United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

## SENATE

TUESDAY, SEPTEMBER 29, 1964

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

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

O Lord, our God, whose love will not let us go, but followest us all the way: We bow before Thee in gratitude at the remembrance of all Thy mercy and all Thy mercies.

We would bring our restless lives into the quiet sanctuary of Thy presence, that we may be still and know that Thou art God.

In spite of all the evil that stalks the earth with threats and shackles and chains, we thank Thee for human kindness, for hope that shines undimmed, for faith that is dauntless, and for all the qualities of high personality that cannot be bribed.

Let Thy beauty, O Lord, be upon us, that our spirits may be radiant as in Thy strength we face the perplexities of these troubled days. Use us, we pray, in all our human relationships as ambassadors of good will, so that at the end of the day we may be able to say, "I have kept the faith."

In the Redeemer's name we ask it. Amen.

### THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 28, 1964, was dispensed with.

### MESSAGES FROM THE PRESIDENT

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

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 367) authorizing the Clerk of the House to correct the enrollment of the bill (H.R. 6593) for the relief of Earnest O. Scott, in which it requested the concurrence of the Senate.

### 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.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

### EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Lt. Col. John H. Glenn, Jr., U.S. Marine Corps, for appointment to the grade of colonel, which was referred to the Committee on Armed Services.

### EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Thomas H. Rutledge, James F. Hunt, and Walter N. Warschun, members of the Coast Guard Reserve, to be permanent commissioned officers in the Regular Coast Guard;

James G. Grunwell, for permanent appointment in the Coast and Geodetic Survey;

Frederic G. Donner, of New York, George Meany, of Maryland, and Clark Kerr, of California, to be members of the board of directors of the Communications Satellite Corp.; and

Robert A. Ganse, and sundry other persons, for permanent appointment in the Coast and Geodetic Survey.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nomination on the Executive Calendar will be stated.

### DEPARTMENT OF JUSTICE

The Chief Clerk read the nomination of Charles A. Muecke, of Arizona, to be a U.S. district judge for the district of Arizona.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

### LEGISLATIVE SESSION

On motion of Mr. MANSFIELD, the Senate resumed consideration of legislative business.

### EARNEST O. SCOTT—CORRECTION OF ENROLLMENT OF BILL

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives which the clerk will read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 367), as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 6593) entitled "An Act for the relief of Earnest O. Scott", the Clerk of the House of Representatives is authorized and directed to make the following correction:

On page 2, line 7 of the engrossed House bill, strike out "some" and insert "any sums".

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

### EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED APPROPRIATION, 1965, FOR APPALACHIAN REGIONAL COMMISSION (S. Doc. No. 105)

A communication from the President of the United States, transmitting a proposed appropriation for the fiscal year 1965 in the amount of $800,000, for the Appalachian Regional Commission (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the month of August 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Civil Service Commission for "Government payment for annuitants, employees health benefits fund," for the fiscal year 1965, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON FEDERAL CONTRIBUTIONS—PERSONNEL AND ADMINISTRATION

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report on Federal contributions—personnel and administration, for the fiscal year ended June 30, 1964 (with an accompanying report); to the Committee on Armed Services.

JOINT CONTRACTS FOR SUPPLIES AND SERVICES FOR DISTRICT OF COLUMBIA

A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON SUMMARY OF DEFICIENCIES RELATED TO THE INADEQUATE ADMINISTRATION OF MILITARY BUDGET SUPPORT FUNDS PROVIDED TO CERTAIN COUNTRIES UNDER THE FOREIGN ASSISTANCE PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on summary of deficiencies related to the inadequate administration of military budget support funds provided to certain countries under the foreign assistance program, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT REVIEWING THE MILITARY ASSISTANCE PROGRAM FOR A FAR EAST COUNTRY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report reviewing the military assistance program for a Far East country, identity classified (with an accompanying report); to the Committee on Government Operations.

REPLY TO COMPTROLLER GENERAL ON A CERTAIN REPORT

A letter from the Assistant Administrator for Administration, Agency for International Development, Department of State, transmitting, for the information of the Senate, a copy of that Agency's reply to the Comptroller General of the United States, relating to his report on a review of certain problems relating to administration of the "Economic and Technical Assistance Program for Vietnam 1958–62, Part I," and review of the administration of assistance for financing commercial imports and other financial elements under the "Economic and Technical Assistance Program for Vietnam 1958–62, Part II," transmitted to the Senate on July 24, 1964 (with an accompanying paper); to the Committee on Government Operations.

## PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition from the Compton, Calif., Chamber of Commerce, signed by Ray N. Gesell, executive secretary, favoring action by the Congress to delay the effect of the Supreme Court reapportionment ruling, which was ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 6218. An act to amend the act of June 29, 1960, to authorize additional extensions of time for final proof by certain entrymen under the desert land laws and to make such additional extensions available to the successors in interest of such entrymen (Rept. No. 1603).

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 11812. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1605); and

H.R. 12633. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1604).

## DESIGNATION AND ADMINISTRATION OF THE ICE AGE NATIONAL SCIENTIFIC RESERVE IN THE STATE OF WISCONSIN—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS (S. REPT. NO. 1606)

Mr. NELSON. Mr. President, from the Committee on Interior and Insular Affairs, I report favorably, without amendment, the bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the minority views of Senators ALLOTT, SIMPSON, and DOMINICK, and the individual views of the Senator from California [Mr. KUCHEL].

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

## BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 3225. A bill to amend the Federal Employee's Group Life Insurance Act of 1954 so as to increase the maximum amount for which an employee may be insured under such act; to the Committee on Post Office and Civil Service.

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

By Mr. MCNAMARA (for Mr. HARTKE):

S. 3226. A bill for the relief of Armando Alfandari, Irene Alfandari, Alessandra Alfandari, and Elena Alfandari; to the Committee on the Judiciary.

## AMENDMENT OF FEDERAL EMPLOYEE'S GROUP LIFE INSURANCE ACT OF 1954, TO INCREASE THE MAXIMUM AMOUNT FOR WHICH AN EMPLOYEE MAY BE INSURED

Mr. DIRKSEN. Mr. President, in view of the approval of the pay act, some time ago, we felt it necessary that, in the case of the Federal Employee's Group Life Insurance Act, the amounts be increased to conform to the Federal Pay Act.

Accordingly, I submit a bill for that purpose, and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. RANDOLPH in the chair). The bill will be received and appropriately referred.

The bill (S. 3225) to amend the Federal Employee's Group Life Insurance Act of 1954 so as to increase the maximum amount for which an employee may be insured under such act, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

## NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO SUPPLEMENTAL APPROPRIATION BILL

AMENDMENT NO. 1278

Mr. KUCHEL submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 12633) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, the following amendment; namely, at the appropriate place in the chapter on public works under "Construction, general" strike out "$2,000,000" and insert in lieu thereof: "$2,860,000, of which not to exceed $860,000 shall be available for emergency flood control construction of debris basins and channel clearing in the Santa Barbara, California, area affected by recent fires, and such work is hereby authorized."

