. That is a great deal of money. If we cannot cut budgets in order to make a saving at the level of \$17 million, I do not believe that we can do so at any level.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. NELSON. I yield back the remainder of my time.

Mr. RUSSELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendments of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. INOUE. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Missouri [Mr. LONG], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Florida [Mr. HOLLAND], the Senator from Washington [Mr. JACKSON], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from California [Mr. SALINGER], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Texas [Mr. YARBOROUGH], 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 Washington [Mr. JACKSON], and the Senator from New Hampshire [Mr. MCINTYRE] would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from California [Mr. SALINGER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Florida [Mr. HOLLAND] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Florida would vote "nay" and the Senator from Oregon would vote "yea."

On this vote, the Senator from Rhode Island [Mr. PASTORE] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Rhode Island would vote "nay" and the Senator from Ohio would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the

Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Idaho [Mr. JORDAN], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from South Dakota [Mr. MUNDT], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. HRUSKA], the Senator from Idaho [Mr. JORDAN], the Senators from New York [Mr. KEATING and Mr. JAVITS], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 10, nays 43, as follows:

[No. 587 Leg.]

YEAS—10

Anderson	McGovern	Nelson
Church	McNamara	Proxmire
Hart	Metcalf	
Lausche	Monroney	

NAYS—43

Aiken	Ellender	Pearson
Allott	Ervin	Prouty
Bayh	Fong	Robertson
Beall	Fulbright	Russell
Bennett	Hayden	Saltonstall
Bible	Hickenlooper	Simpson
Boggs	Humphrey	Smathers
Brewster	Inouye	Smith
Byrd, W. Va.	Jordan, N.C.	Stennis
Case	Kuchel	Talmadge
Cooper	Long, La.	Walters
Cotton	Mansfield	Williams, Del.
Curtis	McCarthy	Young, N. Dak.
Dirksen	McClellan	
Dominick	Morton	

NOT VOTING—47

Bartlett	Hruska	Muskie
Burdick	Jackson	Neuberger
Byrd, Va.	Javits	Pastore
Cannon	Johnston	Pell
Carlson	Jordan, Idaho	Randolph
Clark	Keating	Ribicoff
Dodd	Kennedy	Salinger
Douglas	Long, Mo.	Scott
Eastland	Magnuson	Sparkman
Edmondson	McGee	Symington
Goldwater	McIntyre	Thurmond
Gore	Mechem	Tower
Gruening	Miller	Williams, N.J.
Hartke	Morse	Yarborough
Hill	Moss	Young, Ohio
Holland	Mundt	

So Mr. NELSON's amendments to the committee amendment were rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. All time on the bill is yielded back. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 9124) was passed.

Mr. RUSSELL. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO THE SUCCESSION TO PRESIDENCY AND VICE PRESIDENCY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1317, Senate Joint Resolution 139.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The CHIEF CLERK. A joint resolution (S.J. Res. 139) proposing an amendment to the Constitution of the United States relating to the succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

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

The motion was agreed to; and the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with amendments on page 1, line 7, after the word "several", to strike out "States" and insert "States within seven years from the date of its submission by the Congress", and beginning at the top of page 2, to strike out:

ARTICLE —

SECTION 1. In case of the removal of the President from office, or of his death or resignation, the Vice President shall become President for the unexpired portion of the then current term. Within a period of thirty days thereafter, the new President shall nominate a Vice President who shall take office upon confirmation by both Houses of Congress by a majority of those present and voting.

SEC. 2. In case of the removal of the Vice President from office, or of his death or resignation, the President, within a period of thirty days thereafter, shall nominate a Vice President who shall take office upon confirmation by both Houses of Congress by a majority vote of those present and voting.

SEC. 3. If the President shall declare in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

SEC. 4. If the President does not so declare, the Vice President, if satisfied that such inability exists, shall, upon the written approval of a majority of the heads of the executive departments in office, assume the discharge of the powers and duties of the office of Acting President.

SEC. 5. Whenever the President makes public announcement in writing that his inability has terminated, he shall resume the discharge of the powers and duties of his office on the seventh day after making such announcement, or at such earlier time after such announcement as he and the Vice President may determine. But if the Vice President, with the written approval of a majority of the heads of executive departments in office at the time of such announcement, transmits to the Congress his written declaration that in his opinion the President's inability has not terminated, the Congress shall thereupon consider the issue. If the

Congress is not then in session, it shall assemble in special session on the call of the Vice President. If the Congress determines by concurrent resolution, adopted with the approval of two-thirds of the Members present in each House, that the inability of the President has not terminated, thereupon, notwithstanding and further announcement by the President, the Vice President shall discharge such powers and duties as Acting President until the occurrence of the earliest of the following events: (1) the Acting President proclaims that the President's inability has ended, (2) the Congress determines by concurrent resolution, adopted with the approval of a majority of the Members present in each House, that the President's inability has ended, or (3) the President's term ends.

SEC. 6. (a) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President, shall act as President: Secretary of State, Secretary of Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, and such other heads of executive departments as may be established hereafter and in order of their establishment.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this section.

(3) To qualify under this section, an individual must have been appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, or inability of the President and Vice President, and must not be under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon him.

(b) In case of the death, resignation, or removal of both the President and Vice President, his successor shall be President until the expiration of the then current presidential term. In case of the inability of the President and Vice President to discharge the powers and duties of the office of President, his successor, as designated in this section, shall be subject to the provisions of sections 3, 4, and 5 of this article as if he were a Vice President acting in case of disability of the President.

(c) The taking of the oath of office by an individual specified in the list of paragraph (1) of subsection (a) shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(d) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

SEC. 7. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

And, in lieu thereof, to insert:

ARTICLE —

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SEC. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

SEC. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

SEC. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"SEC. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall con-

tinue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAYH. Mr. President, I invite the attention of the Senate to a proposal involving a great degree of gravity. The recent publication of the Warren Commission Report has reawakened in our minds, if indeed that was necessary, the tragic events of last November in Dallas, when the President of the United States was assassinated. Tragic as was the passing of this man, and as were the diabolical events which led to his demise, more tragic, indeed, will be his passing if we do not use that unfortunate set of circumstances to understand and overcome an imperfection in our system of government which is made evident, once again, by the laws and constitutional provisions relating to the offices of President and Vice President of the United States.

I speak this afternoon in support of the constitutional amendment, Senate Joint Resolution 139, which deals with the basic structure and the basic transfer of authority of executive power, the office of the President and the office of the Vice President of the United States of America.

The problems of vice-presidential vacancies and Presidential inability are complex and significant, to say the least. In my estimation, they deserve our urgent attention. The problems are not insoluble. They are not new problems. They have confronted us many times in the past. They have been the subject of discussion from time to time since the adoption of the Constitution. But today they have a ringing urgency with the tragedy of our martyred President still fresh in our memory.

Now, for the first time in our history, we are on the brink of finding a solution. The Committee on the Judiciary has favorably reported Senate Joint Resolution 139.

One of the major difficulties confronting us in solving the problems of filling a vacancy in the office of Vice President, or finding a workable way to deal with Presidential inability is not that suggestions, ideas, and legislative proposals were scarce, but rather that we had so many of them that it was impossible to obtain a consensus—a majority opinion—and have it brought to the floor of the Senate for consideration.

As all Senators know, before a constitutional amendment can be adopted, it requires the support of two-thirds of the Members of both Houses of Congress, and three-fourths of the State legislatures.

Today, I am happy to report that there is a vast grassroots feeling of urgency. I should like to give particular credit to

the American Bar Association which has done more than any single group to help us arrive at this consensus. I present this consensus today on behalf of the Subcommittee on Constitutional Amendments and on behalf of the Committee on the Judiciary.

Early this year, the American Bar Association conducted a 2-day meeting—a forum of the leading constitutional lawyers and scholars in the Nation—to which members of the subcommittee were invited. Those at the meeting had as many different ideas as there were people present. At least 14 or 15 different ideas were propounded.

At the meeting, each one present entered into reasonable give-and-take in the hope that we could finally come forth with a proposal that might not be perfect nor totally acceptable to any one of us, yet nevertheless a workable plan which could be enacted by the Congress and approved by the several States.

Mr. President, I ask unanimous consent to have printed in the RECORD certain material which in my estimation shows vividly the widespread national recognition of the importance of this question. More than 200 articles, columns, and editorials, have appeared stressing the gravity of the situation and urging Congress to do something about it. I believe that a small sampling of this material will indicate the national concern over these constitutional gaps.

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

[From the Evansville (Ind.) Press,
May 26, 1964]

WHEN THE PRESIDENT IS SICK

For 175 years Congress has been authorized by the Constitution to set up a system by which a Vice President should take over the duties of the President if the President should be disabled. Congress never has acted.

Former President Eisenhower, who urgently asked Congress to act when he was in office, again gave some moving testimony in support of this urgency at a Washington forum Monday sponsored by the American Bar Association.

"I discuss this," General Eisenhower said, "from the standpoint of a patient."

Three times while he was President, Ike said, he was briefly incapacitated.

For a week after his heart attack in 1955, he saw no one on his staff—didn't even see a newspaper.

For a time, when he had his ileitis operation in 1956, Ike said flatly, he was "unable to function."

In 1957, he suffered a mild "spasm" or stroke, and for 24 hours, he said, he had a "loss of memory of words" and couldn't have remembered a name.

"The United States," the two-term President said, "cannot afford to be without someone to make a decision."

The country is totally without anything in the law which spells out what happens when a President becomes incapacitated, for a day or for weeks. The Vice President, General Eisenhower said, should be empowered to take over immediately, for however long he is needed.

President Garfield, after he was shot in 1881, and President Wilson, after he suffered a stroke in 1919, were unable to perform most of their duties. Garfield lingered 80 days, most of them in a coma, before he succumbed to the assassin's bullet. Wilson was critically ill for months.

In neither case was the Vice President able to take over.

During President Eisenhower's three illnesses, no crisis happened to develop, Ike recovered speedily and was able to resume his duties. But Ike's point is that that was just lucky. There never should be a time when the Vice President couldn't step in, ready and empowered to take action.

Congress never has set up a takeover system because Congress never could agree on how to do it. But as Ike said it is "not quite as intricate as we have made it." We must, he said, "solve it now." Any plan Congress devises hardly can be as dangerous to the country's welfare as no plan at all.

[From the Indianapolis (Ind.) Times, May 29, 1964]

FIRST SMALL STEP TO SAFETY

Until now, about all Congress has done about presidential disability is talk about it, and disagree.

But a Senate Judiciary Subcommittee has just approved a constitutional amendment plan to fill the gap if a President is incapacitated—and also to provide for a new Vice President when the Vice President becomes President or dies.

Under this plan if a President became unable to do his job, he could certify his disability and the Vice President would step in. If the President were disabled and didn't ask the Vice President to take over, the Vice President could assume the powers anyway with the consent of the Cabinet. In case of dispute, Congress would make the decision.

Also, when a vacancy occurred in the office of Vice President, the President promptly would nominate a new Vice President, subject to approval by both Houses of Congress.

Former President Eisenhower, three times temporarily disabled while in office, has made a strong case for the country never again being without a Vice President. The need for a plan by which the Vice President would take over in event of the President's disability is obvious.

Before the plan approved by the Senate subcommittee can be written into the Constitution, it must be approved by the full Judiciary Committee, adopted by two-thirds votes in both Houses and ratified by at least 38 States. A long road.

Nonetheless, this is a significant beginning. If the full committee will act promptly, the prospects for an answer to this long-neglected problem will be greatly enhanced.

There will be strong dissents from the details of this plan, some perhaps valid. But it is these differences which have stymied action all these years. Representative EMANUEL CELLER said the House Judiciary Committee, of which he now is chairman, has been debating disability since 1920—but has done nothing for lack of agreement on how to do it.

Senator BIRCH BAYH, chairman of the subcommittee, said no plan could be perfect, but the urgency of the problem is more important than argument over which plan. The American Bar Association is backing this proposal on this same basis.

There are hazards in any plan. But the continuity and stability of the Government are at stake. Loss of national leadership, even briefly, could endanger the safety of the country. Congress should act promptly.

[From the Washington (D.C.) Post,
Mar. 9, 1964]

TO NARROW THE RISK

Former President Eisenhower, former Vice President Nixon, and many others have buttressed the arguments of the American Bar Association and the press in favor of legislation on the problems of presidential succession and disability. The risk that the country may be left without an Executive head in time of emergency is very real. No

time should be lost in approving the best precautions available.

The risk may be divided logically into three parts. The first is the danger arising out of any serious illness or other disability on the part of President Johnson during the next 8 months, while there will be no Vice President. Congress could lessen this risk by emergency legislation. The second risk arises from the fact that there is no way of replacing the Vice President when the office becomes vacant between elections. This will require a constitutional amendment. The third risk lies in the absence of any constitutional device for relieving a disabled President, and this can be corrected only by means of an amendment.

Constitutional amendments are necessary chiefly because the Founding Father's committee on style telescoped the provisions dealing with succession and inability. Most scholars think they intended that in the case of either death or disability on the part of the President, the Vice President should exercise the powers of the great office on an interim basis without actually becoming President. But Vice President John Tyler proclaimed himself President on the death of William Henry Harrison in 1841, and that precedent has become firmly fixed in American constitutional practice. It is a sound precedent so far as succession of the No. 2 man is concerned in case of death or removal of a President. But of course it has no relevance to the duty of the Vice President (or others in the line of succession) when the President is merely incapacitated.

One of the proposed amendments for which support is now being sought would confirm the Tyler precedent "in the event of the death, resignation, or removal of the President." The other would make clear that, in case of Presidential inability, only the duties and powers of the Presidency, and not the office, would devolve upon the Vice President or other person next in the line of succession. This would give the President complete assurance that he could be relieved in times of grave illness without risk of losing his office.

If the President should not announce his own disability and invite the Vice President to take over, the Vice President could take the initiative, in case of need, with the concurrence of a majority of the Cabinet. In either event the President could reclaim his powers by declaring his inability at an end. But if the Vice President and a majority of the original Cabinet (or other body that Congress might provide by law) should challenge the President's action, he could be restrained from reclaiming his powers by a two-thirds vote in Congress.

Doubtless there would be some risk of abuse in this procedure. No claim of perfection is advanced for it. But any risks that might remain would be minor in contrast to the present grave danger of leaving the Presidential power in the hands of a man incapable of exercising it.

One thing is certain: Congress should face up to the fact that the Presidency is a man-killing job and that continuity and orderly succession are imperative to the national safety and welfare. It follows that Congress should submit to the States the best amendment it can devise to remedy these dangerous defects in the succession and disability provisions of the Constitution.

[From the Atlanta (Ga.) Journal and the Atlanta (Ga.) Constitution, June 7, 1964]

PRESIDENTIAL SUCCESSION

The plan for presidential succession that is moving along now in the U.S. Senate (or moving along as much as any business there is being permitted to move along) is a proper and practical solution to a great problem.

Under it, a President who had succeeded from the Vice Presidency could designate a

potential successor as Vice President. The Senate and House would have to confirm his choice.

With this provision, we could avoid periods such as the present one when there is no Vice President and succession would fall upon the Speaker of the House, now JOHN McCORMACK, 72.

The plan also would provide for temporary or even permanent replacement of a disabled President.

A Vice President might become Acting President if the disabled President ordered this in writing; or the Vice President, with approval by a majority of the Cabinet, could declare the President disabled and assume his duties (though not his office); and if the disabled President objected to such action by a Vice President, Congress would decide the issue.

We must cover all these possibilities, and it is good to see the Senate at last moving to do something about them.

The prospect of a President's choosing a new Vice President is not ideal, admittedly. If that Vice President then should become the Chief Executive, we would have a President who had not been passed upon by all the people.

But we also would under the present succession system; and the man named Vice President by a new President probably would come much closer to national stature than the Congressman (elected by one district) who might happen to be Speaker of the House.

The American Bar Association and former President Eisenhower have urged plans similar to this one favored by a Senate subcommittee. We hope the basic plan can soon be enacted so that any possibility of perilous uncertainty about the Presidency may be eliminated.

[From the Los Angeles (Calif.) Times, May 28, 1964]

A PRESIDENTIAL SUCCESSION PROPOSAL

After 4 months of study, a Senate subcommittee which has been considering proposals dealing with presidential succession and disability laws reports it has now reached agreement on several recommendations to place before Congress.

Envisioned by the subcommittee is a constitutional amendment which would permit the President to appoint a new Vice President should that office fall vacant. The appointment would be subject to confirmation by a majority vote in Congress. This plan, resembling an earlier recommendation by the American Bar Association, has also been endorsed by former President Eisenhower. It appears sound and workable.

On the tacker issue of disability, the subcommittee suggests a more complex formula, by which the powers and duties—but not the office—of President would temporarily pass to the Vice President. If the President should recover from his disability he would once again resume his full authority.

Should a dispute develop over whether the President is indeed able to carry out his duties, this plan stipulates that a final decision rests with Congress, with a two-thirds majority required to rule against the President.

A bitter fight over this controversial section appears probable. For one thing it leaves to politicians the power to pass on what most probably would be a strictly medical judgment. This could create a dangerous situation.

The need for both a better succession law and a law governing disability—the Constitution is far from precise in this area—has long been manifest. In the present circumstances the need is pressing. Yet few expect congressional action on either subject this year. Among other reasons, the House is unlikely to move out of deference

to its 72-year-old Speaker, JOHN McCORMACK, who under present law is next in line for the Presidency.

At the same time the nature of the proposed amendment makes clear the need for full and careful consideration, not only in Congress but also among the State legislatures, which must also ratify the amendment. The sooner Congress gets started, the better.

[From the Salt Lake City Tribune, May 27, 1964]

LESSONS FROM EISENHOWER'S DISABILITIES

It is hoped the enormous prestige of General Eisenhower will help persuade Congress to take quick and positive action to fill the constitutional void as to how presidential disability shall be determined.

Mr. Eisenhower, who views the problem "from the standpoint of the patient," was disabled by major illnesses three times during his two terms in the White House. He supports the general proposals of the American Bar Association and also of a Senate judiciary subcommittee which has been working on legislation concerned with the problem.

Although the former President said the Vice President should have the ultimate responsibility for determining when a President is incapable of performing the duties of his office, he acknowledged that this might not be enough.

Congress should make the final decision, he said, in the event of a quarrel between the President and top Government leaders on presidential disability. Under the plan advanced by the American Bar, if a disabled President cannot or will not declare his inability to carry out his duties, a Cabinet majority or "such other body of Congress might decide upon" could authorize the Vice President to take over anyway. In addition, the ABA proposed that if a disabled President sought to resume his duties prematurely in the view of a Cabinet majority or of "such other body," two-thirds of both Houses of Congress, voting separately, could declare him still disabled. This would have the effect of sustaining the Vice President and permitting him to carry on for the President.

The "such other body" in case Congress should not wish to rely on the Cabinet would presumably be a high-level commission.

In 1958 the New York State Bar Association urged a constitutional amendment to the effect "that the commencement and termination of inability should be determined by such methods as Congress shall by law provide." This would keep constitutional provisions flexible and workable under various conditions—leaving the way open to Congress to make amendments if needed.

Speaking before the National Forum on Presidential Inability in Washington, General Eisenhower said: "Three times during my terms of office I faced the possibility that I might be the victim of a fairly prolonged disability. In each instance there was a gap when I could not carry out the duties of my office."

After his heart attack in 1955, "It was almost a week before the doctors let me see anyone else. Within a week," he added, he assumed some of his Presidential duties and "by the third or fourth week could carry out all the essential burdens of my office."

During his ileitis attack and operation in 1956, "I was unable competently to carry out the duties of the office * * * for a time." And the following year he suffered a stroke or "spasm of the brain" and "for 24 hours I had an absolute loss of memory."

Mr. Eisenhower's words doubtless gave his hearers goosebumps.

In the pushbutton, atomic-missile age the delay in succession must be held to a minimum, whether a President dies or is temporarily disabled.

Mr. Eisenhower and his Vice President, Mr. Nixon, had worked out a personal agreement on the circumstances under which the latter might assume the functions of the Presidency. Although Mr. Nixon presided over Cabinet and Security Council meetings during the President's first illness he did not really assume Presidential powers. Some observers felt Mr. Nixon leaned backward too far to avoid the appearance of seeking power prematurely, but a division in the Cabinet, which carried on meetings and functions, was perhaps an important influence.

Fortunately, Mr. Eisenhower recovered, but there is no guarantee that another President will not become physically or mentally disabled at a crucial time without proclaiming it. The determination of disability must be made simply and quickly.

Panelists at the National Forum on Presidential Inability agreed that the problem should be solved by constitutional amendment, rather than simple legislation. In that we heartily concur. And we hope Congress gets the necessary wheels turning for such an amendment before adjourning this year.

[From the Evansville (Ind.) Press,
May 29, 1964]

U.S. SAFETY AT STAKE: ACTION ON PRESIDENTIAL SUCCESSION NEEDED NOW

Until now, about all Congress has done about presidential disability is talk about it, and disagree.

But a Senate judiciary subcommittee headed by Indiana's Senator BIRCH BAYH has just approved a constitutional amendment plan to fill the gap if a President is incapacitated—and also to provide for a new Vice President when the Vice President becomes President or dies.

Under this plan if a President became unable to do his job, he could certify his disability and the Vice President would step in. If the President were disabled and didn't ask the Vice President to take over, the Vice President could assume the powers anyway with the consent of the Cabinet. In case of dispute, Congress would make the decision.

Also, when a vacancy occurred in the office of Vice President, the President promptly would nominate a new Vice President, subject to approval by both Houses of Congress.

Former President Eisenhower, three times temporarily disabled while in office, has made a strong case for the country never again being without a Vice President. The need for a plan by which the Vice President would take over in event of the President's disability is obvious.

Before the plan approved by the Senate subcommittee can be written into the Constitution, it must be approved by the full Judiciary Committee, adopted by two-thirds votes in both Houses and ratified by at least 38 States. A long road.

Nonetheless, this is a significant beginning. If the full committee will act promptly, the prospects for an answer to this long-neglected problem will be greatly enhanced.

There will be strong dissents from the details of this plan, many of them perhaps valid. But it is these differences which have stymied action all these years. (Representative EMANUEL CELLER said the House Judiciary Committee, of which he now is chairman, has been debating disability since 1920—but has done nothing for lack of agreement on how to do it.)

Senator BAYH said no plan could be perfect, but the urgency of the problem is more important than argument over which plan. The American Bar Association is backing this proposal on this same basis.

There are hazards in any plan. But the continuity and stability of the Government are at stake. Loss of national leadership, even briefly, could endanger the safety of the country. Congress should act, promptly.