Mr. KUCHEL also submitted an amendment (No. 1278) intended to be proposed by him, to House bill 12633, making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

## HIGHER EDUCATION STUDENT ASSISTANCE ACT OF 1964—AMENDMENTS

AMENDMENTS NOS. 1276 AND 1277

Mr. JAVITS submitted two amendments, intended to be proposed by him, to the bill (S. 3140) to provide assistance for students in higher education by establishing programs for scholarships, loan insurance, and work study, which were ordered to lie on the table and to be printed.

## ESTES KEFAUVER WILL NOT BE FORGOTTEN

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Lexington Leader, on August 26, 1964, which pays a deserved tribute to our late colleague, Senator Estes Kefauver.

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

WE MAY NOT REMEMBER KEFAUVER BUT WE BENEFIT FROM HIS EFFORT

Estes Kefauver, the gangling, coonskin-cap-affecting Senator from Tennessee, died a little over a year ago.

As a form of memorial to him, a book called "The Real Voice" has been published, telling of Kefauver's fight for the Senate bill that eventually became the Drug Amendment Act of 1962.

It was one of the longest, costliest and fiercest legislative battles in recent history.

The title of the book is taken from a statement by Woodrow Wilson:

"Things get very lonely in Washington sometimes. The real voice of the great people of America sometimes sounds faint and distant in that strange city."

Seldom has this been better exemplified than in the investigations of the pricing, manufacturing, testing, selling, advertising, and licensing methods of the drug industry and, in Kefauver's words, "the ins and outs, the ups and downs, and the dirty dealings" involved in getting a bill through Congress.

The significant thing, however, is not that legislators are less honest, less dedicated, more self-seeking than ordinary men; they are not. It is that they can occasionally rise above the enormous pressures that beat upon them from every side (there are 10 lobbyists in Washington for every Congressman) and actually serve the public welfare.

In the end, it was the thalidomide tragedy—which the United States escaped because of the stubbornness of Dr. Frances O. Kelsey of the Food and Drug Administration in refusing to OK the drug—that aroused "the real voice" and provided the impetus to push the bill into law.

History does repeat itself. It had taken another drug tragedy in 1937, in which 107 people died, to inspire the Food, Drug, and Cosmetics Act in 1938. Before that, the Government had no control at all over drug safety.

Although the public today is better protected against experimental drugs, Kefauver failed in his primary aim—to institute free enterprise measures that would have resulted in lowered drug prices, some of which he asserted were inflated 1,000 percent or more above cost. It was the sacrifice that had to be made to get any sort of bill passed.

The drug manufacturers' explanation—then and now—for their prices is that profits must be sufficient to finance necessary research. An executive of a small drug company testified at the Kefauver hearings, however, that the Government spends almost as much as the drug industry on such research and that private foundations, universities, charitable organizations and individuals contribute more to drug and medical research than either the drug industry or the Government.

The Salk polio vaccine, for instance, was paid for largely by public donations (though only five drug companies shared the profits of its manufacture).

Another quotation from "The Real Voice" is a statement made on the floor of the Senate by THOMAS DODD, of Connecticut, after the final rollcall and after everyone—including many who had opposed the bill all along—had made their little speeches of self-congratulation. Said DODD:

"I have an idea that the Senator from Tennessee will be remembered long after all of us in this Chamber at this hour are gone."

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## PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO THE SUCCESSION TO PRESIDENCY AND VICE PRESIDENCY

Mr. STENNIS. Mr. President, yesterday, a highly important piece of legislation, Senate Joint Resolution 139 passed the Senate. It is an elaborate joint resolution concerning the Presidency and the possible succession of the Vice President to the Presidency, and with a provision for an Acting President, which would repeal an existing section of the Constitution.

I have not had an opportunity to discuss this with the majority leader, but as one who is eligible under the rule to make a motion to reconsider—I do not know whether it is in order during the morning hour—I wish to give notice that when I can obtain the floor for that purpose I shall make a motion to reconsider.

The PRESIDING OFFICER. The Senator may make his motion at any time.

Mr. STENNIS. I thank the Chair.

I wish to make clear that I am not in opposition to the joint resolution. I will support it. I support its great purposes; but, at the same time, without anyone being at fault, there was no prior notice given that this joint resolution would be up for passage—at least none that I received. I was present yesterday and in my office all afternoon and until far into the night, with reference to other official business.

The press reports that the measure passed at a time when only nine Senators were present. I do not know whether that is correct. The record does show that only nine Senators addressed themselves to the subject. The record does not show that there was any recorded quorum call prior to the vote. I received no notice of a quorum call.

I am not blaming anyone. It is a condition which existed. But the Constitution of the United States does not contemplate the approval of a resolution to amend the Constitution of the United States at a time when only nine Members of the Senate are present.

Clearly the Constitution requires, and its spirit demands, that there be a showing on the face of the record that there was at least a quorum present, and that two-thirds of the Senators present and voting voted for the proposal.

Without going into the legal aspects, I refer to a case decided in 1920 on this question. One of of the conclusions of the Court, as found in 253 U.S. 350, 386, had this to say:

> The two-thirds vote in each House which is required in proposing an amendment is a vote of two-thirds of the Members present—assuming the presence of a quorum—and not a vote of two-thirds of the entire membership, present and absent.

I have not had time to go into this question in detail. I do not propose to make an exhaustive argument now—nor at any other time—except that I do wish to bring this matter to the attention of the Senate. I have no doubt as to what the Senate will do, and I hope that no motion will be made immediately to table the motion to reconsider, because I do believe that the matter should be more closely examined. When I can obtain the floor for that purpose, I shall make a motion to reconsider.

The PRESIDING OFFICER. Is the Senator from Mississippi making his motion to reconsider now?

Mr. STENNIS. I should like first to yield to the majority leader. I have not had an opportunity to discuss this question with him. I assume there will not be an immediate motion to table until this matter has been fully discussed.

Mr. MANSFIELD. Let me say to the Senator from Mississippi that this is the first knowledge I have had of his feelings on the matter. I believe that the Senate acted entirely within the rules of this body, that there had been a quorum on this floor earlier in the day, and that every Senator present voted in favor of the constitutional amendment. There was no opposition voiced whatsoever to it.

If a motion is made to reconsider for the purpose of reopening this question and having extended debate, I shall object. I should like the Senator to know that. If he wishes to make a motion to reconsider to vote at a time certain today, but letting other business intervene, and have a yea-and-nay vote, that will be fine, but under no other circumstances today——

Mr. STENNIS. Let me assure the Senator from Montana that I have already stated that no one is to blame, and that no one was misled. It was merely a matter of lack of information.

Mr. MANSFIELD. That is correct.

Mr. STENNIS. I have no desire to postpone the matter and will agree to a vote at any time convenient to the leadership. However, I believe there should be an opportunity for further debate; this question should be fully presented and discussed, and then a vote should be taken, which will reflect affirmatively the presence of a quorum and two-thirds of the quorum voting for the amendment. I believe that will give it a better start.

I ask unanimous consent that I may have an additional 2 minutes.

Mr. DIRKSEN. Mr. President, may I say to the distinguished Senator from Mississippi [Mr. STENNIS] and likewise to the distinguished majority leader, that the joint resolution was the subject of long hearings in the Subcommittee on Constitutional Amendments of the Committee on the Judiciary. I do not remember how many witnesses were heard. But the witnesses were of a very high order.

The joint resolution was then reported to the full committee. The full committee had a substantial discussion of the matter. If I remember correctly—and I was present—there was no dissenting voice in the Committee on the Judiciary. As a consequence, it was reported to the

Senate floor in that fashion. I was in and out most of the time on various chores, but I detected no opposition to the joint resolution. That probably accounted for the fact that there were not too many Senators on the floor.

Mr. STENNIS. Mr. President, I agree with the Senator that the resolution has great merit. I want to support it. I do not know of any Senator who is opposed to it. But I make the point that we ought, in all cases on a constitutional amendment, to let the record speak for itself. The record should show that a quorum was present and that two-thirds of the Senators present voted in the affirmative. Otherwise, I believe it would be subject to attack. And the Supreme Court has so held, if this case is correctly reported.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I am happy to propose a unanimous-consent request which I hope the Senate will grant.

Mr. President, I ask unanimous consent—and this is an extraordinary circumstance—that there be a yea-and-nay vote on this Senate Joint Resolution 139 at 2:30 this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, and I do not object, the time that is proposed would permit a little over 2 hours within which to look into this matter and get ready.

Mr. MANSFIELD. That is correct.

Mr. STENNIS. Could the majority leader make that 3:30? That would give a little more time to read the cases and make a comparison. I believe there is a clear-cut case here that requires a quorum to be present. I believe that it is worth while to look into it.

Mr. MANSFIELD. Mr. President, there was a quorum present yesterday. There was no quorum at the time the joint resolution was passed. That is true. But, so far as I can ascertain, we complied with the rules of the Senate. Therefore, we acted properly in proceeding as we did. But, I would be delighted to change the time to 3:30 this afternoon.

Mr. STENNIS. Could we make that tomorrow?

Mr. MANSFIELD. A quorum is present today.

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

Mr. STENNIS. Mr. President, I ask unanimous consent that I may have an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Montana [Mr. MANSFIELD] has the floor by unanimous consent.

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

Mr. MANSFIELD. I yield.

Mr. COOPER. Mr. President, I have listened with interest to the comments of the distinguished Senator from Mississippi. While I do not see any violation of the rules with respect to the action taken yesterday, I agree with the Senator from Mississippi that such an important subject as the proposed constitutional amendment ought to have the consideration of at least a quorum at the time the vote is taken on it.

Not only is the action that we take upon it important, but the House also must take action. Beyond that, we must consider the weight that will be given to the action of the Senate by the States, their legislatures and peoples in the constitutional process of confirmation. I support the Senator from Mississippi in asking that the vote be put over until tomorrow.

Mr. MANSFIELD. Mr. President, I would hope that the Senators would not press that request. We are having a very difficult time maintaining a quorum. We have a quorum at present. I believe we ought to take advantage of that fact. We had 4 or 5 hours of debate on the joint resolution yesterday. There was no sign of any opposition whatsoever. I believe that agreeing to the suggestion of the Senator from Mississippi that there be a rollcall vote at 3:30 would be about as far as we could go at this time.

Mr. STENNIS. Mr. President, the Senator from Mississippi can be ready at 3:30. But there may be other Senators who could not be ready. If the majority leader cannot agree to putting the vote over until tomorrow, does he have another day in mind?

Mr. MANSFIELD. No; only today. I believe we have gone as far as we can on the matter of reconsidering the vote.

Mr. STENNIS. At 4 o'clock?

Mr. MANSFIELD. At 4 o'clock. But that is the end.

Mr. STENNIS. All right. Will the Senator yield?

Mr. MANSFIELD. I have gone from 2:30 to 3:30, to 4 o'clock. This is the end.

Mr. STENNIS. After all, this is a constitutional amendment.

Mr. MANSFIELD. That is correct. I was present for 5 hours yesterday listening to the debate.

Mr. STENNIS. The Senator knows that no notice was given that there would be a vote. The Senator from Mississippi understood that there would be no vote—but not from the majority leader. But that is neither here nor there; 4 o'clock is all right with me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## LAYMEN'S NATIONAL COMMITTEE, INC., CITATION OF MERIT FOR 1964 TO NATHANIEL LEVERONE

Mr. DIRKSEN. Mr. President, on October 14, 1964, Mr. Nathaniel Leverone, founder of Automatic Canteen Co. of America, will receive a citation of merit from the Laymen's National Committee, Inc., for his many years of devoted service to the cause of Christianity. The citation will be issued in connection with the observance of National Bible Week. It is so richly deserved and I know of my own knowledge the great contributions which Mr. Leverone has made to this exalted cause. I ask unanimous consent that this citation be printed at this point in the RECORD.

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

LAYMEN'S NATIONAL COMMITTEE, INC., CITATION OF MERIT, 1964

To Nathaniel Leverone, on behalf of what he has done in helping to further the cause of religious education and the fundamental principles of God's words, the Laymen's National Committee, Inc., therefore presents this citation of merit, not only in gratitude for his unselfish work for this committee, but for a lifelong devotion to bringing the goodness and kindness of the Almighty to a world that he knew could only survive through God.

BEN H. WILLINGHAM,
*National Chairman, National Bible Week.*

## SIXTY-FOUR YEARS OF FEDERAL SPENDING, DEBT GROWTH, AND SHARE BY EACH AMERICAN, 1899–1964

Mr. DIRKSEN. Mr. President, my staff has compiled a record of Government spending, deficits, increased spending per capita, the increased annual debt service, and related matters. The data has been arranged in tabular form to show, among other things, the political party in power, the population, the Federal spending in millions, the per capita, the Federal debt, the debt per capita, and the change in the U.S. debt status from administration to administration since 1899. This is truly an impressive piece of work and shows what has happened to us in the fiscal field.

The Government has had surpluses over expenditures in 25 of the last 64 years—20 years in Republican administrations and 5 years in Democrat administrations. In the same 64 years "deficits" were produced by 12 Republican and 27 Democrat administrations—page 81 of Bureau of the Budget Document of 1964.

My compilation of debt growth shows how very slight has been the effort to meet the ever-growing national debt obligation. We have had 19 separate Presidential administrations in 64 years, including the short term by Coolidge and another by President Johnson. Of these 19 administrations, 10 have been under Republican Presidents for a total of 32 years, and 9 have covered 32 years under Democrat Presidents. What has each of these contributed to enlarging or lowering the national debt and per capita of that debt? Let us have a look:

Additions to the 1899 national debt of $1.437 billion have been:

By 10 Republican administrations—32 years—$22,372 billion.