[From the Indiana Sentinel, Mar. 26, 1964]

BAYH AND SUCCESSION

History in the making and history in retrospect, but currently most effectively told, are combining to point up the value of a proposed constitutional amendment being pushed in Congress by Indiana Senator BIRCH BAYH.

The proposal, introduced by BAYH as chairman of the Constitutional Amendment Subcommittee of the Senate Judiciary Committee, provides that in the event a President dies, the Vice President, on his accession to the Presidency, then would nominate a new Vice President whose designation would be subject to approval by both Houses of Congress. It also would provide for a means of declaring a President disabled so that the Vice President could take over his duties.

The history in the making which is involved, is, of course, the fact that President Lyndon Johnson is now serving without a Vice President, although current law provides that in the event of his death the Speaker of the House, the aging JOHN W. MCCORMACK, of Massachusetts, would succeed to the office.

The retrospective account currently attracting national attention is Gene Smith's book, "When the Cheering Stopped." It is a sympathetic but tragic telling of the closing presidential days of Woodrow Wilson. While his second wife had nothing but sincere affection for the disabled Chief Executive and shared his beliefs in his goals of international peace, her handling of the governmental reins by keeping even the Cabinet at a distance from Wilson helped bring his illusions down in defeat. This tragic story, much more than the days of uncertainty immediately following President Dwight Eisenhower's first-term heart attack, points up the need for a new approach to the problem of passing on the reins of Government in the event of Presidential disability.

BAYH's is only one of the proposals before Congress. The other with important support was introduced by Senator KENNETH KEATING, New York Republican, and would provide for nomination by each party and election by the people through the electoral college, of two Vice Presidents—one called legislative and the other executive. It also makes provisions for a takeover in the event of Presidential inability.

Each plan has merits and it will be better for Congress to make its choice after hearings than for us to attempt it here. The important thing is, however, for one of the plans, or some modification of the two to be adopted. History in the making and history in retrospect emphasize the need.

[From the Boston (Mass.) Herald, May 27, 1964]

SECURING THE SUCCESSION

Ever since President Eisenhower's heart attack in September 1955, Congress has been pressed to clarify the constitutional provisions on presidential disability.

The assassination of President Kennedy also started a move to strengthen the succession law and provide for an interim Vice President.

Despite much discussion, however, nothing has been done. President Eisenhower and his successors have made private agreements to cover the disability loophole, and Speaker MCCORMACK, the reluctant heir apparent under the present succession law, has taken over some vice presidential duties. But no real solutions have been attempted.

This week a Senate subcommittee has come up with concrete proposals. And, although they could be improved, Congress should move swiftly to translate them into law. Almost any reform would be better than further inaction.

Basically the subcommittee proposals are sound.

For the succession problem, they suggest a constitutional amendment permitting the President to fill a vice presidential vacancy with the approval of the Senate and the House. This is essentially the same solution as one submitted by the American Bar Association. We have preferred a statute putting the Cabinet officers back in the line of succession but requiring that upon the death of the President and the accession of the Vice President they resign and be reconfirmed by the Senate. But the subcommittee plan will serve.

The disability problem would be solved, also through a constitutional amendment, by authorizing the Vice President to take over as acting President (1) when the President declared himself to be disabled or (2) when a majority of the Cabinet joined in declaring him disabled. In the latter case, if the President protested, the issue would be decided by a two-thirds vote of the Senate and the House.

This reform would be stronger if some independent or ad hoc body were asked to act instead of the Cabinet, which is bound by the ties of loyalty to the President, but the subcommittee plan is a great improvement over what we have now.

The important thing is that some plan—and the subcommittee's is the most likely—be pushed swiftly to passage. Mere luck has preserved us from a fatal succession or disability crisis. But we should not count on luck in the faster moving world of the 1960's and 1970's.

[From the Worcester (Mass.) Evening Gazette, May 27, 1964]

TO CORRECT A FLAW

Since 1789, this country has never been without a President. However, it has three times been without Presidential leadership.

The first was in 1881, after President Garfield was shot and lingered for 3 months in an incapacitated condition before he died.

The second was in 1919, when Woodrow Wilson suffered a stroke from which he never recovered completely.

The third was in 1955, when President Eisenhower had a serious heart attack that forced him to rest in bed for a number of weeks.

The country survived these crises successfully, but there is a growing feeling that something should be done about the situation. A sudden hiatus of leadership in Washington in this era of potential push-button disaster could be dangerous.

After months of study, a Senate subcommittee now is reported on the verge of agreement on correcting the flaws in the Constitution in regard to both the Presidential succession and Presidential disability.

The plan favored to take care of the Presidential succession problem is substantially that proposed by the American Bar Association and endorsed by former President Eisenhower. It would let the President fill a Vice Presidential vacancy with the approval of the Senate and House.

As fixed by law at present, the succession, after the Vice President, goes to the Speaker of the House, and then to the President of the Senate. This is unsatisfactory because these figures, being elected to their congressional posts partly on the basis of long service, tend to be old men. Speaker JOHN MCCORMACK is 73. Former Speaker SAM RAYBURN was 80 at the time of his death. CARL HAYDEN, President of the Senate, is 87.

The disability flaw is harder to correct, because a disabled President might not agree that he was disabled. In that case, under the new proposal, the Vice President, with the concurrence of the majority of the Cabinet, could declare the President disabled and could assume the powers and duties—but not the office—of the President. If the President

disputed the Vice President's action, the issue would be decided by a two-thirds vote of both branches of Congress.

This is not a perfect solution, for there is no perfect solution. But certainly it is preferable to the present arrangement, which is vague to the point of being incomprehensible on the disability question.

The U.S. Presidency is the most important office in the world today. The shot that felled President Kennedy was heard round the world. This mighty office needs to be more strongly buttressed against the vagaries of chance and fate.

[From the Detroit (Mich.) News, May 30, 1964]

CONGRESS MOVES ON NASTY PROBLEM: AN INCAPACITATED PRESIDENT

Agreement finally appears to be near on a constitutional amendment to permit the President to fill a vice-presidential vacancy and to solve the knotty problem of succession in the event the President is disabled. Both pending proposals make good sense.

Former President Eisenhower, the American Bar Association and a Senate Judiciary Subcommittee are in substantial agreement that, when the Vice-Presidency becomes vacant, the President ought to pick his Vice President rather than rely on the present law that makes the Speaker of the House next in line of succession. Under the proposal now being considered in Congress the President's choice would be confirmed by a majority of the House and Senate.

Mr. Eisenhower also goes along with the subcommittee and the bar in their recommendation that the Vice President should have the ultimate responsibility of determining when a President is incapable of performing his duties, assuming the President himself falls to make the decision.

Concurrence of a majority of the President's Cabinet would be required before a President could be declared disabled and the Vice President could then assume the powers and duties—but not the office—of the President. This would provide a necessary check on the Vice President.

But there would be a further check. If the President should dispute the ruling of the Vice President and a majority of his Cabinet that he was incapable of serving, then the matter would go to Congress. It then would take a two-thirds vote of both Houses to enable the Vice President to continue to serve as Acting President. If that vote failed to pass, the President would resume the powers and duties of his office.

It is no secret in Washington that almost everyone except Speaker McCORMACK is unhappy with the present succession law. McCORMACK is a living argument against it. He is a parochial Boston Congressman who rose to be Speaker largely because of seniority. As President, he would be a national calamity.

Under the new succession proposal the President would want to nominate the best man he could find in his own party as his possible successor. And Congress could be there to vote to guarantee that the Vice President was of that top quality.

But the new plan also would eliminate one of the major faults in the present succession law. This permits the succession of a man of a different party from the President when the opposition party controls the House. If the Speaker had become eligible to the Presidency during Mr. Eisenhower's last 6 years in office, for example, the successor would have been the late Sam Rayburn, a Democrat.

The presidential disability provision would fill a void. Right now there is no legal method of determining what to do in the event of the President's disability, although President Johnson and Speaker McCORMACK have adopted a private agreement similar to the

Eisenhower-Nixon and Kennedy-Johnson agreements.

The matter ought to be legally determined and not left to any voluntary agreement. Too much is at stake—in an atomic age the very life of the Nation—to permit a controversy over a President's disability to paralyze national action. The pending proposal ought to be adopted, and submitted to the States for ratification.

[From the St. Louis (Mo.) Post-Dispatch, June 1, 1964]

PRESIDENTIAL DISABILITY PLAN AT LAST? SENATE SUBCOMMITTEE RECOMMENDS FIRST BREAKTHROUGH SINCE STUDY BEGAN IN 1956

The Nation has just seen the first breakthrough on the delicate and urgent problem of Presidential succession. A Senate subcommittee, headed by Senator BAYH, of Indiana, last week recommended action on proposals designed to fill a constitutional vacuum involving Presidential disability and filling vacancies in the Vice Presidency.

This is the first time since 1956, when full-scale Presidential study of these problems was launched, that a consensus has been reached at any level of Congress.

A majority of Senator BAYH's subcommittee has agreed to support a proposal similar to be backed by the American Bar Association. The subcommittee's majority has agreed in principle to amend the Constitution to effect the following changes:

1. Whenever a vacancy occurs in the office of Vice President, the President would nominate a Vice President subject to the approval of both Houses of Congress.

2. When the President declares in writing that he is unable to perform the duties of his office, the Vice President would become Acting President until the President declares that he has recovered sufficiently to resume his duties.

3. If the President does not concede his inability to function, the Vice President, with the approval of the majority of the Cabinet, could declare the President disabled and assume the powers and duties—but not the office—of President.

4. If the President challenges the action of the Vice President and the Cabinet, Congress would decide the issue. A two-thirds vote of the House and Senate would be required to sustain the Vice President. Otherwise, the President would resume his powers and duties.

This plan, of course, is not foolproof. But certainly it is an improvement over the dangerously inadequate alternative we now have. As Senator KEATING, of New York, a member of the subcommittee, observed: "If we continue to strive for what each feels is the best solution, we will never get anywhere. To reach a solution is more important than to attempt perfection. Therefore, everyone interested in this problem must be ready to make some concessions in the interest of arriving at a consensus."

Obviously, this approach does not settle the question of the line of succession after the Vice President. This, however, could be effected by statute. Under a law adopted in 1947, the line of succession after the Vice President progresses, in order, from the Speaker of the House to the president pro tempore of the Senate and various Cabinet officers, beginning with the Secretary of State. This is not ideal, since it cannot be assumed that a legislative leader or Cabinet officer is best equipped to exercise the executive functions of the presidency. Moreover, legislative leadership frequently owes more to seniority than anything else.

Nevertheless, the plan advocated by the Bayh subcommittee would make the matter of succession less important than it is at present. It would provide for a permanent Vice President; therefore, the order of suc-

cession after the Vice President would come into play only if the President and Vice President are lost at the same time.

More importantly, the proposal does deal with the complex problem of Presidential disability, and this a problem that we cannot any longer afford to leave to chance. In this age of pushbutton Armageddon, it is chilling to contemplate a situation in which a President could, in fact, no longer perform his duties but could be relieved of them.

Mr. BAYH. Mr. President, the first of our problems is that there is a vacancy in the office of Vice President. I remind Senators that the office of Vice President has gone through a period of development, perhaps to a greater degree than any other office in the history of the country.

Senators will recall that John Adams, the first Vice President, described his new job as the most insignificant one that ever the invention of man had contrived.

Later, Theodore Roosevelt, Vice President at the age of 42, was quoted as saying that he was going to Washington not to be praised, but to be buried.

John Nance Garner, graphically described the Nation's second highest office in terms which are typical of this great Texan. He described the Nation's second highest office as not being "worth a pitcher of warm spit."

Although I do not particularly agree with this illustration, I believe that it emphasizes the opinion held by many down through the years to the effect that the office of Vice President did not amount to a great deal.

In the administrations of President Eisenhower and President Kennedy, we witnessed a resurgence and redevelopment of the office of Vice President to the point where today the office of Vice President is, a most significant office—the second most important office in the land.

It is almost unbelievable that on 16 different occasions, totaling more than 38 years in time, the United States has been without a Vice President. In any one of those years something could have happened to the President which would have required another individual other than the Vice President to act as President.

Eight times in our history a President has died and has been succeeded by the Vice President.

Seven times, the Vice President himself has died in office. On one occasion, the Vice President, John Calhoun, resigned.

Each time a President has died, it has been a severe shock to the Nation; but each time the Government has withstood the test, and there was an orderly transfer of Executive authority. We pray that we may never be faced with the supreme test—the loss of a President and a Vice President within the same 4-year term of office. But in the event that history does not treat us so kindly in the future as it has in the past, we must be prepared for such an eventuality. For, whatever tragedy may befall our national leaders, the Nation must continue in stability, functioning to preserve a society in which freedom may prosper.

Why have a Vice President?

Has not this office been the object of sharp satire since the Constitutional Convention created it as an afterthought? Is this not the position that has been described as a one-way ticket to political oblivion? Perhaps so, once upon a time. But no more—not in the 20th century.

Today, the office of Vice President is a full-time, highly responsible office. It is the office of the President's chief ambassador.

When President Johnson was Vice President, he traveled more than 75,000 miles abroad on missions for the Chief Executive, including top-level trips to Berlin and Vietnam, to name only two.

Vice President Nixon, the previous Vice President, spent more than twice as much time abroad as did President Eisenhower during the 8 years of that administration.

It will be recalled that when Mr. Nixon was on an official mission as this Nation's chief ambassador as Vice President, he confronted surly youths in Latin America, and also met Mr. Khrushchev in the famous kitchen debate.

Today, the Vice President is an integral part of Cabinet meetings. Modern-day Presidents seek the advice and counsel of their Vice Presidents. The Vice President is a statutory member of the National Security Council. He is Chairman of the President's Committee on Equal Employment Opportunity. He is also Chairman of the National Aeronautics and Space Council.

I am sure it is the consensus of Senators that there are few more significant issues of the day than the security of our Nation, the race for space, and the fight for equal rights. These are certainly among the paramount issues of our day and age. The Vice President, by virtue of his office, is in the thick of each and every one of them.

It will be recalled that in Atlantic City recently, when President Johnson selected our distinguished colleague, the Senator from Minnesota [Mr. HUMPHREY] as his running mate for Vice President, he said—and I believe that this is a feeling shared by all of us, Republicans and Democrats alike—that the vice-presidential candidate should be the man best qualified to be President of the United States, should that unhappy day come.

I believe there is a general awareness on the part of all citizens of the country that this is the prime qualification that the vice-presidential candidate should have—the ability to fulfill the office of President if tragedy should strike.

I submit that reason dictates that we take steps to assure that the Nation shall always have a Vice President. He would lift at least some of the awful burden of responsibility from the shoulders of the President and make the most important office in the world perhaps a little bit less burdensome. His presence would provide for an orderly transfer of executive authority in the event of the death of the President—a transfer that would win public consent and inspire national confidence.

As was the case following the tragedy in Dallas, he would be there to substitute

as President, as Hamilton suggested, when events required him to do so.

Our obligation to deal also with the question of presidential inability is crystal clear. In this instance, there is a constitutional gap, or a blind spot. We must fill this gap if we are to protect our Nation from the possibility of floundering in the sea of public confusion and uncertainty.

The provision for impeachment is clearly written into the Constitution. It has been implemented on but one unfortunate occasion in the history of our country. Yet, there is not a word, not a hint about what is meant by the inability of a President. There is no clue as to the method of determining disability, who would make such a determination, what would happen once the determination was made, how the period of inability would be terminated, and whether the President would then resume his office or simply lose his position. These are some of the vexing problems which are presented by the superficial manner in which presidential inability is referred to—on only one occasion, and by only one word—in the entire Constitution of the United States.

It seems to me that history has been trying to tell us something, and it is high time we listened. President Garfield lay wounded for 80 days before he died. During this period, despite the fact that there were many serious duties that needed to be performed, he signed only one extradition paper.

For nearly 2 years, after President Wilson collapsed with a stroke, our Government was virtually controlled by Mrs. Wilson and the President's personal physician—two well-meaning individuals, but hardly those with constitutional authority to direct our affairs of State. When we think of the critical issue that was before the country, and, in fact, the entire world at that time; namely, whether there should be a League of Nations, what the participation of the United States in the League of Nations would have meant to us in the possible prevention of World War II, and what the assistance of an able Vice President, acting in the stead of President Wilson, would have meant to us in helping to get us into the League of Nations, only time, which we cannot relive, would have told. But Mr. Wilson was physically unable to serve as President. He was unable to carry this task forward to consummation. I believe that is one of the unfortunate facts in the history of this country. No one knew exactly what to do when President Eisenhower suffered a heart attack, one of three serious illnesses he suffered during his administration. Later, the President and Vice President Nixon set a precedent with a mutual agreement on what to do in the event of the future inability of the President.

I compliment both those gentlemen for taking the initiative. It was the first time that anything concrete had been proposed in this area. But such informal agreements are unsatisfactory as permanent solutions. Both Mr. Eisenhower and Mr. Nixon were among the first to say so. Such agreements depend on good will between the President and the Vice

President. They do not have the force of law. They could be subjected to serious constitutional challenge. They open the door for possible usurpation of power from the President.

I point out that the one thing we must press for is an orderly transfer of power. Whatever procedure is established, it must be generally accepted by a majority of the people. It seems to me that a private agreement would not enjoy the confidence of the public, as would the measure which I hope will be enacted by this body.

These questions can be solved by amending the Constitution. Some say they could best be solved by statute. Many distinguished lawyers disagree. But what most lawyers do agree upon is that if a reasonable constitutional doubt exists, the best method to eradicate any doubt is to amend the Constitution.

How unfortunate it would be if we were confronted with a tragedy, with a disabled President, in a time of emergency. We should have an acceptable formula readily available. Further, a statute would be subject to criticism and a test in the courts. It might be declared unconstitutional. A constitutional amendment would do away with this risk and make it quite clear that the Vice President, acting in behalf of the disabled President, would have constitutional authority to do so.

It seems to me that there can be little question that the time to act is not when the President is lying ill and there is no machinery to deal with the execution of Executive power. If we act in those circumstances, we may come forth with an expedient, but ill-conceived answer to these pressing problems. The time to act is now, when we still find it hard to believe that President Kennedy is gone, and when we have a President who, fortunately for us all, is in robust health.

I have tried to make two principal points thus far. I have said that we should provide means by which we might have a Vice President at all times. And I have said that we must provide machinery by which the Vice President could act as President if the President himself were disabled. Senate Joint Resolution 139, which is now before the Senate, deals most effectively with both these problems.

I express my gratitude to the long list of cosponsors—which now lists some 32 Senators. I point out that this is good evidence of the fact that Senators today are willing to compromise, even though they have their own ideas on the best way to achieve the end we all seek.

At the American Bar Association conference, to which I referred earlier, there were scholars and lawyers who were willing to compromise. It has been my experience that Senators are willing to give and take in such significant matters.

There is no pride of authorship in Senate Joint Resolution 139. Rather, there is the desire that Senators on both sides of the aisle support the resolution.

Some 13 different proposals were submitted to our committee. Half the Senators who sponsored the various resolutions have now joined in cosponsoring

Senate Joint Resolution 139. I believe it is fair to say that we have come as far as we can in obtaining a consensus which I hope this body will accept.

I shall touch very quickly on the two proposals, which are combined into one, for dealing with the doubled-barreled problem. The first problem is that of filling a vacancy such as exists today and, God forbid, which may exist 20 years from today, in the office of Vice President.

This, it seems to me, can be corrected by a relatively simple solution. In the event a vacancy exists in the office of Vice President, Senate Joint Resolution 139 provides that the President of the United States should nominate an individual who he feels is qualified to fill the office of Vice President and, subsequently, that both Houses of Congress should elect the individual by a majority vote.

What would the proposal accomplish? First, it provides that the Vice President would be an individual with whom the President could work closely. In a time of crisis and turmoil, such as we experience with the loss of a President, we must give the new President the individual upon whom he could depend, the one who would cooperate with him and help him carry on the tremendous burden of the Presidency.

Second, we would provide, by the means proposed, for a continuity of authority, direction, and program.

When a President is taken from us, it is hardly a time to change the policy or the course upon which our Nation is embarked.

Third—and I feel most important of all—in a democratic system such as that in which we live today, by submitting the name of the proposed nominee to the office of Vice President to the Congress, we would be assured that the representatives of the people of our land, the Representatives and Senators who deal daily with problems of crisis and decision, would have the final determination as to who the Vice President should be.

So, basically, we would do two things. First, we would provide for a continuity of program and cooperation with the President, on the one hand, and we would enable the voice of the people to be heard on the other.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Indiana a set of questions in order to point out what is involved in the problems he has been discussing—unless the Senator wishes to complete his statement first.

Mr. BAYH. I am more than happy to yield to the distinguished Senator from North Carolina. Later I intended to point out that the Senator is one of those who has led us down the road to a consensus. The Senator from North Carolina had a proposal of his own. He participated in the committee meetings and helped report from the committee the present measure. Were it not for his dedicated effort to have the proposed constitutional amendment adopted, I feel that the roadblocks still ahead of us would have been much larger than they are. I am very grateful to the Senator.

Mr. ERVIN. I thank the Senator from Indiana for his most gracious

remarks. On my own behalf I should like to state that the person who is primarily responsible for bringing these problems as near a solution as is possible today is the able and distinguished junior Senator from Indiana [Mr. BAYH], who has worked tirelessly on the problems.

I ask the Senator if at times he did not share my fear that there might be a situation in which, to use an old adage, too many cooks would spoil the broth, particularly in respect to the phase of the question that the Senator is now discussing.

One group, like myself, felt that the selection of a person to fill a vacancy in the office of Vice President should be made by the representatives of the people in Congress. Those of us who shared that view adhered to it very strongly.

There were those who feared that if the selection were made solely by Congress, it might happen that Congress would have to exercise such power at a time when it was controlled by one political party, whereas the White House might be controlled by the other political party and, as a result of vesting the power solely in the Congress, there would be friction between the person designated as Vice President and the President, and also a lack of continuity of the administration in case the person selected by the Congress to be Vice President should be a member of the other political party.

Mr. BAYH. Yes. I agree with my distinguished colleague from North Carolina. In the past there have been several examples of various legislative offices having been controlled by members of the opposite party. We would not have to go back very far in our memories. When the present succession law was passed, I believe that in the minds of many it was designed so that the beloved Mr. Sam, the famous Speaker of the House, would be next in line in succession and therefore would be in line to succeed a Democrat, President Truman. But by the time the law was enacted by Congress, there had been a change, and a Republican, JOSEPH W. MARTIN, JR., was Speaker of the House, so there would have been a change of continuity. The people, by voting in an election, should be the ones to decide a change of policy and a change of direction in our Government, and not some illness, some assassin's bullet, or some other unfortunate situation which would remove a President from the scene.