By 9 Democrat administrations—32 years—$287,929 billion.

Of the 19 administrations serving during the 64-year span, only 5 reduced the national debt, and these 5 were all Republican adminstrations.

As relates to administrations affording increases in the share per person of the national debt:

Seven of nine Democrat administrations in 32 years added $1,842.

One of ten Republican administrations in 32 years added $9.24.

As relates to administrations affording decreases in the share per person of the national debt:

Two of nine Democrat administrations—in 32 years—accomplished decreases totaling $67.44.

Nine of ten Republican administrations—in 32 years—accomplished decreases totaling $142.97.

To summarize: Sixty-four years ago the per capita national debt was $18.80. In 1964, that individual share in the debt has reached $1,641.

Nineteen Presidential administrations have served through those years—9 Democrat, 10 Republican.

The 32 years under Democrat administrations saw the per capita debt increased by $1,774.66.

The 32 years under Republican administrations saw the per capital debt decreased by $133.73.

Let no one say that all of the 32 Democrat administration years were war years. After all, even the Democrat administrations have had peace years to their credit.

WARS AND DEBT

Of course, wars have played a part in occasioning borrowing by the Government. In the last 64 years we have had four wars to fight—not counting our present involvement in the Far East which the Johnson Democrat administration does not like to have called war, even though it is costing many American lives.

One of the four, the war with Spain, was fought under the Republican McKinley administration. Strangely, it was the only war of the four which did not call for any ultimate increase in the per capita debt of the Nation.

The remaining three wars, World War I, World War II, and the war in Korea—all under Democrat administrations—piled up terrifying increases in the national debt and in the per capita sharing of that debt.

One can understand why the cost of war cannot be met on a pay-as-you-go basis.

But what hurts is the evidence at hand demonstrating that we do not seem to want to pay off the war debt in the years after the wars are won.

Instead, the years of peace following the wars find us annually adding to the debt by spending more than we receive in revenues.

INVESTMENT IN GOVERNMENT PROPERTY

There are those who attempt to sweeten my thinking about this growing debt by telling me first, that our $311 billion debt is investment in Government-owned property and installations, and second, that the doubling of our gross national product in the last 10 or 12 years offsets the degree of burden involved in the national debt.

Now, how much sense does that make?

Are we about to sell these Government-owned properties and installations and pay off the debt with the financial return? No. And it is still the taxpayers among the 190 million now making up our population, not these Government-owned properties, who are paying interest on the debt. Instead of selling properties, our Government more often abandons and replaces with more costly properties.

GROSS NATIONAL PRODUCT EASES THE DEBT

This stuff about the relationship of national debt to the gross national product is nonsense. What has the steady increase in the gross national product contributed toward paying our war bills and reducing the national debt? It ought to be known by everyone that though the gross national product increases, so does the national debt increase along with the proportionate share of 190 million citizens in that debt.

INFLATION HAS EASED DEBT BURDEN

Then somebody up and springs the tale that inflation has eased the burden of national debt upon everybody. That is when I burn up.

In my early productive years, I bought with preinflation dollars enough life and retirement insurance to make certain that my wife and I, or she alone perhaps, could have comfort and security in our lives of retirement. Now, with inflation having taken its bite out of our actual return from that insurance, we are left wondering how much longer we can afford to live without falling back as dependents upon our children or holding out our hand for the kind of Government handout the welfare-state boys are urging.

Have we reached now that day when everyone should cease worrying about the future and adopt the theory that, come what may to each and all of us, the Government will take care of us?

I hope one will get from my compilation of national debt facts, what I have learned. It is my conviction that we had better be waking up to what Government borrowing and spending is doing to us of this day and to the generations which will be following in our steps. It is either wake up or let us continue charging our spending to our kids and their kids.

Mr. President, I ask unanimous consent that the tabulation be printed at this point in the RECORD.

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

*64 years of Federal spending, debt growth, and share by each American, 1899–1964*

| | Year and party | Population | Federal spending in 1 year | Per capita Federal spending | Federal debt | Per capita Federal debt | Change in status of Federal debt |
|---|---|---|---|---|---|---|---|
| | | *Millions* | *Millions* | | *Millions* | | |
| At close of war with Spain, McKinley administration | 1899, Republican | 75 | | | $1,437 | $18.80 | |
| At close of McKinley administration in | 1900, Republican | 76 | $521 | $6.86 | 1,263 | 16.62 | Debt down $174,000,000; per capita down $2.48. |
| At close of 1st T. R. Roosevelt 4-year administration in | 1904, Republican | 82 | 584 | 7.12 | 1,136 | 14.00 | Debt down $127,000,000; per capita down $2.62. |
| At close of 2d T. R. Roosevelt 4-year administration in | 1908, Republican | 88 | 659 | 7.49 | 1,178 | 13.40 | Debt up $42,000,000; per capita down $0.60. |
| At close of the Taft 4-year administration in | 1912, Republican | 95 | 690 | 7.26 | 1,194 | 12.57 | Debt up $16,000,000; per capita down $0.83. |
| At close of 1st Wilson administration in | 1916, Democratic | 101 | 713 | 7.06 | 1,225 | 12.13 | Debt up $31,000,000; per capita down $0.44. |
| At close of World War I and 2d Wilson administration in | 1920, Democratic | 106 | 6,357 | 59.99 | 24,299 | 229.15 | Debt up $23,000,000,000; per capita up $217. |
| At close of Harding 3-year administration in | 1923, Republican | 111 | 3,137 | 28.26 | 22,350 | 201.35 | Debt down $1,900,000,000; per capita down $27.80. |
| At close of 1 year of Coolidge administration in | 1924, Republican | 114 | 2,890 | 25.35 | 21,251 | 186.40 | Debt down $1,100,000,000; per capita down $15. |
| At close of 4 years of Coolidge administration in | 1928, Republican | 120 | 2,933 | 24.44 | 17,604 | 146.66 | Debt down $3,600,000,000; per capita down $39.74. |
| At close of the Hoover administration in | 1932, Republican | 125 | 4,659 | 38.00 | 19,487 | 155.90 | Debt up $1,900,000,000; per capita up $9.24. |
| At close of 1st F. D. Roosevelt administration in | 1936, Democratic | 128 | 8,422 | 66.00 | 33,779 | 263.90 | Debt up $14,300,000,000; per capita up $108. |
| At close of 2d F. D. Roosevelt administration in | 1940, Democratic | 131 | 9,055 | 69.00 | 42,968 | 328.00 | Debt up $9,100,000,000; per capita up $64. |
| At close of 3d F. D. Roosevelt administration in | 1944, Democratic | 139 | 94,986 | 683.00 | 201,003 | 1,446.00 | Debt up $158,000,000,000; per capita up $1,118. |
| At close of 1st Truman administration in | 1948, Democratic | 146 | 32,955 | 226.00 | 252,292 | 1,728.00 | Debt up $51,200,000,000; per capita up $282. |
| At close of 2d Truman administration in | 1952, Democratic | 156 | 65,303 | 418.00 | 259,105 | 1,661.00 | Debt up $6,800,000,000; per capita down $67. |
| At close of 1st Eisenhower administration, and finish of war in Korea, in | 1956, Republican | 168 | 66,224 | 394.00 | 272,751 | 1,623.52 | Debt up $13,600,000,000; per capita down $37.48. |
| At close of Eisenhower 2d administration in | 1960, Republican | 179 | 76,539 | 428.00 | 286,331 | 1,600.00 | Debt up $13,500,000,000; per capita down $23.52. |
| At close of 3-year Kennedy administration in | 1963, Democratic | 187 | 92,642 | 495.00 | 305,860 | 1,635.30 | Debt up $19,500,000,000; per capita up $35.30. |
| At close of 1st year of Johnson administration, estimated, in | 1964, Democratic | 190 | 98,405 | 517.00 | 311,800 | 1,641.00 | Debt up $6,000,000,000; per capita up $5.70. |