Mr. ERVIN. The Senator will recall that historians frequently have stated that the only reason the Founding Fathers were able to draft and ratify the Constitution was that they were able to compromise the great differences between the larger States and the smaller States with respect to representation in the Congress. They did this by giving the small States and the large States equal representation in the Senate, and by apportioning seats in the House of Representatives among the several States upon the basis of population. The Senator will recall that historians have frequently said that this compromise made the drafting and ratification of the Con-

stitution possible by reconciling the differences between the smaller States and the larger States.

Mr. BAYH. That is correct.

Mr. ERVIN. Does not the Senator from Indiana agree with the Senator from North Carolina that the compromise which made the present resolution possible between those who believe in continuity of the administration on the one hand and those who believe in the selection of a person to fill the vacancy in the office of Vice President by representatives of the people is a like compromise?

Mr. BAYH. This is a ready compromise. The Senator and I have discussed the question enough so that we know very well that one of the major problems which could confront us would arise when a name was submitted to Congress, if the Congress were controlled by the opposite party, whether Republican or Democratic. The party in the majority might tend to delay or play politics with the nomination. I believe that the Senator firmly agrees with me that at a time of national crisis the public would not tolerate the playing of politics in the choice of a Vice President. In pointing out the compromise that was made between the larger and smaller States in the electoral college system, we should point out for the Record that by taking the votes of Members of the House and Senators from each State, we would arrive at a number identical with that now composing the electoral college. We have tried to stay as close as possible to the present laws, and the use of the same formula in the event we should be confronted with an emergency such as we have experienced recently.

Mr. ERVIN. My good friend the junior Senator from Indiana is more responsible than any other individual interested in this problem for effecting the proposed reconciliation of the two viewpoints that I thought for a time would shatter any hopes of accomplishing anything worthwhile in this field.

Mr. BAYH. I thank the Senator.

Mr. ERVIN. Another thing I should like to comment upon is the first section of the joint resolution, which reads as follows:

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

This lays at rest the ghost that has troubled some constitutionalists since the death of William Henry Harrison, about 1 month after "Old Tippecanoe and Tyler, Too" were elected, respectively, President and Vice President of the United States. As the Senator knows, there has been an argument among some scholars and some constitutional lawyers ever since John Tyler assumed the office of President on the death of William Henry Harrison, as to whether or not the Vice President who comes to the office under those circumstances is really the President or whether he is merely the Acting President. I think this is a fine provision in the proposed joint resolution, because it would lay to rest the constitutional ghost that has been stalking to and fro in America ever since that time.

It stamps with approval the assertion that John Tyler himself made at the time that he was President, and not merely acting President, when he succeeded William Henry Harrison.

Mr. BAYH. As the distinguished senior Senator from North Carolina, who is the greatest constitutional expert in this body, knows, the office of Vice President was more or less an afterthought on the part of the Founding Fathers. As we study the proceedings of the Constitutional Convention, we observe that at first there was some thought that perhaps a legislative officer, the Chief Justice, or some commission could fulfill the duties of the Office of President in the event the President were no longer able to do so, or were killed, or died. But at the last moment the Office of Vice President was suggested and, as the Senator said, in 1841, when President William Henry Harrison died in Office and President Tyler assumed the duties, the first papers that were given to him to sign, as I recall, read, under the place where he was supposed to sign, "Acting President." He did not like that idea at all. So he struck out the word "acting" and said he was the President, and later was supported by majorities of both Houses of Congress.

Mr. ERVIN. If Congress will pass the joint resolution, it will be saying "amen" in the year 1964 to what John Tyler said on that occasion.

Mr. BAYH. Let this Senator say "amen" to what the Senator from North Carolina has said.

Mr. ERVIN. The Senator has touched essentially on the problem of the inability of a President. The Senator has pointed out how long Garfield lay lingering between life and death, between consciousness and unconsciousness, after he was struck down by an assassin's bullet; and how, after Woodrow Wilson suffered a stroke, Admiral Grayson, his physician, and his wife, Mrs. Wilson, were said to have acted upon some matters of Government, although they had no constitutional power to do so. Also, as we recall, during his administration, President Eisenhower, twice had serious illnesses when it was uncertain as to whether he would be able to resume the functions of his Office.

I introduced a proposed constitutional amendment which provided for the determination of the disability of the President by a process which is identical with the impeachment process. But I must admit that this joint resolution is a vast improvement over my original proposal. It accomplishes the determination of whether a President is disabled to perform the duties of his Office with the least embarrassment to the President and in the most efficacious manner. At the same time, it combines action on the part of the Vice President and the members of the Cabinet, or such other body as the Congress may designate, with action on the Congress in case the President is unable or unwilling to make a determination of his own disability.

By so doing, the joint resolution makes it certain that in a time of great and violent partisanship—such as existed in respect to Andrew Johnson during Re-

construction—we are not likely to have under the amendment any exhibition of partisanship which is destructive of the welfare of our Nation. This is true because it does not permit a single political party controlling the Congress when there is a division between the political affiliation of those in the executive branch and those in the legislative branch to assume sole power to act when a question arises as to whether the President is able to perform the functions of his office.

Mr. BAYH. This solution deals with a consensus, because we have a precedent, despite the fact that some declare we are wrong in intermingling or commingling the three branches of our Government. As the Senator knows, there is a precedent in the election law which permits Congress to decide how a President can be elected in case one candidate does not receive a majority of the electoral votes. There is a precedent in impeachment proceedings, in which it is provided that one branch, the House, shall bring the impeachment and the Senate shall try, and the Chief Justice of the Supreme Court shall preside over the formalities and trial itself.

As the Senator has said, I believe that by requiring cooperation by all branches of the Government, we shall arrive at the right answer.

I shall discuss in a moment in detail what Senate Joint Resolution 139 provides, but I should like to remind the Senator from North Carolina of a conversation the two of us had when another proposed constitutional amendment was brought before the Judiciary Committee. We were both concerned about the security of the office of President. The Constitution provides for a two-thirds vote in order to convict the President on impeachment. Can we imagine what would have happened in the Reconstruction Days if it had taken a majority to impeach President Andrew Johnson and a majority to declare him disabled? We know he would have been declared disabled.

Mr. ERVIN. Andrew Johnson would have been declared mentally incompetent by a simple majority of the hostile Congress, and our country would have experienced a total blackout of constitutional government.

Mr. BAYH. The Senator brought this out very quickly, and the question was analyzed in the Judiciary Committee; and it resulted in congealing the thought that this must be an integral part of Senate Joint Resolution 139.

Mr. ERVIN. This solution and resolution of the manner of determining disability of the President represents in the finest manner the system of checks and balances which the Founding Fathers put in the Constitution to make certain that neither partisanship nor tyranny could take charge of the American Government.

I commend the Senator from Indiana and give him credit for the fact that it was his patience and his understanding of these problems which brought divergent views into what he calls a consensus, and what I call a compromise. As a result of his efforts, many of us have laid

aside pride in our own proposed solutions and agreed upon a common solution of this problem.

I sincerely trust that the Senate and the House of Representatives will vote to pass the joint resolution by the required two-thirds majority, and that three-fourths of the States will ratify the joint resolution in the shortest possible time. This is most desirable because such action would remedy two very serious omissions in our Constitution—omissions which must be remedied to insure continuity and stability of government.

In closing, I reiterate that the Senator from Indiana deserves the thanks of Congress and the thanks of the American people for the fine work he has done in bringing the joint resolution into being and in presenting it to the Senate.

Mr. BAYH. I thank my colleague, the Senator from North Carolina. He has been more than kind. Although this is my first session in this great body, and I cannot speak with authority to my senior colleagues here, I believe Senators would probably have to look for a long time before they would find a better example of legislative process in this free government of ours in working to resolve differences of opinion by coming forward with this one idea. I am grateful for the contribution made by the Senator from North Carolina.

Let me briefly discuss the second part of the proposed solution of the two problems facing us—first, a vacancy which may exist in the Vice Presidency; and second, the equally, if not more vexing problem of disability which may occur in the office of the Presidency.

It is fair to say the entire problem of dealing with presidential inability is made much more difficult and much more complex by the precedent to which the Senator has referred, namely, the Tyler precedent.

It is one thing for the Vice President to assume the role and office of President if the President is dead. It is an entirely different situation for the Vice President to take over the reins of Government when the President is not dead, but is disabled, or for some other reason is unable to fulfill the powers and duties of the office of President.

For this reason, in the two times in history, and also the third time, when President Eisenhower and Vice President Nixon entered into an informal agreement—there is ample proof that there was a great deal of public response. In the case of Garfield, his Cabinet urged Arthur, then Vice President, to take over and act as President, but he, on sound legal counsel, refused to do so; and the record even discloses that the former Secretary of State, the great American, Daniel Webster, was one of the proponents of the feeling that we cannot separate the office of President from the duties and powers thereof. The way the Constitution is written, if the Vice President should take over the powers and duties of the office of President, he would in fact take over the office of President.

Secondly, if the President should recover or regain his ability to perform his duties of office, he would have been removed by the act of the Vice President.

For this reason there was reluctance on the part of Arthur to move in and to assist Garfield in his time of need.

Vice President Thomas Marshall had the same reluctance, and he refused to step in when President Wilson could have used his helping hand.

In closing, I should like to say that in the case of Presidential inability we must take every precaution to safeguard the President from unwarranted usurpation of his office. Thus it seems to me that the first provision in our disability section is to give the President the primary right to declare his own disability, and also to declare the termination of his disability. Therefore we state that if the President specifies in writing that he is disabled, the Vice President shall then assume the powers and duties of the office, and not the office itself. He would be Acting President; not President. In that way, I believe we could eliminate the difficulties which have existed in the past.

The second provision, in the event of disability of the President, refers to the case in which the President does not make known his disability, perhaps because he is unable to do so. In this event, the Vice President, with the concurrence of a majority of the Cabinet or other body which Congress might designate, should have the authority to determine Presidential disability.

In such a case, as I mentioned, the Vice President would become Acting President, just as he would if the President himself had declared his own inability.

The thinking of the committee was that we do not want a President to lose his power by usurpation; and we felt that by granting the Cabinet a concurrent role with the Vice President, it would give him, and give those who are appointed to office by him, equal power with the Vice President.

President Eisenhower was confronted personally with this problem of disability. He said unquestionably that he thought the Vice President had not only the authority to act but that he should and must act in the event of disability. He also stated to a conference which was held in the spring in Washington that he thought that having the Cabinet go along and help make the decision would be a satisfactory arrangement.

The third circumstance is the unlikely one in which the President might be found disagreeing with the Vice President and a majority of the Cabinet as to whether he was able or unable to exercise the powers and duties of his office. In the event the President should say, "I am able to perform," and the Vice President and a majority of the Cabinet on the other side should say, "You are not capable of performing," we felt that the proper body to make the final determination was the Congress.

As I mentioned in the colloquy with the Senator from North Carolina [Mr. ERVIN], we would require a two-thirds vote of Congress to remove the President from office. It is to safeguard the President and at the same time provide checks and balances, because our system

recognizes no person, even the President of the United States, as being infallible.

In closing, let me say that perhaps there was a time when it was not very important to have a Vice President, and perhaps there was even a time when it was not a matter of great national urgency to have a President who was completely in control of all his faculties.

When the carrier pigeon was the most rapid means of communication, and the horse was our most rapid means of transportation, our national security could not be threatened in such a short period of time as it can be today. However, in this day of nuclear power, in the age of space flight and of rapid jet transportation and Telstar communication, when it is possible to destroy civilization as we know it in a matter of minutes, when we can move armies halfway around the world in a matter of hours, the safety of the United States demands a President who is always capable of making rational decisions and rational determinations; and in the event the President is unable to make these determinations it demands that the Vice President be able to assume the powers and duties of the President, so that this country may always be in the hands of one who is able to make the necessary decisions at the necessary time.

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

Mr. BAYH. I am glad to yield to the Senator from Oklahoma.

Mr. MONRONEY. I wish to associate myself with the remarks of the distinguished Senator from Indiana, and congratulate him on the fine work he has done as chairman of the subcommittee which handled this very important issue. We must set at this time, as early as possible, the line of succession in the Presidency, more particularly with respect to the point he has just emphasized with such great clarity, on the determination of inability of the President, as referred to in the Constitution.

The subcommittee has rendered an excellent service in perfecting language that clarifies the Constitution and sets a clear line of the powers of the successor to the President in the event of the President's inability to carry forward the duties of that great office.

This, I think, is even more important than the line of succession at this time. I recognize the need for changing the line of succession. I recognize the many ideas that have been voiced by so many students of the problem, such as the distinguished Senator from North Carolina [Mr. ERVIN], particularly with reference to his position on the selection of the Vice President by Congress itself, and the many other suggestions that have been made for the line of succession. I also recognize the need for a compromise if we are to arrive at any single determination.

I regret that the point of view that I have long held since with respect to the line of succession going to the Speaker of the House and the President pro tempore of the Senate appeared to be somewhat dangerous to the party control of the Presidency for the full duration of the elected term of President, and that we could not work out something that was

more responsive to the electorate of the country.

The distinguished Senator was most kind to me and permitted me to testify when hearings were being held on these proposals. I have advocated that at the time of the election, a first and second Vice President should be nominated and voted upon by the people in the regular election of President, based on the fact that this would be an expression of the entire electorate of the United States, and thus bless the office or ratify the offices of first Vice President and second Vice President with the vote and the acceptance of the entire electorate.

I recognize the fact that the joint resolution must be a compromise; but I question one bit of the philosophy in the selection of the successor by the nomination of one man, placing in the supreme line of authority over 180 million Americans one man chosen absolutely by the President, by sending the nomination to Congress, and saying, "This is my man. I choose him for my successor."

I feel that this was one of the reasons why Congress wanted to get away from the Cabinet members in designating the line of succession; and get away from having the President or the Vice President choose his successor.

It seems to me we spread our democracy very thin when, out of 180 million people, only the President and Vice President are the officials elected by the entire Nation. They are the only two who are elected by the entire Nation for the vast, important, and powerful elective offices of the executive department.

It has always seemed to me a particularly bad time to decide, after the shock of losing a President, in the next Congress, upon the ratification of one man whose name was submitted as the successor to the Presidency in the event of the death of the then existing first officer of the land. I would much prefer, if possible, to see a contingency that might develop or take place having been firmed up in the Constitution at the time the choice is made of a President. I cannot bring myself to believe that we cannot find the most competent persons to serve as first Vice President and second Vice President, persons who would be selected by the party conventions.

Although the presidential candidate may express his preference, and the convention may approve that preference, still the electorate would have to pass upon the wisdom of the choice.

So it would be necessary to abide by the choice of the public concerning the persons who would be in the line of succession.

It would appear to me to be still better, although perhaps impossible, as the distinguished Senator from Indiana has said, to reach any consensus on any individual viewpoint.

I still believe that a line of succession so clearly and positively made in the quadrennial selection of the President would enable the Nation better to resist the shock that is felt throughout our great Nation, and perhaps throughout the free world, upon the death of a President. We would always have a person

in line of succession to backstop the then acting President of the United States.

It might be asked, What would a second Vice President do? I feel that there is ample service as well as ample quality in the United States for the fulfillment of the two positions I speak of. The first Vice President could very well become the eyes and ears of the President and be his agent in the field of foreign affairs, including relationships with other nations and tours throughout the world. He could appear at ceremonial observances as well as proffer advice at the White House on many subjects, as recent Vice Presidents have done.

The second Vice President could fulfill the present constitutional duties of the Vice-Presidency. He could be the representative of the Executive in Congress and serve as the Presiding Officer of the Senate. He could keep the President intimately informed about the state of mind and feelings of the elected representatives who serve in the legislative bodies of Congress.

I hope that this issue can be settled before any new tragedy occurs, and that there will be not one Vice President, but two Vice Presidents elected by the whole people.

Again, I believe the argument is somewhat valid that the nominee for President has, by custom, the right to choose or select the nominee for Vice President. Similarly, he would have the right to choose or select his successor under the proposal in Senate Joint Resolution 139. Nevertheless, there would still have to be ratification by the public in the quadrennial election, and the people would then know that the successor to the Presidency, should the event arise, had been elected.

I would appreciate having the comment of the Senator from Indiana on this theory, which has been supported by a large group of people, as was the proposal that was made and endorsed by the committee and originally proposed by the American Bar Association.

I wish the distinguished chairman of the subcommittee to understand that I appreciate the diligent work and the compromise that have been necessary to introduce this joint resolution. It was necessary to act. Even though the joint resolution does not comport with my hopes and feelings that two vice-presidential candidates would be better, it is still a subject on which Congress must take action. Therefore, I intend to vote for the joint resolution that is now before us. However, I wish that it had been possible to provide for this contingency by having the nominations voted upon in the general election and ratified by the entire public, rather than by Congress alone upon the recommendation of the President.

Mr. BAYH. I deeply appreciate the comments of the distinguished senior Senator from Oklahoma. Perhaps it does not need to be said—but I should like to say it, anyway—that no Member of either branch of Congress has been a more thorough student of the need for legislative reorganization and has done more to secure it than the Senator from Oklahoma. The latest comprehensive

legislative Reorganization Act was passed during the tenure of office of the distinguished senior Senator from Oklahoma. As I recall, he was the leading light or the main proponent of it while he was a Member of the House. His achievements were recognized by several national publications, and he received various awards for the contribution he made to the improvement of the legislative process. For this reason, his thoughts and interests are of particular significance to those of us who feel that the Presidential succession is another area of reorganization which needs discussion and action now.

I shall speak to the points that have been raised by the Senator from Oklahoma. First, there is the problem of succession. The Senator from Oklahoma believes that the present line of succession through the Speaker of the House and the President pro tempore of the Senate is not the best possible way of filling the offices of Vice President and President. I am certain that the Senator from Oklahoma realizes that when Senate Joint Resolution 139 was first introduced, it contained a third section, which dealt with changing the line of succession. It was our feeling, as it is the feeling of the Senator from Oklahoma, that nothing personal was intended in the case of the persons who presently hold those offices. It has been most unfortunate that comments have been made in the press, including the press of my own State, to the effect that the distinguished Speaker of the House, because of his age, is not qualified to become President. That is one of the most unfortunate statements that has been made. Speaker McCORMACK is an able and well qualified legislator. He is probably the second or third busiest man in the United States in his office as Speaker of the House.

But that is not the question. How could he perform his duties so capably as Speaker and still perform other duties, such as being a member of the Security Council and Space Commission, that constitute part of the duties of the Vice President? For this reason, we look forward to the comprehensive program which the Senator from Oklahoma is envisioning.

Mr. MONRONEY. Is it not also true that one point not realized, when changing from the Cabinet to the Speaker of the House, is we jeopardize continuing control of a government which has been elected for a 4-year period by putting it through the speakership of the House, because every 2 years control of the House is subject at least to change by the votes of the electorate of the people. Automatically to have this change would create a rather difficult political situation in the management and operation of the country, right at a time when the Nation was suffering from the shock of the death of its Chief Executive. The change, at this period of time, would be most unwise from the point of view of party control and would be upsetting to the general authority of the Government.

Mr. BAYH. The Senator from North Carolina touched on that issue a moment ago, and tried to point out that in the history of our country there have been occasions when succession laws were

designed for the sake of experience. In fact, in my memory, I can recall one occasion when the present succession law was enacted that was designed, really, with the beloved Speaker of the House, Sam Rayburn, in mind, as one who, as a Democrat, could carry on the policies and the principles of the then Democratic President, Harry S. Truman. Before this law was even enacted, there had been a change to the distinguished Speaker of the House in the home State of my colleague from Massachusetts who was a member of another party. Had something happened to the President, a member of another party would have succeeded him and this would have resulted in a complete change of policy without the consent of the electorate.

Mr. ERVIN. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. ERVIN. I should like to make some observations about the question raised by the Senator from Oklahoma, with the understanding that no one's right to the floor will be affected by my so doing.

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

Mr. ERVIN. I have been very much impressed by what the Senator from Oklahoma has said. He has been a keen student of government for many years. As the Senator from Indiana has stated, the Senator from Oklahoma did much to secure the formulation and passage of the Reorganization Act of 1946, which certainly marked a great step forward in our system of government.

The Senator from Oklahoma raises a point here which merits grave consideration. There are other problems, however, in this field. I introduced a resolution to amend the Constitution to take care of one of them which was pointed out by the tragic assassination of President Kennedy on November 22, 1963.

If the assassin had changed his target, the country could have lost both its President and its Vice President in one common tragedy. I thought that we should adopt a constitutional amendment to deal with that tragic possibility. As a consequence, a proposed joint resolution offered by me, as the Senator from Indiana will recall, embraced not only provisions to fill vacancies in the office of Vice President, and to deal with the question of determining inability of the President, but it also contained a provision designed to provide for the possibility that the country might lose both the President and the Vice President at one time in a common tragedy.

The proposal of the Senator from Oklahoma and my proposal to cover the possibility of the loss of both the President and Vice President in a common tragedy simply went beyond the scope of the area which a majority of the subcommittee, headed by the distinguished Senator from Indiana [Mr. BAYH], and a majority of the full Committee on the Judiciary, thought that Congress and the country would accept in a single constitutional amendment.

There were other suggestions which went beyond the scope of that area. For example, one of them was the suggestion

that we should have national elections to fill the vacancies both in the case of a vacancy in the office of the Vice President and also in the case of the loss of both the President and the Vice President at the hands of a single assassin.

A great deal can be said for all these proposals. There was a consensus of opinion, however, that amending the Constitution is a rather difficult task, and that proposals for changes should be held to a minimum rather than expanded. The underlying thought, which I believe to be absolutely sound, was that every proposal additional to filling vacancies in the Vice-Presidency and coping with Presidential inability would cause some loss of support in the subcommittee, the full committee, the Congress, or the country at large, and thus endanger the prospect of any accomplishment.

For this reason, the subcommittee eliminated my proposal dealing with the possibility of the loss of both the President and the Vice President at the hands of a single assassin and the proposal of the Senator from Oklahoma. It was not because the members of the subcommittee felt that the proposals did not merit consideration, but because they felt that if they added those additional proposals to a joint resolution to remove defects in the existing Constitution, their action would jeopardize the possibility of securing favorable action on two essential changes which everyone concedes must be made.

There is much merit in the proposal of the Senator from Oklahoma. I hope that Congress will be able to give consideration to it at a later time.

Mr. MONRONEY. Mr. President, the Senator from Massachusetts has been wishing to ask the chairman of the committee some questions. I should like to reserve one or two other questions which I should like to go into, after consideration of the questions of the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. BAYH. If we could continue the colloquy it would be valuable, because the Senator from Oklahoma raised two or three points on the specifics of the resolution and I should like to discuss them with him to show him that we did discuss them and did give thought to his suggestions. However, I know that the Senator from Massachusetts has to leave.

Mr. ERVIN. Mr. President, I ask the Senator to yield for another observation before the Senator from Massachusetts leaves. The Senator from Oklahoma is familiar with Aesop's fable about the dog carrying a bone in its mouth while it was crossing a stream on a small bridge; the dog looked down and saw his own reflection in the water. He thought he saw another dog with another bone. He opened his mouth to grab the bone he thought he saw in the water and lost the one he was carrying.

I believe that story illustrates the reason the subcommittee did not go any further than it did and why it did not incorporate in its joint resolution the proposal of the Senator from Oklahoma, that we should have a first Vice President and second Vice President, and my suggestion to deal with the possibility of

the loss of both the President and the Vice President in a single disaster. The subcommittee recalled the fable of the dog, and knew that if it tried to get too many additional bones it would lose the ones it was attempting to carry across the legislative stream.

Mr. BAYH. The Senator from North Carolina, as usual, has picked a very appropriate story to illustrate his point.

Mr. President, I ask unanimous consent to yield to the Senator from Massachusetts [Mr. SALTONSTALL] without losing my right to the floor.

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

Mr. SALTONSTALL. Mr. President, I appreciate very much the courtesy of the Senator from Indiana, and also the courtesy of the Senator from Oklahoma.

I do not wish to extemporize, but I believe that the colloquy of the Senator from North Carolina and the Senator from Oklahoma is interesting. I, for one, desire that it should be by itself, rather than tied into my remarks.

Mr. President, first let me commend the Senator from Indiana for his persistence in bringing this matter to the floor of the Senate. We have heard this issue discussed for several years, but it has never been brought to the point of amending the Constitution.

Mr. President, I joined Senator BAYH in cosponsoring Senate Joint Resolution 139, the proposal to amend the Constitution to insure that we shall always have a clear line of succession to the Presidency. I did so because I feel that it is imperative that there be no gap in the continuity of our Government in these days when the President of the United States is so important, not to our Nation alone, but to the rest of the free world as well.

There are three major problems which this proposal would resolve. The first of these concerns the succession to the Presidency by the Vice President when the Chief Executive is removed from office for one reason or another. The second concerns the filling of a vacancy in the office of Vice President. The third concerns the inability of the President to exercise the duties of his office.

We were all witnesses to the tragic events of last November when President Kennedy was assassinated, and to the smooth and rapid assumption of the office of the Chief Executive by President Johnson. Even this, however, was based solely on precedent set by President Tyler when he took the oath of office upon the death of President Harrison, for article II, section 1 of the Constitution spells out what shall happen only in the case of a vacancy in both of the Nation's top offices. This amendment, Senate Joint Resolution 139, would give constitutional force to this longstanding precedent by declaring that in the event of removal of the President from office, or his death or resignation, the Vice President shall become President.

Second, we must consider the problem of a vacancy in the Vice-Presidential office, caused either by the death or resignation of the Vice President or by his succession to the Presidency. Al-

though we have legislation providing for a continuing line of succession if both offices should become vacant, it can readily be seen that the best person to assume the difficult task of the Presidency would be the one who has worked most closely with the President, is intimately familiar with his goals and policies, and who shares the President's general political viewpoint. Under our system of government, this could only be the Vice President, an individual whose office has become increasingly important both to the President and to the Nation in recent years. This proposal would provide, therefore, that the President could nominate a man to be Vice President, who would take office upon confirmation by a majority vote of both Houses of Congress. This follows the generally accepted practice of our political nominating conventions, where the vice-presidential designee of the presidential nominee is usually approved by the convention.

The Senator from Oklahoma [Mr. MONRONEY] proposes or suggests that the names of two men be submitted. It seems to me that that would complicate a situation which we would want to have covered very quickly. It would not be a question of choosing one of the two men. It would be a question of the succession of an administration that was already in power.

Third, this proposal would provide a method by which the Vice President might assume the powers and duties of the President, but not his office, during a period of temporary Presidential disability. This would prevent the occurrence of any confusion such as our country experienced under Presidents Garfield and Wilson. The Constitution does not specifically state what should happen in the event of Presidential disability. When so much depends upon the continued and uninterrupted functioning of our Government, this confusion must not be permitted to occur. Even in 1919 when our country was concerned primarily with domestic and internal affairs, President Wilson's lengthy disability caused grave disruptions in the conduct of our Government both at home and abroad.

President Eisenhower was most concerned about the problem of Presidential disability and drew up an informal agreement with Vice President Nixon to help resolve the matter. Although there is some question whether such agreements would have the force of law or be subject to dispute at a time when a dispute would be least desirable, this practice has been continued to the present as a useful stopgap measure. There is general accord among constitutional experts at this time, however, that a constitutional amendment is needed to clarify the situation. I concur in this.

Senate Joint Resolution 139 would provide that the President could declare that he was unable to discharge the duties of his office, and that such duties would then be executed by the Vice President as Acting President. If the President did not declare his inability, the Vice President would be empowered to transmit to the Congress his written

statement of the President's disability, with the concurrence of a majority of the members of the Cabinet or some other body Congress could designate by law. He would then become Acting President.

This proposal further provides that the President may declare when he is again able to carry on his duties and that he shall resume them unless the Vice President, with the consent of a majority of the Cabinet—or some other body designated by Congress—states that the President's inability has not terminated. Congress shall decide the issue immediately. If it determines by two-thirds vote of both Houses that the President is unable to resume his duties, the Vice President shall continue as Acting President; otherwise the President shall take up his duties once again.

I feel that this proposed amendment satisfactorily resolves the present ambiguity of article II, section 1 of the Constitution relating to Presidential succession and disability. Although we cannot foresee every eventuality that might befall our Government, I think this makes adequate provision for the uninterrupted conduct of our Nation's affairs.

With the election of a President and Vice President in November, we shall once again have passed through this dangerous period when we have a vacancy in the Vice-Presidency—a situation we have encountered 16 times in our history. However, we should not let this opportunity pass to resolve the situation once and, hopefully, for all time. Since 1792, when the first succession law was passed, this matter has been disputed. The proposal now before us is the result of exhaustive study and numerous committee hearings. It has the support of State and National bar associations as well as distinguished constitutional lawyers from all over the country. I urge my colleagues to consider this amendment carefully, and to take favorable action on it so that at last we may have a clear and definite constitutional policy on these twin problems of Presidential succession and disability.

Mr. President, a few years ago we passed a law which designated the Speaker of the House, rather than the Secretary of State, as next in the line of succession, should both of the Nation's top offices become vacant. There is now some feeling that the Speaker might not be the most logical choice to follow the Vice President in the line of succession. This is in no way a reflection upon the present occupant of that office. I feel the same way that the Senator from Indiana [Mr. BAYH] does about Mr. McCORMACK. He is a competent and able gentleman in every way. He is able to assume the office and duties of the President. The proposed amendment does not change the present line of succession as provided for by law, but leaves it up to Congress to revise as it sees fit. However, it seems to me that this whole question of Presidential succession and disability should now be clarified by constitutional amendment, beyond this one statutory designation, so that there will be no question as to whom would assume the office of the President or the Vice

President should some tragedy occur and either one or both of these offices become vacant.

I hope that this hard work on the part of the junior Senator from Indiana [Mr. BAYH], the Senator from North Carolina [Mr. ERVIN], and other members of the subcommittee may be approved by the Senate at this session, even though the House may not act on it. It means a big step forward on an important constitutional question relating to our whole system of life in the United States.

I thank the junior Senator from Indiana for giving me the opportunity to speak briefly on this measure.

Mr. BAYH. I thank the senior Senator from Massachusetts, not only for his able presentation and his very welcome support at this particular time, but also for his advice and counsel at an early date on this effort. It was very helpful to us. We are very grateful.

I ask unanimous consent that I may yield to the distinguished Senator from Hawaii [Mr. FONG] without losing my right to the floor.

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

Mr. FONG. Mr. President, the proposal now before the Senate, Senate Joint Resolution 139, proposing an amendment to the U.S. Constitution relating to vacancies in the Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office, is, in my opinion, a very meritorious measure deserving of Senate approval.

As I rise to speak in behalf of this measure, I am most happy to commend in the highest terms the distinguished junior Senator from Indiana [Mr. BAYH], for it was only through his unflagging efforts that the very critical problems of Vice Presidential vacancy and Presidential inability have been studied and researched so painstakingly, so thoroughly, and in such a scholarly fashion, and only through his efforts that the bill Senate Joint Resolution 139 has been so carefully and so well drafted.

For his diligent, dedicated, unwavering, and effective leadership in this very important field, I extend Senator BAYH my warmest congratulations.

Mr. President, the tragic assassination of President Kennedy has pointed up once again the urgent need to resolve two critical constitutional problems—first, a vacancy in the office of Vice President; and second, the disability of the President.

First, the Constitution does not say anything about what should be done when there is no Vice President. No one in America today doubts that the Vice-Presidency is an office of paramount importance. The Vice President of the United States today carries very vital functions of our Government.

He is the President's personal representative and emissary; he is a member of the Cabinet, Chairman of the National Aeronautics and Space Council, member of the National Security Council, head of the President's Committee on Equal Employment Opportunity, and he takes part in other top-level discussions which lead to national policymaking decisions.

Besides his many duties, he is the only man who is only a heartbeat away from the world's most powerful office. Yet on 16 different occasions covering a period of 40 years in our history, the Nation has been without a Vice President. Eight Vice Presidents have succeeded to the Presidency; seven have died in office; one resigned.

The security of our Nation demands that the office of the Vice President should never be left vacant for long, such as it is now.

Second, the Constitution does not say anything about what should be done when the President becomes disabled; how and who determines his disability; when the disability starts, when it ends, who determines his fitness to resume his office, and who should take over during the period of disability.

As a member of the subcommittee, I have studied these problems very carefully. I have looked into all the various proposals submitted by other Senators. I have considered the testimony of the many experts who testified before the subcommittee. I have read the data collected and the research done by the subcommittee's staff.

I believe that any measure to resolve these very complex and perplexing problems must satisfy at least four requirements:

First. It must have the highest and most authoritative legal sanction. It must be embodied in an amendment to the Constitution.

Second. It must assure prompt action when required to meet a national crisis.

Third. It must conform to the constitutional principle of separation of powers.

Fourth. It must provide safeguards against usurpation of power.

I believe Senate Joint Resolution 139, which I helped draft, and which is co-sponsored by a bipartisan group of 32 Senators, best meets each of these requirements.

This proposal deals with the problems of Vice-Presidential vacancy and Presidential inability by a constitutional amendment, rather than by a law enacted by Congress. I believe a constitutional amendment is sounder, because so many legal questions have been raised about the authority of Congress to act on these subjects, that any statute on these subjects would be open to criticism and challenge at the most critical time—when a President dies in office; when a President becomes disabled; and when a President seeks to recover his office.

We must not gamble with the constitutional legitimacy of our Nation's executive branch. When a President or Vice President of the United States assumes his office, the entire Nation and the world must know without doubt that he does so as a matter of right. Only a constitutional amendment can supply this necessary legitimacy.

Senate Joint Resolution 139 provides that when the former Vice President succeeds to the Presidency, he must select a new Vice President with the confirmation of a majority of both Houses of Congress present and voting.

The Vice-Presidential office under our system of government is tied very closely

with the Presidency. The extent to which the President takes the Vice President into his confidence or shares with him the deliberations leading to executive decisions is largely determined by the President.

Another important reason for allowing the President to nominate a Vice President is that the close relationship between the President and Vice President will permit the person next in line to become familiar with the problems he will face should he be called on to assume the Presidency.

This close relationship between the President and the Vice President is recognized by our political conventions, which allows the presidential nominee to choose his own running mate. This system has proved workable in our history.

Practical necessity would seem to require that the President be given a primary say as to who the Vice President will be.

Senate Joint Resolution 139 also makes clear that when the President is disabled, the Vice President becomes Acting President for the period of disability. It provides that the President may himself declare his inability and that if he does not, the declaration may be made by the Vice President with written concurrence of a majority of the Cabinet.

The President may declare his own fitness to resume his powers and duties, but if his ability is questioned, the Cabinet by majority vote and the Congress by a two-thirds vote on a concurrent resolution resolve the dispute.

These provisions of Senate Joint Resolution 139 not only achieve the goals I have outlined, but they are also in consonance with the most valued principles established by our Founding Fathers in the Constitution.

They observe the principle of the separation of powers in our Government. They effectively maintain the delicate balance of powers among the three branches of our Government. Most important of all, they insure that our Nation's sovereignty is preserved in the hands of the people through their elected representatives in the National Legislature.

I believe that it is a highly meritorious measure which should be promptly enacted into law in this session.

Mr. BAYH. I would like to thank the Senator from Hawaii for his remarks today, and I would like to extend my appreciation for his diligent efforts, as a member of the Subcommittee on Constitutional Amendments, on behalf of Senate Joint Resolution 139.

Mr. President, I now ask unanimous consent that I may yield to the distinguished Senator from Nevada [Mr. BIBLE] without losing my right to the floor. I shall then continue the colloquy later.

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

Mr. BIBLE. Mr. President, I associate myself with the remarks of those who have commended the distinguished junior Senator from Indiana [Mr. BAYH] for his able leadership in bringing this joint resolution before us. This is a task that has been put off for far too

long. Under his guidance, leadership, and vigorous approach to this problem, we are finally bridging one of the gaps that we find in the very important field of succession and disability.

It is difficult for me to comprehend why Congress has so long put off the important problem of insuring orderly succession in the event of death or disability in our Government's highest office. The fact that it is a difficult problem to solve is no excuse. Now we at last have the chance to do something in this critical area of Government. We must not pass up this chance—we must not continue to avoid the issue.

To say that action is long overdue is an understatement. We in Congress are all aware that the Constitution, while setting the general guidelines, does not go far enough in covering every possible emergency that might arise in the Office of President of the United States. Even the basic question of whether the Vice President assumes the Office or only the duties of President in the event of the President's death has been left only to precedent. This is a precedent established in 1841—more than 100 years ago—when Vice President John Tyler asserted his right to both the duties and the Office of the fallen President William Henry Harrison.

Nothing, as we all well know, has been done either by Congress or by precedent to cover the need of succession when a President becomes incapacitated. Nothing, as we all well know, has been done either by Congress or by precedent to fill the Vice Presidential vacancy created by a President's death—a situation that exists even at this moment.

Mr. President, the time is past when our Government can put off this problem. The Government cannot afford any area of doubt in the authority of a Vice President who assumes the Presidency. The Government cannot afford the luxury of Executive inactivity because of illness or other inability in the Presidency such as was witnessed during the terms of Presidents Garfield and Wilson. And the Government cannot afford the lack of a Vice President.

In this day of instant global communication, of rapid worldwide transportation, of nuclear power, and space exploration, the United States cannot gamble its security and its world leadership simply because we in Congress hesitate to resolve a difficult issue.

President Eisenhower realized this. He dealt with the possibility of his own death or incapacitation through the historic informal agreement with Vice President Nixon to provide for continuity of Executive power. President Kennedy also recognized the problem in a similar arrangement with Vice President Johnson. The need for a President to take such informal steps demonstrates the need for Congress to propose formal guidelines in a constitutional amendment.

Contrary to some views, I believe it is most logical to deal with Presidential succession in a constitutional amendment. By placing succession procedures in the Constitution, we insure them against passing political whims and hasty

judgments. We also follow the spirit of the Constitution, which already spells out in detail the duties and powers, methods of election, length of term, and method of impeachment for the Presidency. We must include in the basic law of our Nation equally detailed provisions for Presidential incapacity and Vice-Presidential vacancy.

Considering the many divergent views—and some of them have been voiced here today—I believe the Judiciary Committee has done an excellent job of putting together proposals which are adequate, logical, and workable—proposals acceptable to a majority in Congress and a majority of the States.

Let me discuss first the proposal for filling a Vice-Presidential vacancy. In the event of a Vice President's death or his succession to the Presidency, the President will nominate a man of his choice to fill the vacancy. This nomination will be subject to confirmation by a majority of Congress. By this means, it is virtually assured that the Vice President will continue to be a man in whom the President has full confidence and a man of the same political party and political philosophy. At the same time, congressional confirmation gives the people of the United States a voice through their elected representatives.

To those who argue against congressional confirmation, I would point out that we are talking about the choice of a man who may himself become President—a man normally elected by the people. The people must retain a margin of control in this choice, and congressional confirmation provides this.

To those who argue that Senate confirmation alone would be adequate, I must point out that we are dealing with an elective office, not an appointed one as in the case of a Cabinet officer. Both Houses should have a voice.

To those who propose giving the choice to the electoral college, I would point out that this body, except in a presidential election year, is not subject to the direct will of the people. Nor is it constituted to perform the complete function of nominating and electing a Vice President.

To those who argue that this proposal contradicts existing constitutional provisions, I would point out that the order of succession set out by the Constitution is not changed. All that this proposal contemplates is the continuance of the Vice Presidency. In the event of vacancies in both the Presidency and Vice Presidency, the Speaker of the House remains the next in line to succeed.

I believe I am correct in that respect. If I am not, I invite the junior Senator from Indiana to correct me. In the event that vacancies in both the office of the Presidency and the office of the Vice Presidency should occur in the case of a common disaster, as has been suggested today, to both the President and the Vice President—as could have happened at Dallas, God forbid—the Speaker of the House would be next in the line of succession.

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

Mr. BIBLE. I am happy to yield.

Mr. BAYH. The Senator is absolutely correct. The joint resolution relates only to replacement in vacancies and filling vacancies which might exist in the office of Vice President. As we discussed earlier, the original measure dealt with that question plus the entire means of succession. However, for reasons that we discussed, that part was removed from the joint resolution, and it deals now only with the replacement of a Vice President. Then, in the case of a dual tragedy—and I share the Senator's hope that may never happen—if it should happen, we would revert to the provisions of the law which was enacted in 1947, which would place in succession first the Speaker of the House, then the President pro tempore, and then the heads of the various executive agencies.

Mr. BIBLE. I am glad to have my belief in that respect confirmed. I realize that this is an area that could be argued pro and con, and I believe that the end product proposed is a good one.

The system proposed in this resolution is, I believe, the best possible method for filling the vacancy and keeping the identity of the office of Vice President.

The second area to which the joint resolution relates is, it seems to me, a controversial and important one. If anything, it may be even more so than the first area. That is the area that deals with the disability problem. In that respect, I believe the committee has come forth with an excellent end product.

I feel the proposed solution is adequate and practical. It cannot meet every conceivable situation, but it comes the closest to this ideal of any I have studied.

The proposed constitutional amendment gives the President authority to recognize his own disability first and to provide for orderly transfer of his powers to the Vice President. There is little serious objection to this proposal.

What to do in the event a President is unable or unwilling to recognize his disability is an infinitely more difficult question to answer. Under the proposed amendment, the Vice President in such a circumstance may assume the powers of the Presidency without the President's agreement if a majority of the Cabinet supports such a move. To maintain our historic separation of powers, the legislative branch of our Government—Congress—would remain out of the picture unless there were a contest between the President and Vice President over the President's resumption of his powers. A simple statement from the President that his disability had passed would be enough to restore his official powers. If the Vice President, with the backing of a majority of the Cabinet should contest the President's statement, a two-thirds vote in each House of Congress would be required to decide that the President, is, indeed, still unable to perform his duties adequately. Congress, in other words, could not initiate an invasion of Executive power, but Congress could exercise a veto in the event of a contest. In addition, Congress would have the power to designate a body other than the Cabinet to concur in Presidential disability.

It seems to me that the enactment of the joint resolution into a constitutional

amendment would enable us to maintain our traditional separation of executive and legislative powers.

Members of the executive branch—men of the President's own choosing—would retain control in an executive crisis. Yet the representatives of the people in Congress—the legislative branch—would not be barred completely from the picture in event of controversy. By placing this system in the Constitution, we also avoid the cumbersome and even dangerous possibility that the question of who shall exercise Presidential powers will be tied up in the third branch of Government—the judicial branch. A simple act of law would be easily susceptible to court action. This is not the case with a constitutional amendment.

The method in the proposed constitutional amendment does not completely protect our Government from the remote possibility that a corrupt Vice President and a corrupt Cabinet could unscrupulously wrest away the President's powers. But we are talking about our highest level of Government. We can safely assume, I think, that responsible and reasonable men will be involved. We must rely, as always, on the people. We must continue to place our confidence in the people's ability to elect a good and wise President and Vice President. We must rely on the men they select to exercise reasonable judgment in the selection of a Cabinet. We must rely on this body, the Senate, to exercise reasonable judgment in confirming Cabinet appointments.

We must, in short, rely on our basic system to justify the provisions of this proposed amendment. This we can and must do.

I am proud to have been closely associated with the problem of Presidential succession and the problem of disability; and as a cosponsor of the joint resolution, I believe there are many varying solutions which the Senator from Indiana has heard, and which the other members of his subcommittee, and the other members of the full Committee on the Judiciary have heard. I know that no single proposal will ever satisfy everyone. But I believe we have at last confronted and met the problem. I believe at last we have presented the most workable and acceptable solution. It seems to me that now we must act without further delay in view of the possible consequences of inaction. We have no other responsible choice.

I urge full approval of the joint resolution at the present session of the Congress without further delay.

I close on a note of strong commendation for the excellent work that has been done by the Senator from Indiana.

Mr. BAYH. I thank the distinguished Senator from Nevada for his interest over a period of months, and also for his very articulate statement expressing his support for the proposal.

Mr. President, I believe it is appropriate that I should reply to my friend the Senator from Oklahoma [Mr. MONROE]. The points which he made here and at the hearings were good points and were well taken.

We appreciate very much the help of the Senator from Oklahoma in our de-

liberations. He came before us, taking of his time to give us the benefit of his thoughts. As I said earlier, he has been one of the leading proponents for reform and tidying up of our Constitution and statutes so far as governmental operations are concerned. So although it might appear that the suggestions which he made fell on fallow ground, they did not. They did not fall on deaf ears. We considered them. Since the Senator brought them out here, certainly an explanation should be given as to why one particular subject proposed by the Senator was not contained in the resolution.

First, I reiterate what the Senator from North Carolina said in discussing why we did not retain in the joint resolution the provision pertaining to succession. It seemed to us, upon looking at the proposal, that we would have to meet three criteria.