Data sources: Census and Doc. 20402, "The Budget in Brief," of Jan. 24, 1964.

## PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO THE SUCCESSION TO PRESIDENCY AND VICE PRESIDENCY

Mr. MANSFIELD. Mr. President, to make the RECORD clear, I ask unanimous consent that the Senate reconsider Senate Joint Resolution 139.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a yea-and-nay vote on Senate Joint Resolution 139 at 4 o'clock this afternoon.

Mr. STENNIS. Mr. President, reserving the right to object, how much time for debate does the distinguished majority leader have in mind?

Mr. MANSFIELD. It was understood that there would be a vote on this measure at 4 o'clock. So far as debate is concerned, I assume that Senators would have to debate the measure before the vote and during discussion of pending legislation.

There were 5 hours of debate yesterday.

Mr. STENNIS. The Senator from Mississippi does not agree to the unanimous-consent request.

Mr. MANSFIELD. Mr. President, I hope the Senator will reconsider before the matter goes too far. As the Senator knows, I would have been opposed to a tabling motion.

Mr. STENNIS. Mr. President, the agreement to vote implies that the measure will be heard.

Mr. MANSFIELD. I said specifically that it would be for that purpose only that the question was raised, and not by me, in the beginning. There will be time available for debate on the measure. How much, I do not know, because I would like to take up some other business as well.

Mr. STENNIS. The Senator from Mississippi does not desire a great amount of time. The Senator from Kentucky [Mr. COOPER] is interested in the question. It would take me approximately 30 minutes to present my statement. I should like 30 minutes for those who are in favor of the motion to reconsider.

Mr. MANSFIELD. We shall be most reasonable.

Mr. STENNIS. I agree to the request.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

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## WATERSHED PROJECTS AND PUBLIC BUILDINGS APPROVED BY THE COMMITTEE ON PUBLIC WORKS

Mr. McNAMARA. Mr. President, in order that the Senate and other interested parties may be advised of various projects approved by the Committee on Public Works, I submit for inclusion in the CONGRESSIONAL RECORD, information on this matter.

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

*Projects approved by the Committee on Public Works on Sept. 28, 1964, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Cong., as amended*

| | Estimated Federal cost |
|---|---|
| Montpelier Creek, Idaho | $1,455,525 |
| Sutherlin Creek, Oreg. | 645,555 |
| Total | 2,101,080 |

*Projects approved by the Committee on Public Works on Sept. 28, 1964, under the Public Buildings Act of 1959, Public Law 249, 86th Cong.*

| | Estimated Federal cost |
|---|---|
| GSA Facility, Naval Supply Center, Stockton, Calif. (alteration) | $2,500,000 |
| Federal Motor Vehicle Facility, Houston, Tex. (construction) | 891,000 |
| Veterans Administration Regional Office, Waco, Tex. (leased office building) annual lease charge (10-year firm lease) | 134,810 |

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## THE POVERTY PROGRAM GETS UNDERWAY

Mr. McGOVERN. Mr. President, the speed with which the economic opportunity programs are being launched, and the speed with which Indian people generally and Indian tribes in South Dakota are taking advantage of the programs it offers, are very gratifying to me and should be to all of those Members of the Senate who supported the President's antipoverty bill.

A meeting to explain the program was held in South Dakota last week. It was well attended. The Oglala Sioux Tribe of Indians had already started development of a community project. Members of the staff of the State university had also made a proposal for forestry work around the reservoir lakes of the Missouri river which is being developed. And plans are underway for 2 work-study camps in the Black Hills National Forest.

The response in South Dakota has thus been excellent, and the program assuredly is going to give our State—particularly young people in need of employment to continue their educational work—greatly needed assistance.

There is evidence that a similar response is being met generally. Dr. Robert Russell, of Arizona State University, told the South Dakota meeting last week that inquiries to 16 Indian tribes about their interest in community projects revealed that all 16 are starting development of proposals.

I ask unanimous consent to have printed in the RECORD an article from the September 24 issue of the Sioux Falls Argus Leader reporting on the poverty program conference in Pierre, S. Dak., last week indicating the constructive response the program is receiving.

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

SEVERAL COMMUNITIES MAY BENEFIT: OGLALA SIOUX FIRST TO PREPARE FOR ECONOMIC OPPORTUNITY AID

PIERRE.—The Pine Ridge Oglala Sioux are the first Indians in South Dakota to begin a program to get Federal funds under the Government's Economic Opportunity Act.

Dr. Robert Russell of the Arizona State University told an information meeting on the act here that the Economic Opportunity Act could be a great help to the Indian people.

A list of 16 Indian tribes across the Nation initially prepared to get reactions of the tribal leaders and the Indian people toward the act has been extremely successful, he said. Russell added that there was some doubt that the tribes would be able or want to take part in the program, but all 16 of the original 16 have begun programs to get funds under the act.

OTHERS BENEFIT

The act, which is part of President Johnson's war on poverty, would also make funds available for the migrant worker, small businessman, farmer, and unemployed family head.

Programs designed to give poverty stricken people the money by which to take themselves out of the poverty classification is the single most important purpose of the act, William Finale, deputy assistant commissioner of the Community Services Bureau in Washington, D.C., said.

Finale said the migrant worker could improve his living conditions. the small businessman his management practices, the farmers their method of operations and the unemployed could begin to find jobs. The act is also aimed directly at the youth of the Nation, Finale said, through programs in the community and work camps which would be established throughout the Nation.

One provision would make Federal funds available to communities wishing to take care of the dropouts or those students in danger of dropping out of school.

STUDENT JOBS

The funds would be made available to nonprofit organizations in the community for the purpose of giving students in school jobs within the school itself, in addition to giving work and improving skills of those who already have dropped out of school.

Finale said students would be allowed to work in the school as teachers' aids and other positions up to 15 hours per week. College students, if the local school officials felt money was the factor in the student having to leave school, could receive jobs by which they could earn and continue to learn, Finale added.