First, in a time of crisis and national tragedy, such as either disability or death of a President or Vice President, we should have a proposal of continuing Executive authority which would win the confidence of the people, or we might flirt with turmoil and anarchy.

Second, it had to be an answer that would accomplish the purpose—perhaps not one that I or the Senator from Nevada or the Senator from North Carolina or the Senator from Massachusetts would agree would cover every conceivable contingency, but we had to agree on something that would do the job.

Third, from a practical standpoint, it had to be one that could pass, because even if we could find a perfect solution, unless we could get the votes of two-thirds of our colleagues and three-fourths of the State legislatures to support it, it would do no good. It would put us in the same place we have been for the past several decades.

We felt, in the last category, that the inclusion of additional factors would fail to meet this criterion. There seemed to be increasing evidence that we could not, if we made a proposed constitutional amendment longer and longer and longer, get sufficient votes to pass it.

Another point—which is a good point—on which there has been a great deal of discussion is why we did not permit the nomination and subsequent election of two Vice Presidents. The Senator could point out, as he told me in private discussion on this matter—and rightly so—that big corporations have perhaps as many as 35 vice presidents. Why cannot the United States of America have at least two Vice Presidents? That is a good point. I am glad it has been brought out. I should like to explain the position of the committee on it.

In our constitutional system, under which there are three separate divisions of power—the executive, the legislative, and the judicial—there is only one source of Executive power; namely, the President of the United States. The Constitution has provided for a slight diminishing of that power by the creation of the office of Vice President, but it has been only recently that any power has been given to the office of Vice President. I

personally regard it as a desirable tendency to have the Vice President become a full-fledged, working member of the executive branch. I fear, however, that further divisions of power would result in a reversal of the trend of the past several years toward recognizing the Vice President as an important, significant official, and that the other proposal would result in a reversal of that trend.

Second, and of equal importance, is the fact that when there is a sole repository of Executive power, to the extent that secondary sources of authority are established, the chances of confusion and turmoil are created. This factor was, frankly, not in my mind until we heard discussions from some of the scholars who had studied the history of Executive power in this country.

Often times the President and Vice President may not agree on issues confronting them. There is a school of thought that if there were a second Vice President, not only would there be involved the possibility of further disagreement between that second person and the President, but there would be the possibility of a vying between the two Vice Presidents for a favored position with the President.

I agree that Congress could set out constitutionally the powers and functions of each, who should be the first, and who should be the second Vice President. Nevertheless, human beings being what they are, it seemed to me and to the committee and to others who appeared before us—and I tried to explore this question as objectively as I could—that a second Vice President would result in the possibility of dissension while the President was living.

Another factor which led to our determination not to follow this course was that, traditionally, we have tried to reconcile various sections of the country, various philosophic points of view, and various minority groups, with appointments of certain vice-presidential nominees to the ticket. In the last two elections we have tended to do away with that idea, and tried to get the best men we could for the position. If there were another Vice President, there would be an effort to have the East or the Midwest or the Far West represented, or to have a vice-presidential nominee with a certain philosophic or religious tendency selected to round out the ticket, while the objective should be to get the best possible man to serve in that post.

As the Senator has pointed out, the recent choice was the decision of one man.

The Senator pointed out that if the President makes the nomination, it is not too different from making it in the convention. The Senator pointed out that the man to be appointed by the President and subsequently chosen by the Congress would not get the stamp of approval of the entire electorate. I would prefer that he did. I think the other matters I mentioned, in view of the conflicts involved, override this latter factor. If Congress is to choose the man nominated, it will certainly consider this serious responsibility and act as the voice of the people. What better opportunity is there for the

people to express their wishes than through those who serve in Congress?

One suggestion made was that the electoral college be convened, since it is already part of the constitutional system, and that the college meet to determine who the President and Vice President shall be. I for one feel that that would be a terrible solution. It would fall far short of having the confidence of the people. It is surprising, but nevertheless a fact, that very few Americans know any one member of the electoral college. To have the electoral college choose, out of the clear sky, someone who had not been on the ticket, who had not made speeches over the country, would not tend to gain the confidence of the people.

Mr. MONRONEY. I agree that the electoral college is archaic, and that we need a constitutional amendment to modernize the selection of the President and Vice President. This is an urgent need that Congress has tried to meet by the Lodge-Gossett proposed constitutional amendment, and others. I quite agree that the electoral college system would not be the proper vehicle to decide the question of succession to the Presidency in the event it had to be done. I would not go along with that suggestion.

I am afraid, however, that the major reason for abandoning the idea of having the line of succession go through the speakership was the fact that the majority of Congress might be of a rival party and thereupon bring about further confusion at a time when the country was in a state of anxiety. I believe that purpose is carried forward in section 2 by requiring the confirmation by a majority vote of both Houses of Congress of the President's recommendation of the man who will become Vice President and his successor to the Presidency in the event of his death.

Mr. BAYH. This is very definitely a possibility. It is one we examined over and over again, as the Senator from North Carolina will confirm. This is something I wondered about in my own mind. As the original sponsor of this measure, I gave that matter considerable thought. It made sense, particularly at a time of crisis. Let us bring our minds back to last November, December, and January. The most impolitic thing would have been for someone in public life to play politics to be a successor to Lyndon Johnson as Vice President. At that time, with the death of the national leader fresh in the minds of the people, the last thing a Member of Congress would do would be to play politics; there would be a recognition of the right of the people to make a choice and have a voice.

Mr. MONRONEY. I see a difference between the automatic succession of a Speaker who may be of a rival political party and the rejection of the presidential nomination of a Vice President to become his successor. But we are dealing with the problem that the Constitution has not been changed in this area since it was first written, except about 1800, when there was added a requirement for the electoral college to choose both a President and Vice President rather than take the No. 2 man in the electoral col-

lege selection and make him automatically the Vice President—thus giving the President a competitor for the Presidency. It did away with that which proved to be a failure in the few years it was practiced, and had the electoral college select both the President and Vice President.

We do not know what the situation will be 20, 30, or 40 years from now, or what great rivalry might exist between the two parties. I can think of nothing worse, looking into the future, and the dangers of that situation, than to have a newly succeeding Vice President to the Presidency send to Congress as his first act the name of the man who he believes is competent to be his successor, and having it tied up in a long confirmation fight, with the ultimate possibility of rejection; and with a rival party in the majority in both Houses, or even rivalry in the majority party, over the choice of the nominee, with perhaps leading Members in either House being anxious to come in the line of authority, and one or the other Houses refusing to confirm.

Mr. BAYH. Mr. President, I agree with the Senator from Oklahoma that it is possible to take this measure and some of the 13 or so other suggestions that were before our committee, as the Senator from North Carolina knows, and that in each one we could find, if all the circumstances happened at just the right time, a loophole big enough through which to drive a truck.

However, we must try to place all this in the context of dealing with reasonable men. Otherwise, we shall not find a solution to this complex problem.

Mr. MONRONEY. Mr. President, if the two Houses were unable to arrive at a solution as to the confirmation, the office of Vice President would not be filled. In that case would there be the line of succession which now exists with respect to the Speaker of the House and then the President pro tempore? Would that succession apply?

Mr. BAYH. It would.

Mr. MONRONEY. Therefore, in any eventuality—and I mention all this only as a possible contingency down the road—there would still be a legal successor to the Presidency in the event that Congress was not able to comply by a majority vote and thereby confirm the nomination of the President for his successor.

Mr. BAYH. Yes. As I mentioned earlier, the Senator from Oklahoma and I share concern over the fact that the present succession law does not appear to be the best way to provide for a line of succession, because of the burdens on the present Speaker of the House, not because of the individual who is involved. I hope some steps can be taken on this point in the future. I hope the Senator from Oklahoma will assist in this effort.

What we are trying to do is solve this particular problem by establishing a way in which a man will be in training, so to speak, as Vice President, who is one heartbeat away from the Presidency, and who is becoming more and more familiar with his duties; whereas today there is a void.

Mr. MONRONEY. I can see the point of having a designee, in one way or another, formalized and selected to occupy the office of the Vice-Presidency. With that portion of the joint resolution in section 2, I agree. It is regrettable that it was not found possible, in the numerous compromises that the committee had to make, to reach agreement on something which would include having two Vice Presidents selected at the same time that the President is selected, and thereby at least double our assurance of a constitutionally elected Chief Executive serving out the full 4 years under the same party that had elected the President.

There is no easy way, I am sure; and the committee has explored these situations and questions. I shall vote for the joint resolution.

I compliment again the diligence of the chairman and the committee on bringing out these results. I hope ways will be found to pass this proposal in this Congress, and to give the various States the opportunity to ratify or reject the amendment.

The second half of the amendment is vitally necessary, more so each day as we go along with the hazards of a vacancy in the Presidency and the chance of accidents that could incapacitate him from carrying forward the duties of his office, aircraft being what they are—reliable, but still have an element of uncertainty—and traffic accidents, to say nothing of a vicious attack on the President's life.

I compliment the Senator on moving this proposed legislation forward. I hope that we shall be able in due time to submit this proposal for ratification to the 50 States.

I thank the distinguished Senator for his great courtesy in allowing me to discuss these matters with him and allowing me to express the fears I have, although I recognize that in the light of conditions it probably is impossible to obtain what I had advocated.

Mr. BAYH. I appreciate the willingness to cooperate of the Senator from Oklahoma, and also his thoughtfulness in helping to make the record clear and in helping to explain the problems involved.

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

Mr. BAYH. I yield.

Mr. ERVIN. I wish to make one or two further observations on this point. The Senator from Oklahoma put his finger on why the joint resolution has some provisions in it, and why it does not have other provisions in it, when he referred to the numerous compromises that had to be made in order to get any kind of resolution to the Senate floor. I believe my observation will be illustrative of the point the Senator from Oklahoma is making. There was a strong school, headed largely by former President Eisenhower, which felt that the Vice President ought to be nominated by the President in order to assure continuity of administration.

There was another group, which included me, and which believed that the representatives of the people in Congress

should have a part in filling any vacancy in the Vice-Presidency.

Another group, as the Senator from Indiana mentioned a moment ago, thought that we ought to reconvene the electoral college and make it fill the vacancy, since its members had been elected by the people.

Another group headed by the Senator from Oklahoma thought the problem could be solved most satisfactorily by electing two Vice Presidents, a first Vice President and a second Vice President each quadrennial election.

Still another group maintained that there should be a special election by the people to fill any vacancy arising in the office of Vice President.

Fortunately, the subcommittee did not follow the pattern which has been followed by those who advocated changes in the electoral college. I venture to assert that probably 90 percent of the Members of Congress believe there should be some reformation of the electoral college. However, a substantial part of that 90 percent prefer the Lodge-Gossett amendment process by which the electoral vote of each State would be prorated among presidential candidates on the basis of the entire popular vote of the State.

An equally determined part of the 90 percent favoring reform advocate the Coudert amendment, which would prorate two of the electoral votes of each State among the presidential candidates according to their statewide vote and prorate all the other electoral votes of each State among the presidential candidates according to the votes they received in each of the congressional districts of the State. A third part of the 90 percent favor the direct election of the President. The three groups have been unable to reconcile their differences.

I believe that one of the greatest accomplishments for which the Senator from Indiana and the other members of the subcommittee deserve credit is the fact that they did not insist upon their respective views as being the only permissible ones, but, on the contrary, laid aside all pride of individual authorship and the human quality which one's friends call firmness and one's enemies call obstinacy, and sought a broad area of agreement. As a result, they have brought forth a most workable joint resolution which will take care of two defects in the Constitution, by providing a practical method for filling vacancies in the office of Vice President and a sound method for determining when presidential inability exists.

I thank the Senator from Indiana again for his fine work. I also wish to tell the Senator from Oklahoma that I am much impressed by the wisdom of his observation, as indeed I always am when he speaks.

Mr. MONRONEY. I thank the Senator from North Carolina.

Mr. BAYH. Again, I thank the Senator from North Carolina for his thoughtfulness and his participation in committee. I also wish to renew my thanks to the Senator from Oklahoma for his participation.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments. Under the rule, they will be considered separately.

Mr. BAYH. Mr. President, I desire to make one or two closing remarks at this time; then I shall yield the floor, inasmuch as the Senator from New York [Mr. JAVITS], who has made a special flight from New York on the shuttle, desires to be heard on this subject.

The ACTING PRESIDENT pro tempore. Before the Senator from Indiana makes his closing remarks, would he be agreeable to having the committee amendments agreed to?

Mr. BAYH. Certainly.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments are agreed to en bloc, and the bill will be considered as original text for the purpose of further amendment.

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I shall yield the floor at this time and make my closing remarks at the conclusion of the remarks that will be made by the Senator from Idaho and the Senator from New York.

Mr. CHURCH. Mr. President, first I commend the distinguished Senator from Indiana and other members of the committee for the excellent work that has been done on this most important subject. As the Senator from Indiana knows, I have some reservations with respect to the proposal finally reported by the committee. Specifically, I have felt that it would be preferable if the President were to nominate a panel of at least two, but not more than five, candidates, so that the role of Congress might be a more significant one, in the final selection of the new Vice President. I have set forth my personal views on this problem in an article entitled "The President's Successor," which was published in the Progressive magazine for May 1964. I ask unanimous consent that the article be printed at this point in the RECORD.

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

THE PRESIDENT'S SUCCESSOR

(By Senator FRANK CHURCH)

When President Johnson assumed his new duties on that day of tragedy last November, it was the 16th time in American history that the country was left without a Vice President. The fact that no President has died while the Vice-Presidency was vacant, each having thus far lived out his term, would seem to vindicate Bismarck's famous observation that "God looks after fools, drunkards, and the United States of America."

Indeed, we have been lucky. During 40 of the Nation's 195 years, the Vice-Presidency has been vacant. Nevertheless, the country has not yet had to test the highly delicate operation of succession beyond the Vice-Presidency, the laws concerning which tend to reflect short-term and often fickle considerations on Capitol Hill.

Never before has the fundamental problem been faced—how to fill the Vice-Presidency itself whenever the office becomes vacant between elections. The Constitution is silent on this. The framers did not go

beyond providing that, "In Case of the Removal of the President from Office, or at his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President".

They then empower the Congress to provide by law, " * * * for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly until the Disability be removed or a President shall be elected."

That is all.

Now, once again, the question of statutory succession is beclouded by controversy. Some advocate a return to the former practice of placing the Cabinet in line, and others defend the present law under which the Speaker of the House of Representatives, followed by the President pro tempore of the Senate, would precede members of the Cabinet in the order of succession. Since the death of President Kennedy, it has become obvious that more is needed than simply another statute to determine succession beyond the Vice-Presidency.

In response to the present interregnum, some 12 bills have been introduced in the Senate and another dozen in the House to amend the Constitution. A good number of the proposals extend to such divergent problems as succession beyond the Vice-Presidency, or in the event of Presidential disability. However, all reflect two emerging realities.

First, it is now recognized that a serious effort is called for to guarantee that the momentum built up to find a solution not be dissipated. Lawmakers are aware that a start must be made in this session of Congress so that after the November election, genuine progress may be made. After all, repairs to our constitutional roof are rarely undertaken when the Republic enjoys unobstructed sunshine; it is likely that they will be made, if at all, at a time like the present, when recent tragedy has dramatized the need.

Second, it is recognized that the gap in the Constitution—which falls to provide for the filling of a vacant Vice-Presidency—can be remedied only through a constitutional amendment. Why tamper with the Constitution? Because it is necessary to fashion a formula based not on short-term political considerations, but on long-term governmental principles. The country must get away from its historic tendency to change the succession system on the basis of contemporary personalities or transient political situations.

For example, the order of succession contained in the 1792 Succession Act—passed by the Second Congress with little discussion of possible constitutional objections—was influenced by the personal animosity that existed between Alexander Hamilton and Thomas Jefferson. The act provided that the President pro tempore and the Speaker of the House of Representatives should follow the Vice President in succession to the Presidency. Legislative officers were named ahead of the Secretary of State for one reason. Both President Washington and Hamilton, dominant figure of the Federalist Party, were hostile to Jefferson, who was Secretary of State.

In 1886, after the death of Grover Cleveland's Vice President, Thomas A. Hendricks, Congress passed a new statute. This act provided that, after the Vice President, succession of the Presidency should vest in the Secretary of State, followed by other members of the Cabinet. For 60 years this law went unchallenged, largely because the Nation's Secretaries of State were men of sufficient stature. Yet, in 1945, the law again came under attack, partly because of concern over Secretary of State Edward R. Stettinius, Jr., who, according to his critics, "was not schooled in politics."

But President Truman, in urging the 1886 law be changed, was moved by other considerations as well. He insisted that it was undemocratic for a Vice President who had succeeded to the Presidency to be able to appoint the man who could become his own successor. He contended that the person next in succession, after the Vice President, should be an elected official, and observed that "the Speaker is the official in the Federal Government whose selection, next to that of the President and Vice President, can be most accurately said to stem from the people themselves."

President Truman, of course, had in mind Speaker Sam Rayburn, Texas Democrat. However, it was not until 2 years later, after Republicans had won control of both Houses in the 1946 midterm elections, that Mr. Truman's proposal was acted upon. The 1947 Succession Act made two Republicans, JOSEPH W. MARTIN, Speaker of the House, and Arthur S. Vandenberg, President pro tempore of the Senate, next in line. Had Mr. Truman died or fallen victim to assassination that year, the Republicans would have taken over the White House without a vote of the people.

Today—lacking a Vice President—the country once again is in a delicate position. To provide a remedy, several different suggestions have been made. The most publicized proposal is that of Senator БУСН БАУН, the Indiana Democrat who is chairman of the Judiciary Subcommittee now studying the problem. БАУН's plan, which is supported by the American Bar Association, would have a President name a new Vice President, subject to congressional confirmation. An American Bar Association report points out, correctly I think, that "It is desirable that the President and Vice President enjoy harmonious relations and mutual confidence." The question I would raise is whether mere congressional ratification is an adequate safeguard against the danger President Truman alluded to in 1945—the concentration of too much power in the President's hands, by permitting him, in effect, to choose his own potential successor.

Former Vice President Richard Nixon wants to upgrade the electoral college and have it choose a new Vice President in the event of a vacancy. While Mr. Nixon acknowledges that the college at present is a constitutional anachronism, he thinks it could be made into the proper instrument for selecting a new Vice President. His reasoning is that the electoral college, unlike the Congress, always reflects the will of the people as of the last presidential election. First, however, he would want more responsible people to serve on the college.

Senator KENNETH KEATING, New York Republican, suggests that there be two Vice Presidents—an Executive Vice President to be followed in line by a Legislative Vice President. Senator KEATING argues that this would insure, first, that potential successors to the Presidency were men of the same party, and secondly, that the successors would be acceptable to the President.

These proposals, while differing in method, all reach to the heart of our constitutional deficiency—the need to establish a procedure to insure that the office of the Vice President, when vacated for any reason, will be promptly filled. This would render moot most of the argument about statutory succession beyond the Vice-Presidency. For this need would arise only in the unlikely event, against which careful precautions are taken, that both the President and Vice President should perish at the same time.

To be sure, this leaves aside the problem of what to do in cases of Presidential disability. But the question of devising procedures to cover all contingencies involving disability is a very different one from that of filling

vacancies in the office of Vice President. Indeed, tying the two together most likely will make harder the solution of either. After careful study, lawmakers may decide the problem of disability also requires constitutional revision. But I think the question of disability should be divorced from the question of replacing a Vice President. The simpler an amendment dealing with the latter problem can be made, the better its chances for ratification by the legislatures of three-quarters of the States.

As regards the choosing of a new Vice President, I have made the following proposal: Let the President, with the advice and consent of the Senate, nominate not less than two, nor more than five, persons qualified for the office. Then, let the House proceed at once, by majority vote, to choose one of these nominees to be Vice President.

The best guiding principle, it seems to me, is to make maximum use of the provisions already in the Constitution and of the customs which have developed under them. It is in this context that the other proposals seem to me to be wanting. For example, as I have already indicated, the American Bar Association's proposal would give to the President too much power—the power to choose his own potential successor. While it is true that the President, or candidate for President, often selects his running mate at nominating conventions, the two remain candidates who must then be elected by the people. The American Bar Association plan does not bring into play any equivalent democratic procedure. If adopted, this plan would make it most difficult if not impossible for Congress—with only one choice—to turn down the President. The confirmation would become pure formality, suggestive of the role often assigned to sham parliaments in authoritarian countries.

Selection of a new Vice President by the electoral college seems plausible only at first glance. It is not really in accord with our present political practice. The members of the electoral college are not in fact chosen to be representatives of the people, or for the wisdom needed to make so momentous a judgment. They are chosen to perform a ministerial function, limited to the formality of casting their votes for a previously selected party candidate.

Senator KEATING's suggested solution also involves a number of difficulties, not the least of which is that it misses the real need, which is to fill one vacated seat, not to split it in two.

Let me repeat. I believe the best approach to selecting an interim Vice President should conform as closely as possible to existing constitutional patterns. A practicable analogy, it seems to me, is the procedure we follow for choosing the highest nonexecutive offices of the Government, such as Cabinet ministers, Ambassadors, and Justices. In such cases, the President nominates, and "by and with the advice and consent of the Senate," appoints. I would utilize the same procedure.

My proposal provides the President, the Senate, and the House of Representatives roles in the selection for which each is best suited. The President would exercise his responsibility in such a way as to insure that the new Vice President would be acceptable to him, reflecting the actuality of our present nominating procedures at party conventions, and guaranteeing that continuity of party and policy would be maintained.

The plan has the added strength of preserving for the Senate its separate integrity. The Senate would scrutinize the qualifications of each nominee, free from the pressures to which a President may sometimes be subjected, to insure that each is fully qualified for the second highest office in the land. The House, most representative of the people, would then make the final choice of the candidate it believes to be best endowed with

the qualities of leadership and popularity without which no President can realize the full potential of the office.

There are, of course, objections that can be made to the plan I have offered. The soundest criticism, I think, is that the three-step election process, given the present Senate rules, could prove a source of undue delay. After sifting all the evidence, the Senate Subcommittee on Constitutional Amendments might be well advised to strengthen the American Bar Association's plan by upgrading the congressional role. Such a modified plan might well require the President to nominate not one but a slate of candidates, from which a joint session of the Congress would then select the Vice President.

The election of a new Vice President by Congress has gained the approval of such newspapers as the New York Times, and such scholars as Paul Freund, professor of law at Harvard. Freund recently told Senator BAYH's subcommittee, "of the several methods which have been suggested for selection of an interim Vice President, the most satisfactory, in my judgment, would be election by Congress with the approval of the President."

He added, "This would be done by the President's submission of one or more nominees to the Congress. The Vice-Presidency should have a popular base and at the same time be in harmony with the Presidency. These objectives can best be achieved by associating the Congress and the President in the selection, with the opportunity for informal consultation to be expected in such a process."

Other objections have been raised to those amendments so far discussed. Some, for example, argue that Congress, with its somewhat more conservative political base, is not the proper body to choose a Vice President. This view overlooks the fact that Congress changes, too. The present coloration of Congress is a transient one. Besides, as important as it is to fill the Vice-Presidency in an emergency, it is equally important to do so in a genuinely democratic manner.

Yet another group has argued that, in the event of a vacancy in the Vice-Presidency, a special election should be held. However, the difficulties in the way of holding a special election seem formidable. At the very least, it would involve delay and a radical departure from our historic system of quadrennial presidential elections. Moreover, how the candidates could be chosen for such an election, whether it would or could be confined to the party in power, and what confusion might result if it were not, all combine to suggest the advisability of allowing Congress to play the interim electoral role.

We can no longer afford to laugh off the Vice President's office, as John Nance Garner once did when he said it wasn't worth "a pitcher of warm spit." Clearly, an amendment to the Constitution is called for, because, as the American Bar Association has recognized, "it is highly desirable that the Office of Vice President be filled at all times." The challenge is to choose a method which will stand the test of the ages.

Mr. CHURCH. Mr. President, despite the difference between the position I have taken and the conclusion reached by the committee, I nevertheless feel that the committee proposal is highly meritorious, and that the need to remedy the deficiency that now exists in the Constitution is so great that it is incumbent upon Congress to move forward in the best way that is open to it. Therefore, I shall vote for the joint resolution, in the hope that it may stimulate interest in this matter, and in the expectation that early

next year Congress can move ahead toward submitting to the States an amendment to the Constitution, thus rectifying this serious weakness.

The Senator from Indiana and other members of his subcommittee deserve the greatest credit for the manner in which they have taken hold of this problem, for the care with which they have studied it, and for the proposal they have brought to the floor. As a result it is entirely likely that next year we shall find it possible to amend the Constitution and thus make certain that in the years ahead there will always be a Vice President ready to step into the Presidency, and that this particular deficiency in the Constitution will be properly rectified.

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

Mr. CHURCH. I thank the Senator from Indiana for yielding to me. I am happy to yield to him.

Mr. BAYH. I reemphasize to the Senator from Idaho what I said earlier. As he knows, this is the first time in the history of the Nation that Congress has moved this far. We have reached the point where we are actually preparing to vote on measures to deal with these two perplexing problems. This progress could not have been achieved had it not been for the willingness of a few Members of this body, including the distinguished Senator from Idaho [Mr. CHURCH], to give and take a bit and to recognize that only if we were willing to give and take a bit and concede the need for some action could we be where we are.

I say to the Senator from Idaho that I particularly enjoyed reading his article.

He is a precise thinker. He discussed well the problems confronting us. He did not discuss them in a vein of argument but in a vein of explanation. Because of the amount of time and thought he has expended on this subject, the Senator from Idaho deserves strong commendation.

The Senator's proposal to have the President submit to Congress a panel of from two to five names, and thus give Congress a wider choice, has considerable merit in the minds of some Members of Congress, including my own. However, it was our thinking that the committee's proposal would lead to a more peaceful transition, a more peaceful choice, if the President were not put on the spot to select, as he would probably have to do, from among many names in order to choose up to five that he would submit to Congress. Under the committee's proposal, he would have to choose only one. This choice would become known. At a time of crisis, when a death or illness had occurred, turmoil might otherwise result. That was our reasoning. But the proposal of the Senator from Idaho has much merit. I thank him for his willingness to help.

Mr. CHURCH. I appreciate the remarks of the Senator from Indiana and compliment him again upon the work he has done.

Mr. JAVITS. Mr. President, first, I express gratitude to the Senator from Indiana for his typical courtesy in bearing with me while I came down from

New York, so that I might participate in this debate.

I am one of the many cosponsors of the joint resolution that is now before the Senate. This joint resolution followed the introduction by me of Senate Joint Resolution 138, in which I sought the adoption of a somewhat different plan, calling for the election by Congress in joint session of a Vice President, if the office were vacant, from a panel consisting of Members of Congress, and the President's Cabinet, with the power of veto granted to the President. I thought that that was a system that would bring the election closest to a popular election, which, after all, would be the ideal.

But I am so much persuaded that action in this field is critically essential that when the plan of the Senator from Indiana [Mr. BAYH], which is now before the Senate, was agreed upon by the Committee on the Judiciary, I hastened to join him in it, because I felt that the need for unified action was so great, particularly since the joint resolution would require a two-thirds vote, that none of us should be a slave to his own ideas.

This joint resolution comes before the Senate at a uniquely appropriate time. I do not know whether this fact was mentioned before or not, but I believe it should be mentioned. I hope that action upon the joint resolution will be prompt, and that attention will be focused upon it in the campaign for the election of a President and Vice President. The country will be voting on November 3 not only for a President, but for a Vice President as well. The personality, quality, expression of intent, and persuasiveness with which the vice-presidential candidates make the American people feel that they can be relied upon if they become President ranks high, to my mind, in importance with the decision which the American people will make on the Presidency.

(At this point Mr. METCALF took the chair as Acting President pro tempore.)

Mr. JAVITS. Mr. President, one thing both history and the immediate past have taught us is that the American people have not one but two popularly elected national leaders in Government; namely, the President and the Vice President of the United States. Whatever may be the fate of the ideas for relieving the Presidency of so much of its back-breaking toil, let alone its responsibility, one thing is sure: The position of the Vice President will be built up. For example, in recent decades, the Vice President has become an important member of the National Security Council. It is now traditional for the Vice President to be Chairman of the President's Committee on Equal Opportunity and of the National Aeronautics and Space Council. There are many other duties and responsibilities of that character to which the Vice President may be delegated. The Vice President has also become almost firmly fixed in tradition as the President's traveling ambassador all over the world. Both Vice President Nixon and Vice President Johnson performed that role most admirably.

Those are a few indicators of what awaits the Vice President as history has

moved on and has, relatively frequently, called upon the Vice President to take the President's place—happily for us, not always under such terribly tragic circumstances as on last November 22.

Therefore, this resolution is extremely welcome. I hope the fact that it is being considered in juxtaposition to almost the day of the release of the historic Warren Commission Report, will further emphasize to the American people how critically important we in the Congress consider the office of the Vice President to be. The people must be vigilant in respect to their choice of a presidential ticket, which includes the vice-presidential candidate whom the people are willing to see as President of the United States, and must base their decision at least in part upon that assumption.

The joint resolution also provides for the regularization of the practice of our Government in respect to the disability of the President. The event so markedly illustrated in the close of the administration of President Woodrow Wilson, and also in connection with the administration of President Garfield are both critical parts of this particular resolution and constitutional amendment.

The plan which the committee has adopted, considering American practice and the self-discipline which a democratic form of government imposes upon us, is an admirable plan and well designed to deal with the responsibility which faces the country in the event of disability of the President, and especially in the event of disability which the President himself is unable to declare because of his own physical condition.

A word must be said, too, at this time, as I strongly commend the constitutional amendment to the Senate, concerning the present Speaker of the House of Representatives, who is next in order of succession for the Presidency under the law which is in effect now. I believe that Speaker McCORMACK has handled this issue in every way with the most impeccable taste and the utmost graciousness, with wisdom and patriotism. As a former Representative myself, who served in the House when Speaker McCORMACK was majority leader I consider it a high privilege and honor, to pay tribute to the fine position which the Speaker of the House of Representatives has taken during this period when amendments of this kind and other plans have been debated. I have the highest regard for him. I consider him to be so much a patriot in terms of our Nation's welfare that I believe he would be the first to seek to bring about some resolution in a definitive way, of these problems which have remained open ended.

I hope that although the Senate is not too busily attended today, and this debate will have been consummated in a relatively short period of time, people will not overlook the portentous decision which we shall make for the future of American Government. After the experience which we have had with dictators in the world, no one can say that anything is impossible anywhere—including the United States. Hence, the integrity with which these organs of

government are developed, the awful power of the President of the United States which could, if mischievously exercised, make over the face of the Nation and seriously jeopardize its freedoms in a very short period of time, make it vital that every American give the most careful and judicious scrutiny to our handiwork. I am satisfied that it has been well done, that this is the way to do it, but I believe that it would be a great mistake if every State legislature and every body of citizenry called upon to ratify such an amendment did not examine it most scrupulously and carefully, and with the deepest of conscience.

I believe, too, that it will have served a very important purpose by focusing our attention upon the critical importance of the choice which we make in that regard, coming so close to a great national election as does this constitutional amendment.

Again, let me express my appreciation to the Senator from Indiana for his graciousness and courtesy in receiving me as a cosponsor, and in accommodating me in respect to this debate. I would have considered it missing out on an historic opportunity to participate in the work of the Senate if I had not been able to bring my views—albeit briefly—upon this critically important constitutional amendment to the attention of the Senate.

Mr. BAYH. I should like to express my gratitude to the Senator from New York for his willingness to be one of those who were so well aware of the problem that they were willing to give some of themselves, inasmuch as they would compromise and go along with the consensus. The Senator from New York has long been interested in this subject. He introduced legislation himself, as he mentioned, and it was with a great deal of satisfaction to our committee and to the chairman of the subcommittee that we learned he was willing not only to continue his interest, but also to cosponsor this proposed legislation and to make a presentation of his views. We are grateful to him for his efforts.

Mr. JAVITS. I thank my colleague.

Mr. HART. Mr. President, I am delighted that we have reached the point where apparently we are about to act favorably on the proposed constitutional amendment.

I delay the vote for the time necessary to express my appreciation to the Senator from Indiana for the thoughtful and effective leadership he has given both as a member of the Committee on the Judiciary and as chairman of the subcommittee which for many long months gave detailed study to this question.

I have some idea of the complex make-up of this problem. Much of the mail I have received indicates that people across the country have the notion that this issue is rather an easy one to dispose of, that we can sit down for 5 minutes and figure it out. With each 5 minutes they shall find that we have to have another 5 minutes, and then days and weeks of thought and work.

As the Senator from New York has stated, I believe that what we propose in

this constitutional amendment is sound and highly necessary. It is a reflection of the Senate acting at its very best. Because of this, I feel especially an obligation to delay the vote for a few minutes, to tell the Senator from Indiana that as the Senator from New York [Mr. JAVITS] has pointed out, this is an historic occasion, although it will not sell many newspapers. As we move down this road, the Senator from Indiana is the principal engineer. As the Senator from New York also stated, it should highlight across the country the obligation of each of us to measure the candidates offered on November 3d for the office of Vice President.

Drama and tragedy remind us that a Vice President can become President of the United States. It is essential, therefore, that the voters of America ask the question as to which of the two men proposed by the major parties, by experience, background, and performance, would perform more effectively if tragedy should require that they assume the office of President.

I believe that the timing of this action is useful. Again I thank the junior Senator from Indiana for carrying forward what a few months ago I thought would not be possible.

Mr. BAYH. I thank the Senator from Michigan.

I should like to ask that the RECORD show that the distinguished junior Senator from California [Mr. SALINGER], is a cosponsor of the joint resolution. He, for some reason or other, was not listed as one of the cosponsors of the measure.

I thank the committee staff for all that it has done.

In closing, I should like to say that what the Senator from Michigan has said is true—this will not sell many newspapers. It is not an issue such as employment or something about which we can become thoroughly emotional. But, when one reads the proceedings of the Constitutional Convention of 1787 he finds a specific reference to this problem. John Dickerson, of Delaware, posed the question as to the extent to which we should consider disability, and who shall decide it.

One hundred and seventy-seven years later, we still have no answer. I hope that the Senate will go one step further toward finding an answer.

I now yield to the Senator from Kansas [Mr. PEARSON].

Mr. PEARSON. Mr. President, the legislative measure now before us is of great importance to both the stability and tranquillity of this Nation. The electrified rapidity of events which occurred last November riveted attention to the necessity for an effective Presidential succession and disability arrangement.

Eight of the thirty-six Presidents of the United States have died in office. Eight Vice Presidents have either died or resigned. The office of the Vice President has been vacant for 37 of our country's 188 years. For 80 days of the Garfield administration and 2 years of the Wilson administration the Office of the President was occupied by a man unable to per-

form his duties because of physical disability.

In this century, Presidents McKinley and Kennedy were victims of assassination. McKinley's successor, Theodore Roosevelt, was a subject of an assassination attempt, as were Presidents Franklin Roosevelt and Harry Truman. Presidents Harding and Franklin Roosevelt died in office and were succeeded by their Vice Presidents, Coolidge and Truman. President Taft's Vice President, James Sherman, died in office. President Eisenhower suffered three serious illnesses during his administration although he was never incapacitated to the extent of Garfield and Wilson. Then on November 22, 1963, the tragic event of Dallas took place.

The Constitution provides that the Vice President shall succeed the President in case of death, resignation, or disability. Congress has the authority to provide for a line of succession after the Vice President. Three different succession laws have been enacted.

The Succession Act of 1792 stated the Vice President was to be succeeded by the President pro tempore of the Senate and then the Speaker of the House. If both these offices were vacant, the electoral college would be convened to elect a new President.

Dissatisfaction with the act of 1792 was expressed during the impeachment proceedings against President Andrew Johnson because it combined in the Senate both the power to impeach and the right to succeed a President. It was also criticized because of the possible shift in Executive continuity from one political party to another. For example, a Republican President pro tempore could become President in a Democrat administration.

The Succession Act of 1886 attempted to correct these problems. It provided for a line of succession in the Cabinet beginning with the Secretary of State. Since the President chooses his Cabinet, the Presidency would remain in one political party. A popular check on the quality of Cabinet members was maintained by Senate confirmation.

The Succession Act of 1947 provided that the Vice President be succeeded by the Speaker of the House and then the President pro tempore of the Senate. President Truman sponsored this act. He believed the 1886 act was undemocratic because the President appointed a potential successor.

The Succession Act of 1947 has been criticized for several reasons. A change of political continuity in the Executive is possible. During President Eisenhower's 8 years, for example, a Democrat was Speaker of the House.

One of the constant criticisms with respect to all succession acts is the fact that none of them have provided for the replacement of the Vice President. That office remains vacant in case of Presidential death, resignation, or disability. With the Vice President's responsibilities and obligations continuously increasing in importance, that office can hardly remain vacant.

Several corrective legislative proposals, designed to deal more capably with the problems of succession have been put forward and thoroughly considered by the Congress in the past few months.

It is my belief that, among all the various proposals offered with respect to Presidential succession, one alone stands out above all others. This proposal would provide that the Vice President, upon becoming President, shall nominate a new Vice President. Confirmation of the nomination by both the House and the Senate would be necessary.

There are several strong arguments in favor of this measure. The Vice-Presidency would not remain vacant. Succession would be in the same political party. Confirmation by the House and Senate subjects the Vice-Presidential appointment to the approval of the popularly elected Congress.

Perfect solutions, however, are hard to come by. Just criticism of this proposal does exist. The President, for example, may conceivably be given too much leeway concerning his choice. He may, if he wishes, go completely outside Government circles to choose his possible successor. In a time of crisis this might break the sense of continuity necessary to sustain national confidence in the orderly transferral of power.

With respect to this criticism, I firmly believe that reason in a time of crisis will prevail. It has in the past. There is no reason why it should not do so in the future. Continuity will be maintained.

The disability of a living President poses a problem as difficult as that of succession. Under existing constitutional provisions many questions arise. May the President, for example, lawfully proclaim his own disability? If the President would not declare his disability is there any process short of impeachment whether the Vice President may assume office? If the President were then to recover from his disability, would he be able to return to his office and duties?

President Eisenhower attempted to solve the problem by an agreement with Vice President Nixon. President Kennedy followed this proceeding. There is, however, some question of the legality of these agreements. They are generally considered an inadequate solution.

Once again many proposals have been put forward in an attempt to resolve this dilemma. Once again it appears that one such proposal stands head and shoulders above the rest. This legislative measure would provide that the President declare his own disability in writing. The Vice President would then become Acting President. If the President does not, or cannot, do so, the Vice President, with the written approval of the majority of the Cabinet, may do so and thereby assume the duties of Acting President.

The President, upon recovery, would declare his disability to be concluded and resume office. If the Vice President and the majority of the Cabinet disagree, the controversy would be submitted to the Congress. Several strong points are inherent in this proposal. It provides

that disability can be quickly determined. The decision would be made by either the President or those closest to him. During disability the status of the Vice President as Acting President is clear. The President's return to office upon recovery would be easily and quickly effective.

The two proposals for Presidential succession and disability which I have just described and which I consider to be by far the best suggested are embodied in Senate Joint Resolution 139. Therefore, I wish to register my wholehearted support in favor of this measure.

Mr. BAYH. I would like to thank the Senator from Kansas for his lucid remarks on this complex subject. The Senator from Kansas is a cosponsor of Senate Joint Resolution 139 and he has worked diligently to bring this matter before the Senate.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 139) was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, before the Senate unanimously approves the joint resolution, I take this means of extending my thanks to the junior Senator from Indiana [Mr. BAYH] for his persistence, perspicacity, and continued interest in this particular problem.

It is something which we should have faced a long time ago. As the distinguished Senator from Michigan [Mr. HART] and the distinguished Senator from New York [Mr. JAVITS] have indicated, it is not an easy problem to solve, even though it may look easy on the surface.

I believe this is a momentous and historic occasion. I am delighted that so many of our colleagues on both sides of the aisle have joined with the distinguished junior Senator from Indiana, and, under his leadership, I am delighted that the proposed joint resolution is now on the verge of passage. It is a foundation which will set well in the building which is this Republic.

Mr. BAYH. Mr. President, if I may take one final moment I would like the Senate to know that none of this could have taken place without the continuing interest and assistance of the distinguished majority leader. During the last 2 historic years, when the Congress has been faced with a multitude of pressing, often delicate, problems, and has been confronted with a number of delays, the distinguished Senator from Montana [Mr. MANSFIELD] has never lost sight of the significance of this issue now before us. Now, when all of us are anxious to complete our business, he has, nonetheless, seen to it that we take the time to debate and act on this issue. I thank the Senator. It is just one more example of his statesmanship and devotion to the good and welfare of our Nation above all other considerations.

The ACTING PRESIDENT pro tempore. The joint resolution having been read a third time, the question is, Shall it pass? [Putting the question.]

In the opinion of the Chair, two-thirds of the Senators present and voting having voted in the affirmative, Senate Joint Resolution 139 is passed.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"SEC. 5. Whenever, the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

CONTROL OF NUCLEAR WEAPONS

Mr. DOMINICK. Mr. President, the subject of nuclear control seems to have become one of the key issues in this campaign. It is perhaps one of the most misunderstood and misinterpreted issues.

Senator GOLDWATER has suggested giving discretionary authority to the American NATO commander to use tactical nuclear weapons under certain conditions where the enemy has attacked first. The reasons given for this stand are clear. First, we are committed to defending Europe. Second, existing nuclear forces, in the opinion of NATO commanders of all nationalities, are not sufficient to defeat a determined Soviet attack. Third, the only nuclear weapons available for the defense of NATO are American weapons. The Europeans have a right to count on the use of these weapons for their defense if it should ever prove necessary. In the event of a sudden attack against NATO forces, an almost instant

reply would be necessary if our own forces were not to be destroyed and effective defense made impossible. Minutes, perhaps even seconds, might be all the time available to them. If the enemy is not certain of such a response, deterrence might easily fail. If our allies cannot count for sure on such a response, the pressure on them to develop their own independent nuclear forces will surely increase. The rush of France to create its own nuclear force is indicative of this very fact. Fourth, commonsense tells us that there are conceivable circumstances under which the President might not be able to give a timely order for the employment of nuclear weapons. There could be a communications failure, or a period of confusion following the illness or death of the President.

President Johnson, in his speech in Seattle, said:

The responsibility for the control of U.S. nuclear weapons rests solely with the President, who exercises the control of their use in all foreseeable circumstances. This has been the case since 1945, under four Presidents. It will continue to be the case as long as I am President of the United States.

Senator HUMPHREY, on a recent "Meet the Press" program, implied that the NATO Commander, General Lemnitzer, had no authority to use tactical nuclear weapons under any circumstances without the express order of the President. He further implied, as have other administration spokesmen, that all tactical nuclear weapons are of the size which destroyed Hiroshima, or are larger.

Mr. President, both these statements tend to mislead the people. The President, whomever he may be, certainly has, and will continue to have, power to control nuclear weapons. Similar power over other programs has been granted by Congress to the Executive. Arrangements have been made by the President to exercise this control through his Cabinet officers, or our military personnel. In like manner, while some tactical nuclear weapons may equal the power of the nuclear bomb dropped on Hiroshima, others do not nearly approach its size and scope. We hope that the development of even smaller nuclear weapons is proceeding.

Recently, the misleading nature of these campaign statements by President Johnson and Senator HUMPHREY were pinpointed in very able articles contained in the September 25, 1964, issue of *Time* magazine, and the September 28, 1964, issue of the *U.S. News & World Report*. The Members of the Senate and the American people should congratulate these magazines for helping them to clarify this issue.

I read from the article published in *Time* magazine:

There is nothing in the law to prevent him [the President] from delegating to, say, a NATO commander, authority to use nuclear weapons under certain circumstances. GOLDWATER insists that the President should delegate such authority. Johnson lets on that he can't and won't. The fact is that he already does, as did Presidents Eisenhower and Kennedy before him. In 1957, the Congressional Joint Committee on Atomic Energy received written notification that plans were being developed to give NATO's Supreme Commander in Europe the

right to use nuclear weapons in certain contingencies—such as the incapacity of the President or the breakdown of communications between Europe and the United States.

Those plans are now in operation. All are classified top secret, but they apply not only to NATO's commander, but to the Commander of the North American Air Defense.

I read further from the article in *Time* magazine concerning the political tactics that the President is using to exploit the issue:

[Johnson] gets across the notion, for instance, that GOLDWATER is irresponsible and reckless because he has suggested that NATO's Supreme Commander ought to be given some sort of contingency authority for using tactical nuclear weapons—at a time when General Lemnitzer, under a delegation of power from Johnson has just such authority.

Mr. President, both the President and the Democratic candidate for Vice President avoid the discussion of specifics by hiding behind security. Senator HUMPHREY dodged the question on "Meet the Press" when he was asked specifically whether commanders would have to wait until they got in touch with the President of the United States before they could retaliate with nuclear weapons when under attack. He pleaded ignorance by saying:

I am not privy to all the most intimate details of relationships between the generals in the field and the Commander in Chief, the President of the United States.