He said, however, in no case could the students take jobs that would eliminate a position held by a wage earner. The students who have quit school could work in a community in a number of jobs ranging from park workers to assistants in a variety of positions within the community.

Several South Dakota communities might take part in programs under the Federal Government's antipoverty program before the end of the present fiscal year. Finale said.

The act would provide in part, for the establishment of work camps which would give young persons the opportunity to receive basic educational and vocational courses while working on public works projects.

Martin N. B. Holm, Aberdeen, area director of the Economic Opportunity Act told some 200 persons at the meeting that local

initiative is the single most important factor in getting a work camp established in a community.

Holm said a community must first express a desire for a camp and make an application to the Federal Government for funds to establish such a facility. The Federal Government could provide up to 90 percent of the money under the act.

Camps would serve at least 100 students between the ages of 16 and 21, but not more than 200 and would be manned by a staff of 14 persons. Work portion of the camp would be handled by the Interior and Agriculture Departments with the educational portion to be run in connection with local colleges and universities.

AIMED AT DROPOUTS

"The program is aimed at students who are in school but in danger of dropping out, in addition to those students who already have left school," Holm said. "Students would be enrolled in the camps for 1 year, with a limit of 2 years, but would not necessarily be forced to stay the whole year," he said.

Finale said, "the only restrictions placed on a community seeking a camp is that there must be a need, there must be no opposition to the camp and the Governor must approve the site."

He said, "the group is interested in exploring several sites in South Dakota for possible job camps." Several officials at South Dakota State University have expressed the need for such a camp along the Missouri River.

NO SCHOOL SUBSTITUTE

Finale said, "the camps are not intended to be a substitute for school. The sole purpose is to reach the dropouts or potential dropouts." He added, "That the program is a project that deals with people and helps them help themselves."

He said, "the Federal Government has no intention of taking the program over but is simply assisting local interests in the establishment of such programs."

Finale said, "the main purpose of the Economic Opportunity Act is to seek out the causes of poverty and do away with them. It would also seek to raise the level of all areas of unemployment and economic depression."

Holm said "We do not have all of the answers as yet, but we do need to start talking about the act."

## ENDORSEMENT OF SENATOR PROXMIRE FOR REELECTION

Mr. DOUGLAS. Mr. President, one of the oldest and most responsible independent Republican newspapers in the State of Wisconsin, the Beloit Daily News, has endorsed the Senator from Wisconsin [Mr. PROXMIRE] for reelection to the Senate.

Those of us who have worked with Senator PROXMIRE know him to be one of the most energetic, courageous, and conscientious Members in the Senate. We know him to be a good ally in difficult fights. He wears no man's collar.

It is, therefore, heartening to find that these qualities by which we know Senator PROXMIRE, have been recognized by one of the most important and responsible newspapers in his State. It is a great pleasure for me to read the editorial by the Beloit Daily News endorsing him for reelection, and I ask unanimous consent that it be printed at this point in the RECORD.

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

[From the Beloit (Wis.) Daily News, Sept. 22, 1964]

WE ENDORSE PROXMIRE

The Daily News today announces its support and endorsement of Senator WILLIAM PROXMIRE in his bid for reelection to the U.S. Senate. If this comes as a shock to readers and friends of the Daily News, the simple and direct explanation is that the Daily News management believes Senator PROXMIRE has done a good job, is the best man in the field, and deserves to be returned to Washington.

This newspaper, which traces its parentage 125 years in the Beloit community, traditionally has been Independent Republican. It supported Abraham Lincoln in his bid for the Presidency during the infancy of the Republican Party. It has endorsed and assisted in the election of numerous Republicans over the span of years, but this does not obligate the Daily News to limit its support only to Republican candidates ad infinitum.

As publisher of an independent newspaper, the management of the Daily News feels it has an obligation to itself and its reading public to examine the records and qualifications of candidates, and to support the one best in its judgment regardless of party label. This it has done, and endorses Senator PROXMIRE.

Senator PROXMIRE has been budget and economy minded, opposing the Kennedy administration on numerous occasions when spending seemed excessive or unnecessary. He understands the problems of the farmer, and his grasp of the perplexities facing both labor and management are appreciated. He is working to reduce unemployment through retraining and support of vocational education, and he knows the benefits of putting Government business in the plants of his home State. Here in Beloit he has taken a personal interest in the procurement of work for community small businesses.

There are those who charge that "BILL PROXMIRE never stops campaigning." If this means that BILL PROXMIRE gets back home and around among his constituents often, we like that. If it means BILL PROXMIRE will answer a letter and try to do something about the questions in the letter, we like that. And if this means BILL PROXMIRE admits his mistakes when he hires one, tells the people what he is thinking and doing, we like that, too.

With this announcement the Daily News does not close its columns to Candidate Wilbur Renk or anyone else who seeks political office. The news columns are open to all comers, but the management's editorial policy support is behind BILL PROXMIRE. He isn't perfect, but he's done his job. And we think he deserves a chance to keep doing it.

## CZECHOSLOVAKIA

Mr. DOUGLAS. Mr. President, I bring to the attention of the Senate some vital facts about Czechoslovakia.

On October 3, this year, Americans of Czeck and Slovak descent will commemorate the 46th anniversary of the birth of free Czechoslovakia and the 20th anniversary of the Slovak national uprising. Throughout a difficult history, the Czech and Slovak peoples have, with little armament but the strength of their convictions, defended freedom against aggressing tyrannies of the right and the left. If we learn from history, we learn from Czechoslovak history that the price of freedom is very great, and that, in the final accounting, moral fortitude may make up the balance.

Chairman Khrushchev recently falsely claimed that the Slovak national uprising against the invading German Army in 1944 was a Communist action. It is important that we let the people of Czechoslovakia know that we do not accept that assertion. In fact, the Soviet Union never came to the aid of the resisting fighters, as had been promised; and the Slovaks went to a grim and gradual defeat, much as did the heroes of the Warsaw uprising.

That the cause of the Allies was helped by the Slovak uprising is beyond doubt. Indeed, we note that the U.S. Government recognized the Slovak fighters as an Allied "combat force operating against Germany."

On this dual anniversary I recall our gratitude and our respect for the courageous people of Czechoslovakia who, over many years, have laid down their lives for the right to direct their nation according to their own cherished ideals and traditions.

I ask unanimous consent that a statement by the Czechoslovak National Council of America be printed at this point in the RECORD.

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

TWENTIETH ANNIVERSARY OF THE SLOVAK NATIONAL UPRISING

Khrushchev recently visited Bánska Bystrica, Slovakia, headquarters of the Slovak insurgents in 1944, to commemorate the 20th anniversary of the Slovak national uprising and to claim it as a heroic Communist act, thereby falsifying history; he also made cruel fun of Captive Nations Week in the United States and our efforts on behalf of the captive people. Therefore, it becomes necessary to speak out clearly to unmask the Communist hoax: The Slovak national uprising was a great patriotic protest of the entire nation, despite the efforts of the Soviet Union to pervert it and to seize control.