The *U.S. News & World Report* had this to say:

Even now, the understanding is widespread among NATO allies that U.S. commanders in Europe already have orders, issued in advance, to use nuclear weapons in certain emergencies with no further instructions from Washington.

Mr. President, on September 23 the Republican leadership issued a statement discussing the same subject and calling on President Johnson to answer categorically whether such authority had been delegated thus clarifying the situation. Unfortunately, we still have had no reply.

I ask unanimous consent to have printed in the *RECORD* the statement adopted at that joint Senate-House Republican leadership meeting.

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

STATEMENT ADOPTED AT A MEETING OF THE JOINT SENATE-HOUSE REPUBLICAN LEADERSHIP, SEPTEMBER 23, 1964

There is one issue in this campaign on which clear proof is available that either Senator GOLDWATER or President Johnson is right. That issue is the subject of nuclear control.

Senator GOLDWATER has said: "I suggest that the Supreme Commander of NATO—who is an American officer and probably always will be—have direct command over a NATO nuclear force."

President Johnson has said: "The responsibility for the control of U.S. nuclear weapons rests solely with the President, who exercises the control of their use in all foreseeable circumstances."

The most recent issue of *Time* magazine had this to say on the subject:

"There is nothing whatever in the law to prevent him [the President] from delegating to, say, a NATO commander, authority to use

nuclear weapons under certain circumstances.

"GOLDWATER insists that the President should delegate such authority. Johnson lets on that he can't and won't. The fact is that he already does, as did President Eisenhower and Kennedy before him."

U.S. News & World Report, also in this week's issue, stated:

"Even now, the understanding is widespread among NATO allies that U.S. commanders in Europe already have orders, issued in advance, to use nuclear weapons in certain emergencies with no further instructions from Washington.

These two statements, coming from two such highly reputable American magazines, are in direct conflict with statements of President Johnson and practically every major spokesman of his administration on this subject.

There can be no question that the American people are now thoroughly confused about this issue. If Time magazine and U.S. News & World Report are right, then Senator GOLDWATER has been the object of one of the biggest political misrepresentations in this history of Presidential campaigns.

We, the members of the joint Senate-House Republican leadership, call upon President Johnson immediately to make clear to the American people the truth in this matter—whether or not the U.S. Supreme Commander in Europe has or has not been given authority to use tactical nuclear weapons in time of dire emergency, and also whether or not this authority was given under the two previous Presidents. To that end, we call upon him to deny, if that is possible, the very serious statements that are contained in these two magazines.

The national security of this country is too important a matter to leave such an issue unresolved in the minds of our people, our NATO allies, and the Communist enemy.

Mr. DOMINICK. Mr. President, what about the question of the size of tactical nuclear weapons? The Democratic administration certainly misleads the public by speaking of an average-sized weapon of 100,000 tons of TNT, or five times the size of the one which destroyed Hiroshima. What they carefully avoid mentioning is that there are other weapons, such as the Davy Crockett, which carries a warhead with the equivalent of only 40 tons of TNT. A photograph in U.S. News & World Report, at page 49, shows it to be about as big as an average-size watermelon, and being operated by two men, using a launcher which resembles a World War II bazooka. They avoid mentioning other weapons such as land mines and the continuing development of others which are still in a secret category.

The term "average weapon" has no meaning, since each weapon is intended for a specific task under specific circumstances, and the use of this phrase in political campaigning can only result in confusion and intimidation; it appears to be intended to confuse and intimidate the American public for political advantage.

Mr. President, the whole question of control of nuclear weapons which has been injected into this campaign is a phony issue. U.S. News & World Report sums it up well:

Some military men say that, when the campaign is over, it will be found that the administration and Senator GOLDWATER were actually not far apart at the time the issue was first brought up in the campaign.

CHESTER A. BROTHERS AND ANNA BROTHERS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1514, H.R. 1851.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1851) for the relief of Chester A. Brothers and Anna Brothers, his wife.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

TAX-EXEMPT STATUS FOR NON-PROFIT NURSES' PROFESSIONAL REGISTRIES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1542, H.R. 8050.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8050) to amend the Internal Revenue Code of 1954 to provide tax-exempt status for nonprofit nurses' professional registries operated by nurses' professional associations.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the bill, which had been reported from the Committee on Finance, with an amendment, to strike out all after the enacting clause and insert:

That (a) section 542(c) (8) of the Internal Revenue Code of 1954 (relating to exception of small business investment companies from definition of personal holding company) is amended to read as follows:

"(8) a small business investment company which is licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958 and which is actively engaged in the business of providing funds to small business concerns under that Act. This paragraph shall not apply if—

"(A) at any time during the taxable year, any principal shareholder owns directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a) (2)) a 10 percent or more proprietary interest in a small business concern to which funds are provided by the small business investment company or 10 percent or more in value of the outstanding stock of such concern; or

"(B) at any time during the taxable year, the small business investment company owns (or the small business investment company and one or more of the principal shareholders of such company own) directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a) (2)) in the aggregate a 50 percent or more proprietary interest in a small business concern to which funds are provided by the small business investment company or 50 percent or more in value of the outstanding stock of such concern. This subparagraph shall not apply if the small business investment company establishes that—

"(1) the proprietary interest in or stock of the small business concern owned in the aggregate by the small business investment company and its principal shareholders in excess of the ownership limitation described in this subparagraph is the result of an acquisition by the small business investment company of a proprietary interest in or stock of such small business concern; and

"(1) the primary purpose of the acquisition and retention of such excess proprietary interest or stock is to prevent a substantial decrease in the value of the proprietary interest, stock, or evidence of indebtedness of such small business concern owned by such small business investment company before the acquisition described in clause (1). For purposes of this paragraph, the term 'principal shareholder' means, with respect to any small business investment company, a shareholder owning directly or indirectly

(including, in the case of an individual, ownership by the members of his family as defined in section 544(a) (2)) 10 percent or more of the value of the outstanding stock of such small business investment company. If a principal shareholder or a small business investment company has an option to acquire stock of a small business concern, such stock shall be considered owned by such shareholder or company if, but only if, the effect is to make a principal shareholder exceed the percentage limitation described in subparagraph (A), or the small business investment company and its principal shareholders in the aggregate exceed the percentage limitation described in subparagraph (B). An option to acquire such an option, and each one of a series of such options, shall be considered an option to acquire stock. Outstanding securities of a small business concern which are convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock if, but only if, the effect of the inclusion of all such securities is to make a principal shareholder exceed the percentage limitation described in subparagraph (A), or a small business investment company and its principal shareholders in the aggregate exceed the percentage limitation described in subparagraph (B). In determining stock ownership for purposes of this paragraph, a shareholder of a small business investment company shall not be considered as owning any proprietary interest in or stock of a small business concern by reason of his ownership of stock of such small business investment company."

(b) (1) Section 166 of the Internal Revenue Code of 1954 (relating to bad debts) is amended by redesignating subsection (g) as (h), and by inserting after subsection (f) the following new subsection:

"(g) SPECIAL RULE FOR SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding section 165(g) (1) and subsection (e) of this section, subsections (a), (b), and (c) of this section shall apply in the case of a taxpayer which is a small business investment company operating under the Small Business Investment Act of 1958 to a debt incurred by a small business concern which is evidenced by a convertible debenture acquired pursuant to section 304 of such Act. Any loss sustained by such a company from the sale or exchange of such a convertible debenture shall be treated as a bad debt to which the provisions of subsections (a), (b), and (c) apply."

(2) Section 1243(1) of such Code (relating to losses of small business investment companies) is amended to read as follows:

"(1) a loss is on stock received pursuant to the privilege of converting convertible debentures acquired pursuant to section 304 of the Small Business Investment Act of 1958, and"

(c) The amendments made by subsections (a) and (b) shall apply only with respect to taxable years ending on or after the date of the enactment of this Act.

SEC. 2. (a) Subchapter Q of chapter 1 of the Internal Revenue Code of 1954 (relating to readjustment of tax between years) is amended by adding at the end thereof the following new part:

"PART VII—RECOVERIES OF FOREIGN EXPROPRIATION LOSSES

SEC. 1351. TREATMENT OF RECOVERIES OF FOREIGN EXPROPRIATION LOSSES.

"(a) ELECTION.—

"(1) IN GENERAL.—This section shall apply only to a recovery, by a domestic corporation subject to the tax imposed by section 11, of a foreign expropriation loss sustained by such corporation and only if such corporation elects to have the provisions of this section apply with respect to such loss.

"(2) TIME, MANNER, AND SCOPE.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations. An election made with respect to any foreign expropriation loss shall apply to all recoveries in respect of such loss.

"(b) DEFINITION OF FOREIGN EXPROPRIATION LOSS.—For purposes of this section, the term 'foreign expropriation loss' means any loss sustained by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing. For purposes of the preceding sentence, a debt which becomes worthless shall, to the extent of any deduction allowed under section 166(a), be treated as a loss.

"(c) AMOUNT OF RECOVERY.—The amount of any recovery of a foreign expropriation loss is the amount of money and the fair market value of other property received in respect of such loss, determined as of the date of receipt.

"(d) ADJUSTMENT FOR PRIOR TAX BENEFITS.—

"(1) IN GENERAL.—That part of the amount of a recovery of a foreign expropriation loss to which this section applies which, when added to the aggregate of the amounts of previous recoveries with respect to such loss, does not exceed the allowable deductions in prior taxable years on account of such loss shall be excluded from gross income for the taxable year of the recovery for purposes of computing the tax under this subtitle; but there shall be added to, and assessed and collected as a part of, the tax under this subtitle for such taxable year an amount equal to the total increase in the tax under this subtitle for all taxable years which would result by decreasing, in an amount equal to such part of the recovery so excluded, the deductions allowable in the prior taxable years on account of such loss. For purposes of this paragraph, if the loss to which the recovery relates was taken into account as a loss from the sale or exchange of a capital asset, the amount of the loss shall be treated as an allowable deduction even though there were no gains against which to allow such loss.

"(2) COMPUTATION.—The increase in the tax for each taxable year referred to in paragraph (1) shall be computed in accordance with regulations prescribed by the Secretary or his delegate. Such regulations shall give effect to previous recoveries of any kind (including recoveries described in section 111, relating to recovery of bad debts, etc.) with respect to any prior taxable year, but shall otherwise treat the tax previously determined for any taxable year in accordance with the principles set forth in section 1314(a) (relating to correction of errors). Subject to the provisions of paragraph (3), all credits allowable against the tax for any taxable year, and all carryovers and carrybacks affected by so decreasing the allowable deductions, shall be taken into account in computing the increase in the tax.

"(3) FOREIGN TAXES.—For purposes of this subsection—

"(A) any choice made under subpart A of part III of subchapter N (relating to foreign tax credit) for any taxable year may be changed,

"(B) subject to the provisions of section 904(b), an election to have the limitation provided by section 904(a)(2) apply may be made, and

"(C) notwithstanding section 904(b)(1), an election previously made to have the limitation provided by section 904(a)(2) apply may be revoked with respect to any taxable year and succeeding taxable years.

"(4) SUBSTITUTION OF CURRENT NORMAL TAX AND SURTAX RATES.—For purposes of this subsection, the normal tax rate provided by section 11(b) and the surtax rate provided by section 11(c) which are in effect for the taxable year of the recovery shall be treated as having been in effect for all prior taxable years.

(e) GAIN ON RECOVERY.—That part of the amount of a recovery of a foreign expropriation loss to which this section applies which is not excluded from gross income under subsection (d)(1) shall be considered for the taxable year of the recovery as gain on the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in section 1033.

"(f) BASIS OF RECOVERED PROPERTY.—The basis of property (other than money) received as a recovery of a foreign expropriation loss to which this section applies shall be an amount equal to its fair market value on the date of receipt, reduced by such part of the gain under subsection (e) which is not recognized as provided in section 1033.

"(g) RESTORATION OF VALUE OF INVESTMENTS.—For purposes of this section, if the value of any interest in, or with respect to, property (including any interest represented by a security, as defined in section 165(g)(2))—

"(1) which became worthless by reason of the expropriation, intervention, seizure, or similar taking of such property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, and

"(2) which was taken into account as a loss from the sale or exchange of a capital asset or with respect to which a deduction for a loss was allowed under section 165 or a deduction for a bad debt was allowed under section 166,

is restored in whole or in part by reason of any recovery of money or other property in respect of the property which became worthless, the value so restored shall be treated as a recovery of property in respect of such loss or such bad debt.

"(h) SPECIAL RULE FOR EVIDENCES OF INDEBTEDNESS.—Bonds or other evidences of indebtedness received as a recovery of a foreign expropriation loss to which this section applies shall not be considered to have any original issue discount within the meaning of section 1232(a)(2).

"(i) ADJUSTMENTS FOR SUCCEEDING YEARS.—For purposes of this subtitle, proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, in—

"(1) the credit under section 33 (relating to foreign tax credit),

"(2) the credit under section 38 (relating to investment credit),

"(3) the net operating loss deduction under section 172, and

"(4) the net capital loss carryover under section 1212(a),

for the taxable year of a recovery of a foreign expropriation loss to which this section applies, and for succeeding taxable years, to take into account items changed in making the computations under subsection (d) for taxable years prior to the taxable year of such recovery."

(b)(1) Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 80 RESTORATION OF VALUE OF CERTAIN SECURITIES.

"(a) GENERAL RULE.—In the case of a domestic corporation subject to the tax imposed by section 11, if the value of any security (as defined in section 165(g)(2))—

"(1) which became worthless by reason of the expropriation, intervention, seizure, or similar taking by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing of property to which such security was related, and

"(2) which was taken into account as a loss from the sale or exchange of a capital asset or with respect to which a deduction for a loss was allowed under section 165,

is restored in whole or in part during any taxable year by reason of any recovery of money or other property in respect of the property to which such security was related, the value so restored (to the extent that, when added to the value so restored during prior taxable years, it does not exceed the amount of the loss described in paragraph (2)) shall, except as provided in subsection (b), be included in gross income for the taxable year in which such restoration occurs.

"(b) REDUCTION FOR FAILURE TO RECEIVE TAX BENEFIT.—The amount otherwise includible in gross income under subsection (a) in respect of any security shall be reduced by an amount equal to the amount (if any) of the loss described in subsection (a)(2) which did not result in a reduction of the taxpayer's tax under this subtitle for any taxable year, determined under regulations prescribed by the Secretary or his delegate.

"(c) CHARACTER OF INCOME.—For the purposes of this subtitle—

"(1) Except as provided in paragraph (2), the amount included in gross income under this section shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

"(2) If the loss described in subsection (a)(2) was taken into account as a loss from the sale or exchange of a capital asset, the amount included in gross income under this section shall be treated as gain from the sale or exchange of a capital asset.

"(d) TREATMENT UNDER FOREIGN EXPROPRIATION LOSS RECOVERY PROVISION.—This section shall not apply to any recovery of a foreign expropriation loss to which section 1351 applies."

(2) The table of sections for part II is amended by adding at the end thereof the following:

"Sec. 80. Restoration of value of certain securities."

(3) The amendments made by this subsection shall apply to taxable years beginning after December 31, 1964, but only with respect to losses described in section 80(a)(2) of the Internal Revenue Code of 1954 (as added by paragraph (1) of this subsection) which were sustained after December 31, 1958.

(c)(1) Section 46(a)(3) of the Internal Revenue Code of 1954 (relating to liability for tax for purposes of the investment credit) is amended by inserting after "personal holding company tax" the following: "and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses)."

(2) Section 901(a) of such Code (relating to foreign tax credit) is amended by inserting after "section 1333 (relating to war loss recoveries)" in the last sentence thereof "or under section 1351 (relating to recoveries of foreign expropriation losses)".

(d) Subchapter B of chapter 62 of the Internal Revenue Code of 1954 (relating to time and place for paying tax) is amended by adding at the end thereof the following new section:

"SEC. 6167. EXTENSION OF TIME FOR PAYMENT OF TAX ATTRIBUTABLE TO RECOVERY OF FOREIGN EXPROPRIATION LOSSES.

"(a) EXTENSION ALLOWED BY ELECTION.—If—

"(1) a corporation has a recovery of a foreign expropriation loss to which section 1351 applies, and

"(2) the portion of the recovery received in money is less than 25 percent of the amount of such recovery (as defined in section 1351(c)) and is not greater than the tax attributable to such recovery,

the tax attributable to such recovery shall, at the election of the taxpayer, be payable in 10 equal installments on the 15th day of the third month of each of the taxable years following the taxable year of the recovery. Such election shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations. If an election is made under this subsection, the provisions of this subtitle shall apply as though the Secretary or his delegate were extending the time for payment of such tax.

"(b) EXTENSION PERMITTED BY SECRETARY.—If a corporation has a recovery of a foreign expropriation loss to which section 1351 applies and if an election is not made under subsection (a), the Secretary or his delegate may, upon finding that the payment of the tax attributable to such recovery at the time otherwise provided in this subtitle would result in undue hardship, extend the time for payment of such tax for a reasonable period or periods not in excess of 9 years from the date on which such tax is otherwise payable.

"(c) ACCELERATION OF PAYMENTS.—If—

"(1) an election is made under subsection (a),

"(2) during any taxable year before the tax attributable to such recovery is paid in full—

"(A) any property (other than money) received on such recovery is sold or exchanged, or

"(B) any property (other than money) received on any sale or exchange described in subparagraph (A) is sold or exchanged, and

"(3) the amount of money received on such sale or exchange (reduced by the amount of the tax imposed under chapter 1 with respect to such sale or exchange), when added to the amount of money—

"(A) received on such recovery, and

"(B) received on previous sales or exchanges described in subparagraphs (A) and (B) of paragraph (2) (as so reduced),

exceeds the amount of money which may be received under subsection (a) (2),

an amount of the tax attributable to such recovery equal to such excess shall be payable on the 15th day of the third month of the taxable year following the taxable year in which such sale or exchange occurs. The amount of such tax so paid shall be treated, for purposes of this section, as a payment of the first unpaid installment or installments (or portion thereof) which become payable under subsection (a) following such taxable year.

"(d) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under subsection (a), and a deficiency attributable to the recovery of a foreign expropriation loss has been assessed, the deficiency shall be prorated to such installments. The part of the deficiency so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as part of, such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand

from the Secretary or his delegate. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

"(e) TIME FOR PAYMENT OF INTEREST.—If the time for payment for any amount of tax has been extended under this section, interest payable under section 6601 on any unpaid portion of such amount shall be paid annually at the same time as, and as part of, each installment payment of the tax. Interest, on that part of a deficiency prorated under this section to any installment the date for payment of which has not arrived, for the period before the date fixed for the last installment preceding the assessment of the deficiency, shall be paid upon notice and demand from the Secretary or his delegate. In applying section 6601(j) (relating to the application of the 4-percent rate of interest in the case of recoveries of foreign expropriation losses to which this section applies) in the case of a deficiency, the entire amount which is prorated to installments under this section shall be treated as an amount of tax the payment of which is extended under this section.

"(f) TAX ATTRIBUTABLE TO RECOVERY OF FOREIGN EXPROPRIATION LOSS.—For purposes of this section, the tax attributable to a recovery of a foreign expropriation loss is the sum of—

"(1) the additional tax imposed by section 1351(d) (1) on such recovery, and

"(2) the amount by which the tax imposed under subtitle A is increased by reason of the gain on such recovery which under section 1351(e) is considered as gain on the involuntary conversion of property.

"(g) FAILURE TO PAY INSTALLMENT.—If any installment under this section is not paid on or before the date fixed for its payment by this section (including any extension of time for the payment of such installment), the unpaid portion of the tax payable in installments shall be paid upon notice and demand from the Secretary or his delegate.

"(h) CROSS-REFERENCES.—

"(1) Interest.—For provisions requiring the payment of interest at the rate of 4 percent per annum for the period of an extension, see section 6601(j).

"(2) Security.—For authority of the Secretary or his delegate to require security in the case of an extension under this section, see section 6165.

"(3) Period of limitation.—For extension of the period of limitation in the case of an extension under this section, see section 6503(f)."

(e) Section 6503 of the Internal Revenue Code of 1954 (relating to suspension of running of period of limitation) is amended by redesignating subsection (f) as (g), and by inserting after subsection (e) the following new subsection:

"(f) EXTENSIONS OF TIME FOR PAYMENT OF TAX ATTRIBUTABLE TO RECOVERIES OF FOREIGN EXPROPRIATION LOSSES.—The running of the period of limitations for collection of the tax attributable to a recovery of a foreign expropriation loss (within the meaning of section 6167(f)) shall be suspended for the period of any extension of time for payment under subsection (a) or (b) of section 6167."

(f) Section 6601 of the Internal Revenue Code of 1954 (relating to interest on underpayments) is amended by redesignating subsection (j) as (k), and by inserting after subsection (i) the following new subsection:

"(j) EXTENSIONS OF TIME FOR PAYMENT OF TAX ATTRIBUTABLE TO RECOVERIES OF FOREIGN EXPROPRIATION LOSSES.—If the time for payment of an amount of the tax attributable to a recovery of a foreign expropriation loss (within the meaning of section 6167(f)) is extended as provided in subsection (a) or (b) of section 6167, interest shall be paid at the rate of 4 percent, in lieu of 6 percent as provided in subsection (a)."

(g) (1) The table of parts for subchapter Q of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Part VII. Recoveries of foreign expropriation losses."

(2) The table of sections for subchapter B of chapter 62 of such Code is amended by adding at the end thereof the following:

"Sec. 6167. Extension of time for payment of tax attributable to recovery of foreign expropriation losses."

(h) Except as provided in subsection (b) (3), the amendments made by this section shall apply to recoveries on or after January 1, 1964, in respect of foreign expropriation losses (as defined in section 1351 (b) of the Internal Revenue Code of 1954 added by subsection (a) of this section) which were sustained after December 31, 1958.

Sec. 3. (a) The last sentence of section 175(c) (1) of the Internal Revenue Code of 1954 (relating to soil and water conservation expenditures) is amended to read as follows: "Notwithstanding the preceding sentences, such term also includes any amount, not otherwise allowable as a deduction, paid or incurred to satisfy any part of an assessment levied by a soil or water conservation or drainage district to defray expenditures made by such district for purposes described in the first sentence of this paragraph, or made by such district to acquire machines, buildings, land, or any easement over land, or to relocate roads or powerlines or other obstructions, in connection with such purposes."

(b) The amendment made by subsection (a) shall apply with respect to amounts paid or incurred after December 31, 1963.