To disprove the Communist lie and to honor those who gave their life in our common cause, Slovak and Czech Americans will commemorate the anniversary on October 3, in the Morton West High School auditorium, Berwyn, Chicago, Ill.

Former President Dwight D. Eisenhower has already sent a message for this occasion, which reads in part: "During World War II, the resistance of local populations to the Nazi armies contributed importantly to the eventual victory of the Allied forces. The 1944 uprising in Slovakia was a particularly notable example of the refusal of a brave people to yield the enemy an easy victory. Regular and irregular Czechoslovak forces held out for many months against overwhelming odds. The uprising was a heroic though sad time for the Czechoslovak people and for the Allied cause."

A FEW FACTS ABOUT THE SLOVAK NATIONAL UPRISING

On August 29, 1944, the German Army entered Slovakia, a vassal state of the Third Reich, in order to occupy and transform it into a bastion against the Allies. The Slovak people, traditionally pro-Western, democratic, and faithful to the Czechoslovak Republic, took up arms against the German aggressors, placing themselves unequivocally on

the side of the Allies. For 2 months of regular combat, up to 70,000 men of the Slovak army and 12,000 members of partisan units held off successfully several well-equipped German divisions which otherwise would have been used against Allied armed forces; for another 6 months irregular partisan-type fighting disrupted Nazi transportation to the front and otherwise harassed the enemy.

In the declaration of September 7, 1944, the U.S. Government recognized the insurgent army in Slovakia as an allied "combat force operating against Germany." On October 28, 1944, President Franklin Delano Roosevelt, in his message to Dr. Eduard Benes, the exiled President of Czechoslovakia, highly praised the contribution of the Slovak insurgents toward the liberation of their homeland and the rest of Europe.

From the outset, the effort of the Slovak insurgents was hampered by a critical shortage of arms and military equipment. Promised military aid from the Soviet Union was not forthcoming; in fact, as soon as the Soviet Union realized it could not control the uprising to suit its own ends, it stopped the Western Allies from transporting into Slovakia allied equipment for 10,000 men. The fate of the Slovak fighters was very similar to that of the Polish insurgents of the Warsaw uprising: both were deliberately deprived of outside assistance by the Soviet Union and thus left to suffer the inevitable consequences in an unequal struggle against well armed superior German forces.

Our commemoration in the free world on October 3 aims to pay homage to the numerous victims of the Slovak national uprising and to stress the lasting friendship of the Czechoslovak people for the United States. We hope that our voice will be heard behind the Iron Curtain and that our message will give assurance to our silenced friends that the truth about the Slovak national uprising is known to the free world and that it will not be distorted by Khrushchev's visit to Slovakia nor buried under the Communist lie.

On October 3 we shall also celebrate the 46th anniversary of the birth of free Czechoslovakia in 1918, to declare thereby our faith in a better future for the oppressed people. To his cause we—the free—shall rededicate our efforts.

STEVE PAPÁNEK,
*Chairman, Commemorative Committee of the Slovak National Uprising.*
VLASTA VRAZ,
*President, Czechoslovak National Council of America.*

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## WHICH WAY, SALMON?

Mr. BARTLETT. Mr. President, there is no finer food fish in the world than Pacific salmon. The fishing and packing of salmon have been the mainstay of Alaska's economy for many years. As might be expected, there are yearly variations in the number of cases packed; but the sad truth is that the total in these latter years, whatever it may be, represents a tremendous decline from the catches of 30 and 40 years ago.

Are salmon runs to continue to decline? Will man permit sufficient escapement in the thousands of spawning streams to permit the species to survive? These and other questions are considered by Dr. William F. Royce, director of the Fisheries Research Institute of the University of Washington College of Fisheries. Happily, we discover that Dr. Royce, a noted biologist, takes an optimistic view of the future. His projections of what can be done appear in the September 1964 issue of the Pacific Fisherman, as condensed from a speech he made not long since in Alaska. Because of the general interest in this subject, I take pleasure now in asking unanimous consent that the article be printed as part of the RECORD, following by remarks.

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

PROSPECTS FOR ALASKA SALMON: LET ME BE AN OPTIMIST

(By Wm. F. Royce)

Alaska has most of North America's salmon resource, and most of the salmon problems.

Alaska now produces about 3 times as much salmon as British Columbia, and about 5 times as much salmon as the other Pacific coast States. Yet Alaska now produces only about half as much salmon as in the 1920 and 1930 decades. Almost all of the runs have declined in production and one of the major runs—southeast Alaska pink salmon—has declined to only one-fifth of its former sustained production level.

Many Alaskans are pessimistic about the future of the salmon, and about the possibilities of protecting the resource from foreign fishermen. George Rogers, in his book about the future of Alaska did not even consider the possibility of expanding salmon production.

Let me be an optimist.

I believe the United States will be successful in protecting salmon of Alaska origin from foreign fishermen; and I believe that it is technically possible and economically practical to double the production of Alaska salmon. I believe it is within our means to restore Alaska salmon production at least to the sustained level of 30 years ago. After all, there have been no significant physical changes in Alaska salmon streams and lakes.

1. What does doubling production mean? Doubling Alaska salmon production means an additional 3 million cases of salmon worth about $75 million, a major addition to the product of Alaska, a substantial source of income and a broadened base for taxes. In another sense, it means catching approximately 50 million more adult salmon, and allowing about 20 million more adult salmon to spawn.

2. How can production be doubled? This can be stated very simply, but it is enormously difficult in the practice. It is merely this: that we must regulate the runs precisely. We must protect the weak runs and harvest the surplus from the big ones. Some weak runs require total protection while the big runs can be harvested at a rate of 85 to 90 percent. A uniform catch rate such as the 50 percent rate formerly imposed by the Federal Government is now recognized as nonsense.

3. Aren't Alaska salmon runs being regulated precisely? The answer to this question is a flat "No," despite the efforts of a dedicated group of able men in the Alaska Department of Fish and Game.

For example, in 1963 in Bristol Bay the overall run was miserably poor because the big Kvichak run was at the bottom of its cycle. This Kvichak run is the most important in North America, and in its good years can produce $50 million worth of canned salmon.

The recent escapements have varied from 250,000 to 15 million. Our best estimate is that the peak escapement should be 6 million, with intervening escapements of about 2 million to 4 million to make full use of the rearing capacity of the lakes. Only three out of nine recent Kvichak escapements have been in this ideal range; the balance either wastefully large or too small. We are finding that too large escapements are especially wasteful. More of the adults die before spawning or dig out each others' spawn. If the eggs hatch, the overabundant young will grow more slowly and die in greater numbers in the lakes. The smaller, less vigorous young which do go to sea have less chance of surviving, and tend to return as adults a year later than they would if they had the opportunity of being well reared.