(c) For purposes of section 175 of the Internal Revenue Code of 1954 (as amended by subsection (a) of this section), and for purposes of subsection (b) of this section, if a taxpayer engaged in the business of farming—

(1) after December 31, 1960, and before January 1, 1964, paid in full an assessment levied by a soil or water conservation or drainage district,

(2) such assessment could have been paid in a series of periodic payments, part of which would have been payable after December 31, 1963, and

(3) the amount described in paragraph (1) (or a portion thereof) did not constitute expenditures which are paid or incurred during the taxable year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming, within the meaning of section 175(c) (1) of the Internal Revenue Code of 1954 (as such section was in effect at the time such amount was paid), but would constitute such expenditures if such amount (or portion) were paid after December 31, 1963.

under regulations prescribed by the Secretary of the Treasury or his delegate, such taxpayer shall, at his election, be treated as paying in satisfaction of such assessment, on the date on which each such payment after December 31, 1963, would have been payable, so much of the amount (or portion) described in paragraph (3) which would have been payable on such date, if the taxpayer had chosen to pay such assessment in periodic payments. An election under this subsection shall be made at such time and in such manner as the Secretary of the Treasury or his delegate may prescribe by regulations. If an election is made under this subsection, proper adjustment of basis shall be made in respect of the land used in farming. If an election is made under this subsection and the taxpayer dies before the entire amount with respect to which such election is made has been treated under this subsection as having been paid, the portion

of such amount which has not been so treated before his death shall be treated as having been paid in the taxable year ending with his death.

Sec. 4. Section 601(e) of the Revenue Act of 1941 (55 Stat. 726) (relating to the Joint Committee on Reduction of Nonessential Federal Expenditures) is amended to read as follows:

"(e) There is hereby authorized to be appropriated for each fiscal year such sum as may be necessary to carry out the provisions of this section."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendment be considered as original text for purposes of amendment.

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

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the RECORD an explanatory statement explaining the bill (H.R. 8050).

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

H.R. 8050, as it passed the House, would have provided an income tax exemption for certain nurses' professional registries. To be exempt from tax under the House provision, these registries must be operated by, or associated with, exempt nurses' professional associations, they must not be organized for profit, no part of their earnings may inure to the benefit of any private shareholder or individual, and the organization must not charge anyone other than the nurses who are registrants for the use of the registry. Your committee decided to delete this provision because of information presented to it to the effect that the nurses' registries are performing essentially the same service as profit-making employment agencies. In view of this, it was thought undesirable to provide a tax exemption for these registries at this time. Therefore this feature of the House bill has been deleted by your committee.

Your committee has, however, added four provisions to this bill.

The first of these provisions deals with the tax treatment of small business investment companies. These companies were provided for in legislation enacted in 1958 and their purpose is to make equity capital and long-term credit available to small business concerns.

In 1958, Congress also provided special tax treatment to encourage the formation and use of these small business investment companies. First, it provided that losses on the sale by one of these investment companies of its holdings of convertible debentures of small business concerns would be treated as ordinary losses rather than as capital losses. Second, it allowed taxpayers investing in the stock of these small business investment companies, in certain cases, an ordinary loss deduction upon the sale at a loss of the investment company's stock, or upon its becoming worthless. Third, a 100-percent, rather than the usual 85-percent, inter-company divided deduction was allowed these investment companies for dividends received from small business concerns. Later, in 1959 Congress also provided a special exemption from the personal holding company tax for small business investment companies. All of these provisions were designed to encourage the formation of investment companies and to make funds available to small business concerns.

Your committee amendments in two instances affect these tax advantages previously provided for the small business investment companies.

The first change relates to a problem which has arisen in connection with the exemption for small business investment companies from the personal holding company tax. Presently, an exemption from the personal holding company tax is provided for small business investment companies whose stockholders have less than a 5-percent equity interest in a small business concern. This exemption has presented two problems. Where stockholders have a 5-percent or greater interest in a small business concern—even though their holdings in the small business investment company were minimal—the investment company presently is automatically classified, for this purpose, as a personal holding company. Second, the Internal Revenue Service attributes to each stockholder of a small business investment company, the company's share of the stock it holds in a small business concern. Thus, where the investment company is owned by a relatively few persons, almost any acquisition of small business stock by the investment company automatically leads to classification of the investment company as a personal holding company since the stock being acquired is attributed proportionately to its shareholders and in most cases will bring their holdings in the company above the 5-percent limit.

The bill overcomes the problems I have outlined by providing a new rule in determining these companies exempt from the personal holding company tax. Under the new rule, small business investment companies are to be exempt from this tax unless a principal stockholder of a small business investment company has a 10 percent or larger interest in a small business concern, or the total interest of the small business investment company and its principal shareholders amount to 50 percent or more of the small business concern.

A principal shareholder, for this purpose, is one who has a 10 percent or greater interest in the investment company. Thus, minimal shareholders in the investment company, no matter what their holdings may be in the small business concern involved, cannot result in classification of the investment company as a personal holding company.

Also, in applying the 10-percent or 50-percent test I have just referred to, stock in a small business concern held by an investment company is not to be attributed to its stockholders for purposes of these tests. Thus, closely held investment companies will not, in effect, be precluded from providing the help for small business concerns for which they were established.

Your committee concluded that the modifications of the application of the personal holding company tax to these small business concerns represented a sensible modification of the existing provision which, in effect, permits it to work as initially intended. At the same time, this modification still gives assurance that these investment companies will not be used as a way of avoiding the application of the personal holding company provisions.

The second modification made in the tax treatment of small business investment companies permits them to set up reserves for losses on their holdings of convertible debentures of small concerns. Presently, such reserves can be set up for loans which do not constitute securities but cannot be for convertible debentures which are classified as securities. Since losses on these holdings of convertible debentures by the small business investment companies under present law, are accorded ordinary loss treatment, it seems entirely consistent also to allow the establishment of loss reserves against ordinary income for these debentures.

The second amendment made by your committee relates to recoveries and restorations of foreign expropriation losses.

Congress, in the Revenue Act of 1964, recognized the problems which have been arising as a result of the expropriations of property of U.S. taxpayers by foreign governments. This, of course, is especially significant in the case of Cuba. In that act, Congress provided for a 10-year-loss carry-forward of expropriation losses. Another problem, recognized at that time, but on which no action was taken, was the tax treatment of recoveries which may occur with respect to these foreign expropriation losses. Under present law, these recoveries are included in income to the extent the initial deduction was included in the tax base. This entire inclusion in the income occurs under present law in the year of recovery.

There have been several difficulties which have arisen in connection with these rules governing recoveries under existing law. For example, they do not take into account the fact that the initial deduction may have offset income which, in any event, would not have been taxed because of the presence of a foreign tax for which a credit could have been taken. Similarly, the present rules do not take into account the fact that the deduction may have offset income which otherwise would have been taxed at a relatively low rate, such as capital gains.

The amendment made by your committee meets this problem by developing a more exact measure of the tax benefit derived from the initial deduction. The more exact measure does take into account such factors as the presence of foreign tax credits and differences in rates at which income would be taxed.

The new rules also provide that the tax rates to be used in taxing these recoveries are to be the rates in effect in the year of the recovery. Also, provision is made in your committee's bill for the payment of the tax on recoveries, in hardship situations, in 10 annual equal installments, bearing interest at 4 percent. This replaces the present requirement that the entire amount be paid in the year of restoration.

In addition, provision is made for taxing recoveries with respect to foreign expropriation losses, where the benefit from the tax deduction was received by one corporation having stock or other securities in another whose property was expropriated. In such a case, the tax on the recovery is attributed to the parent corporation if it received the initial benefit from the loss.

In your committee's view, these provisions relating to recoveries of foreign expropriation losses result in the appropriate tax burden on the recoveries, taking into account all the facts and circumstances likely to surround such recoveries.

Another amendment made by your committee relates to the deduction of soil and water conservation expenditures. Under present law, where these expenditures are made by an assessment district the assessments are deductible to the members of the district if the district spends the funds for purposes which would have made the expenditures deductible had the farmers spent the funds directly. Your committee's amendment also provides that assessments paid by farmers may be deducted in the case of these assessment districts where the district uses funds to acquire depreciable assets, lands, easements, or to relocate roads, powerlines or other obstructions, to the extent these expenditures are necessary for soil or water conservation or drainage purposes.

Your committee has also removed the limitation on the authorization of expenditures, in the case of the Joint Committee on Nonessential Federal Expenditures. The present limit of \$10,000 was established in 1941. Generally applicable pay increases Congress has provided since that time make this limit no longer appropriate.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the Internal Revenue Code of 1954, with respect to the income tax treatment of small business investment companies, with respect to the income tax treatment of recoveries of foreign expropriation losses, and for other purposes."

Mr. LONG of Louisiana. Mr. President, I move that the vote by which the bill (H.R. 8050) was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

PLAN FOR VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT, AND THEIR WIDOWS AND CHILDREN

Mr. MANSFIELD. Mr. President, it is with pleasure that I again call up Calendar No. 1528, H.R. 1927.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1927) to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict, and their widows and children, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

Mr. MANSFIELD. Mr. President, before the bill is laid before the Senate, I wish to say that H.R. 1927 was called up last Friday, but at the request of a Senate committee, it was returned to the calendar. When an action of that kind is taken, the leadership has no choice. Therefore I am happy once again to call up the bill H.R. 1927, a bill of vital interest to our veterans of the First and Second World Wars, the Korean conflict, and their widows and children.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

The ACTING PRESIDENT pro tempore. The committee amendments have already been agreed to. The bill is now

before the Senate, and open to further amendment.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Did I correctly understand that the bill has been cleared for passage?

Mr. MANSFIELD. Certain amendments will be offered. I shall suggest the absence of a quorum.

Mr. JAVITS. Will the bill be considered tonight?

Mr. MANSFIELD. Yes.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LONG of Louisiana. Mr. President, as manager of the bill I send to the desk amendments which contain four provisions, and ask that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments will be stated.

Mr. LONG of Louisiana. Mr. President, I believe I can explain these amendments more quickly than if the amendments were read. The amendments include charts, which would not be understood through a mere reading of them.

The ACTING PRESIDENT pro tempore. Without objection the amendments will be printed in the Record, and considered en bloc.

The amendments are as follows:

Beginning with line 16 on page 2, strike out all down through line 6 on page 3.

Beginning with line 7 on page 3, strike out all down through the table immediately preceding line 5 on page 4, and insert in lieu thereof the following:

"Sec. 3(a) The table in section 521(b), title 38, United States Code, is amended to read as follows:

"Column I		Column II
Annual income		
More than—	Equal to or less than—	
but		
\$600	\$600	\$100
1,200	1,200	75
	1,800	43'

"(b) The table in section 521(c), title 38, United States Code, is amended to read as follows:

"Column I		Column II	Column III	Column IV
Annual income				
More than—	Equal to or less than—	One dependent	Two dependents	Three or more dependents
but				
\$1,000	\$1,000	\$105	\$110	\$115
2,000	2,000	80	80	80
	3,000	48	48	48'

"(c) The table in section 541(b), title 38, United States Code, is amended to read as follows:

"Column I		Column II
Annual income		
More than—	Equal to or less than—	
but		
\$600	\$600	\$64
1,200	1,200	48
	1,800	27'

"(d) The table in section 541(c), title 38, United States Code, is amended to read as follows:

"Column I		Column II
Annual income		
More than—	Equal to or less than—	
but		
\$1,000	\$1,000	\$80
2,000	2,000	64
	3,000	43'

"Sec. 4. Section 542(a) of title 38, United States Code, is amended by striking out '35' and inserting in lieu thereof '38'.

"On page 5, line 20, strike out 'whichever is the greater, \$1,200' and insert in lieu thereof 'whichever is the lesser, \$1,500'."

Mr. LONG of Louisiana. Mr. President, this is the veterans' bill which the Senate passed at its previous meeting. It was upon the request of the committee and particularly upon the request of the Senator from Louisiana that the matter was reconsidered, in order that certain recommendations made by the Veterans' Administration and by the Bureau of the Budget could be considered.

In the first instance, it is the opinion of the Bureau of the Budget and of the Veterans' Administration that the Senate should not agree to the House provision, which would provide that after the year 1965 there would be no disability test required for a veteran's eligibility to a pension.

When the committee acted on this matter it had the advice of the Veterans' Administration that the cost would be very small in the event that this provision were adopted, feeling that most veterans over age 65 could show at least a 10-percent disability of one nature or another. It was felt that the number that they would have to turn down on the basis of 10-percent disability would be very small.

On the other hand, the Bureau of the Budget is fearful of this particular provision. It is their position that a great many people have never applied because they did not feel they were entitled to it, and the removal of the existing law requirement of a 10-percent disability after age 65 would cause a large number of new veterans to apply.

For example, the Bureau of the Budget states that there are between 150,000 and 175,000 veterans who might file claim for this pension. In the event that only 100,000 claimed the pension—and the Bureau of the Budget anticipates that even more would claim it—then the cost

would be \$70 million a year. The committee report did not take that into account, and it was not considered as a likely cost at the time the bill was considered.

This matter had been considered also by the members of the Finance Committee, a majority of whom felt that we should accept the amendment of the Bureau of the Budget. It had also been considered by the Veterans' Committee on the House side at a hearing. I understand there was considerable sentiment that the amendment, together with the others recommended by the Bureau of the Budget, would make this a better bill than the one which the House passed and sent to the Senate.

Furthermore, it is the position of the Bureau of the Budget, and of the Veterans' Administration as well, that the overall cost would be less than the House-passed bill and it would be possible to benefit more people and to do justice to more.

Under the House-passed bill a single veteran earning \$600 or less would receive a \$5 increase under the House bill, as reported by the committee. That same veteran would receive a \$15 increase under the amendment that is being proposed.

In addition, a veteran making between \$600 and \$1,200, under the House bill, the Teague bill, would receive no increase at all, while he would receive a \$5 monthly increase under the amendment that is at the desk.

A veteran making between \$1,200 and \$1,800, presently receiving a pension of \$40, would receive no increase under the House-passed bill, while he would receive a \$3 per month increase under the amendment before us.

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

Mr. LONG of Louisiana. I yield.

Mr. JAVITS. Mr. President, where does it come off? In other words the Senator would give a better break to the veterans. Who is paying for it?

Mr. LONG of Louisiana. We are making a big saving by striking the provision which would provide that a veteran aged 65 would not have to meet a disability test. There is a difference of opinion on this question. It is claimed by the Veterans' Administration that the cost would not be very much. The Bureau of the Budget feels that it might cost a great deal, as much as \$70 million.

Mr. JAVITS. What is the Senator inserting in its place?

Mr. LONG of Louisiana. These additional payments would be possible for a lesser overall cost in the long run. According to the Bureau of the Budget, it would be possible to save money in the long run by retaining the existing law requirement that a veteran to receive this pension, must have some degree of disability, which they would set at 10 percent.

Mr. JAVITS. In other words, instead of assuming 10 percent, that is the standard to which the Senate has gone.

Mr. LONG of Louisiana. Yes, the Veterans' Administration tells us, if I recall correctly, that only about 5 percent who apply for these pensions do not rate 10 percent disability.

Mr. JAVITS. Will this bill go to conference?

Mr. LONG of Louisiana. Yes.

Mr. JAVITS. So the House would then have an opportunity to try to reconcile their views with our views on this question?

Mr. LONG of Louisiana. The Senator is exactly correct. In other words, if this amendment is agreed to, it is entirely possible that the conferees could accept those provisions in the House bill which are most favorable to the veteran, and the provisions in the Senate bill which are most favorable to the veteran. But if the amendment is not agreed to, there would be a great number of veterans who would not be benefited at all, because that matter would not be in conference between the two Houses.

Mr. JAVITS. The Senator from Louisiana says that all we are doing is continuing existing law as to eligibility and improving pension rates. The House changed existing laws as to eligibility by liberalizing and making some improvement in pension rates, but has not given as much as we can.

Mr. LONG of Louisiana. The Senator is exactly correct. He has stated the situation better than I have. I thank him for helping to put the matter in better perspective.

Mr. JAVITS. My colleague from New York [Mr. KEATING] has worked very hard on this bill. I have, too, in the sense that New York has many veterans who are deeply interested in this subject. Because of the circumstances that the majority leader described, the junior Senator from New York actually made a speech based on the fact that the bill had been passed. To our dismay, we found that it was not passed. So, first, I thank the Senator from Louisiana for enabling us to have the bill passed, as we undoubtedly shall; and, second, I appreciate the quality of his concept. However, I will say it does make sense to me. I think it is an additional safeguard for the veteran who is interested and for the many veterans' organizations that the bill will go to conference, and that an opportunity will be afforded to take another look at the proposal within that context before it is finally adopted. In any case, I am sure every veterans' organization will be pleased that the bill has passed the Senate and will go to conference and will, in some form, become law at this session.

Mr. LONG of Louisiana. I thank the Senator from New York. The legislative history of the bill should show that at the time the House committee, under the leadership of Representative OLIN TEAGUE, as chairman, undertook to move on the bill, it did not have before it the recommendations of the Veterans' Administration and Bureau of the Budget, nor had they sought to obtain the views of those agencies. They wrote a bill which they hoped would be best for the veterans.

After the House passed the bill by a vote of 388 to 0, even without administration support, the administration submitted its recommendations, although I must say that there still was confusion about the subject, because the Veterans' Administration was advising one thing

and the Bureau of the Budget something else.

Speaking as an individual member of the committee, although I believe I speak for the majority of the committee in this respect, I am convinced and I believe that there is considerable feeling in the House that the administration has, in fact, shown us how we can improve upon what the House committee did, now having all the advantages of the executive branch in how to administer the program. These are changes that the administration recommends.

What we hope to arrive at is the best of both bills. If these amendments in any respect should not prove to be desirable, then the bill will be in conference as between the House-passed bill and the Senate amendment.

Mr. JAVITS. It is a fact that veterans' organizations and veterans have not always agreed with the Bureau of the Budget and the Veterans' Administration. Indeed, sometimes they have been sharply at odds.

I think that this bill makes some sense to a majority of the committee as the Senate's position. I know that the Senator would join me in inviting those who upon consideration feel that they are dissatisfied to express themselves strongly to the conferees and to the rest of us who will still have to approve the conference report.

Mr. LONG of Louisiana. I thank the Senator from New York. I shall not read the rest of the table, but I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. LONG of Louisiana. It carries out the same general philosophy that there would be some additional increase for all those who would be affected and would perhaps benefit three times as many people as the House bill would benefit, so far as the rate schedule is concerned.

The only case in which there would not be a rate increase would be that of a widow without a child. The House bill provides an increase of \$5, and this amendment provides for an increase of \$4. But in every other category there would be a greater increase. In most cases there would be an increase by this amendment, whereas no increase at all is provided by the House-passed bill.

In addition, in the case of a child, where there is no widow to care for the child, the House bill overlooked that situation and provided no increase. Such a child would at present receive a \$35 pension. The amendment at the desk would increase this \$3.

The third amendment would increase the amount provided by the existing law from \$1,200 to \$1,500 of earned income that the spouse could earn. This differs from the House proposal, which would make it possible to ignore \$1,200 of the spouse's total income, or all earned income of a wife, whichever is greater. For example, a wife might possibly be receiving earned income running up to \$10,000 or \$15,000 a year, but still it would be totally ignored in determining what the eligibility for the veteran and his wife would be. It is the position of the administration that this situation

departs too drastically from the concept that there should be some need in the family in order to have the pension go to the family.

Those are the differences between the bill passed by the House and the bill that I am asking the Senate to pass at this time. I hope that the Senate will agree to the amendments.

EXHIBIT 1
Single veterans

Present law		House-passed bill	Amendment
Column I	Column II		
Annual income More than— but than—		Increase	Increase
Equal to or less than—	More than—		
\$600 1,200 1,200	\$600 1,200 1,800	\$5 0 0	\$15 5 3

Veterans with wife and child

Present law				House-passed bill	Amendment
Column I	Column II	Column III	Column IV		
Annual income More than— but than—				Increase	Increase
Equal to or less than—	One dependent	Two dependents	Three or more dependents		
\$1,000 2,000 2,000	\$90 75 45	\$95 75 45	\$100 75 45	\$10 0 0	\$15 5 3

Widow—No child

Present law		House-passed bill	Amendment
Column I	Column II		
Annual income More than— but than—		Increase	Increase
Equal to or less than—	More than—		
\$600 1,200 1,200	\$60 45 25	\$5 0 0	\$4 3 2

Widow with 1 child

Present law		House-passed bill	Amendment
Column I	Column II		
Annual income More than— but than—		Increase	Increase
Equal to or less than—	More than—		
\$1,000 2,000 2,000	\$75 60 40	\$5 0 0	\$5 4 3

Child—No widow

Present law	House-passed bill—Increase	Amendment—Increase
1st child, \$35	\$0	\$3

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

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

The amendments were ordered to be engrossed, the bill to be read a third time.

The bill (H.R. 1927) was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. LONG of Louisiana. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. DOUGLAS, Mr. WILLIAMS of Delaware,

Mr. CARLSON, and Mr. BENNETT conferees on the part of the Senate.

ROLLO OSKEY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1131, S. 724.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 724) for the relief of Rollo Oskey.

Mr. MANSFIELD. Mr. President, this bill is laid before the Senate as pending business. It will not remain the pending business tomorrow.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, was unanimous consent obtained to have the Senate convene at 12 o'clock noon tomorrow?

The ACTING PRESIDENT pro tempore. The Senator from Montana arranged for that the first thing this afternoon.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Tuesday, September 29, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate September 28:

FEDERAL TRADE COMMISSION

Mary Gardiner Jones, of New York, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1959, vice Sigurd Anderson, resigned.

EXTENSIONS OF REMARKS

The Time Is Now

EXTENSION OF REMARKS

OF

HON. EDWARD R. FINNEGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1964

Mr. FINNEGAN. Mr. Speaker, our late beloved President, John F. Kennedy, referring to the civil rights movement, stated:

What we're talking about is a problem that involves 180 million people.

Because of the continued and burning interest of the Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, in seeing that no one within its ranks is deprived of his civil rights, a booklet, beautifully illustrated has been prepared and circulated. Its title of "The Time Is Now" illustrates the real need to recognize our responsibilities as a whole people and not defer to another day the demand of such a large part of our population.

Segregation is such a 20th century problem that many leaders have advanced to suggest answers. Most of the articulate ones such as the Reverend

Martin Luther King and the leaders of the NAACP recommend moderation in approach.

But, as "The Time Is Now" so aptly states:

There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair.

It is impossible to capture the impact of this mostly pictorial position of this progressive union which has prepared this review without an examination personally of the brochure.