On the other hand, in the Icy Strait area of southeast Alaska in 1963 there was a near-record catch of Pink salmon, but no one knows how many Pink salmon entered Icy Strait, or the number of each race which was present. We had no forecast of this big run. We do not know why it happened. This run was a fortunate accident—not a planned production. It probably went under-harvested.

It is an unfortunate fact that no one knows the size of any significant returning Pink salmon runs to Alaska. Of course we know the catch, but it is impossible to associate this catch with specific numbers of fish spawning in specific streams. Nor does anyone know the size of the Chum salmon runs. Obviously, the regulation of these runs is largely guesswork.

4. Why is regulation so difficult?

First, there are several thousand separate spawning populations or races of salmon in Alaska. This is the crux of the difficulty. These populations are not interchangeable. The units must be regulated separately.

Second, the natural variation in survival produces runs which may vary 100 times in their size. Some runs must be given almost total protection from fishing, others may be caught at a rate of 80 to 90 percent. The pattern of uniform control which Alaska inherited from the Federal Government has resulted in the decimation of many races of salmon and Alaska's present system of regulation still permits serious overfishing of weak runs, while underfishing strong ones.

Third, the critical decisions about how much fishing to allow must be made before the catch is made and sometimes weeks before the escapement is obtained. Everyone has 20/20 hindsight about what should have been done, but the evidence on which the decisions must be based is always scanty, or worse. Resource managers frequently have no choice except to make decisions about opening or closing a fishing area or a fishing period on the basis of observations of a few jumpers seen from an airplane and on the basis of fragmentary catch reports.

Such decisions frequently involve the harvest of a million dollars worth of salmon in a few days. This is a remarkable contrast with a million dollar decision made by a banker, who completes elaborate studies before arriving at a decision. This is no criticism of present management. Able, professional, men do the best possible job with the means they have.

5. Why not hatcheries or fish farms?

Proposals have been made from time to time to put in hatcheries, to start fish farms, to fertilize lakes or to construct fishways. All of these methods together cannot possibly produce the 70 million Alaska salmon needed to restore production to its previous level. None of them can be used effectively without precise regulation of the fishing. All of the 40-odd salmon hatcheries of the Pacific Northwest, which cost about $3 million a year to operate, now produce only about 1 million adult salmon, and these are Silvers or Chinooks. There has been no successful experience in artificially raising large numbers of Pinks, Reds, or Chums. Some techniques in certain special situations will deserve serious consideration, but they should be evaluated critically. Money should never be diverted from the main task of regulating the fishery unless there is an exceptional economic justification.

6. What is needed to impove regulation? The salmon runs to any area require that we know the following things about them:

(a) What are the races, and how can we recognize them before they reach their streams? Sometimes this can be done by place at the time of their migration, some-

times it can be done by their scales or by the size of the fish, or by other means. We need to know the races to define them, and to follow them in their migration.

(b) We need accurate statistics on catch and escapement by races and by age groups. This is basic, and we now obtain little except catch data.

(c) With all big runs that fluctuate markedly, we need forecasts which will allow the resource managers to protect them, or the industry to harvest them.

(d) We need to know with assurance how many spawners are actually required to use fully the available streams and lakes, and how this may vary between years of a cycle.

(e) We need to know how to control the fishing gear and the fishing time in order to get the required spawners to spawning grounds; no more and no less.

The control of the fishing is perhaps the most difficult of all the requirements because of the free movements of the fishing fleet and free entry into the fishery. The matter of entry into the fishery must be solved in order to solve the conservation problem.

The Alaska Book of Regulations concerning commercial fishing contains some 120 pages, and almost all of them are devoted to regulations which have little to do with conservation in the sense of producing the maximum sustainable yield. These regulations force fishermen to be inefficient in order to divide the catch among all who want to fish. They control the size of boats, the size of nets, the size of mesh, the place and the time of fishing. The real conservation regulations are the field announcements which control the actual time and place of fishing, and hence the actual escapement, race by race.

7. What proof is there that precise regulations will work? The proof has been furnished annually in recent years by the International Pacific Salmon Fisheries Commission, which regulates the sockeye and pink runs to the Fraser River. Since 1958 this Commission has been obtaining record or near-record catches from many of the sockeye and pink salmon races. They have done this simply by knowing each year how many spawners were needed in each unit of the population and getting them to the spawning grounds in good condition. First they got them up the river past some obstructions, second, they have gotten them through the fishery. They have a system of statistical and biological data collection which allows precise daily control of the catch. They even divide the catch equally between the United States and Canadian fishermen. It costs about a half million dollars a year for such regulations, but it has paid off in canned salmon worth about $25 million annually.

Similar regulation can pay off in Alaska. The salmon runs in the southern half of southeastern Alaska for example, are roughly comparable in complexity to the salmon of the Fraser River, and have a similar productive potential. If we invest a half million dollars a year in the regulation of the fisheries of this area by a professional staff which will thoroughly learn how to regulate the fisheries, we can expect the restoration of the bountiful pink salmon.

Consider another example which I have mentioned earlier—the Kvichak run of red salmon. The total investment from State, Federal, and industry sources is about $100,000 per year for this area. Precise regulation of this $30 million run is probably much easier than the Fraser, but even if a half million dollars is needed for regulation it would be a good investment. Regulation of the Alaska salmon runs as a whole is much more complicated than the regulation of the Fraser River runs. Alaska has major runs occurring along thousands of miles of coastline, most of which is relatively remote, and some of the major runs are biologically more complicated. Bristol Bay sockeye, for example, return at ages of 4, 5, or 6 years; whereas Fraser sockeye return predominately at 4 years of age. I would judge very roughly that as a whole the regulation of Alaskan runs is 8 or 10 times as complicated as the regulation of the Fraser runs, which means that precise regulation would cost near $5 million annually, instead of less than $2 million which it is now costing.

Unquestionably, an increase of $3 million in the Alaska State fisheries budget is a major fiscal problem for Alaska, but that the increase should not occur suddenly, because the professional people required simply could not be obtained. Rather the principle of precise regulation should be applied to one area at a time and gradually extended as funds and personnel become available. The high probability that investment of this kind can pay off at a rate of $25 in wholesale value of the pack for each $1 invested should appeal to any businessman. (It is paying off at a rate of nearly 50 to 1 in the Fraser.)

## APPALACHIA IN MARYLAND

Mr. BREWSTER. Mr. President, the editorial page of this morning's Baltimore Sun contains an article by Ernest Baugh, a distinguished Maryland journalist.

The article, entitled "Appalachia in Maryland," puts in perspective the historical and economic background of this important section of my State. More important, it emphasizes the efforts which the people of this section of my State have made, on their own, to sustain and expand the economies of Washington, Garrett, and Allegany Counties.

My cosponsorship of the Appalachian Regional Development Act, which was passed by the Senate on Friday, stemmed from my belief, apparently shared by Mr. Baugh, that the additional resources of the Federal Government could bring the regional effort to an even more successful and more rapid conclusion.

I ask unanimous consent that this 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:

APPALACHIA IN MARYLAND

(By Ernest V. Baugh)

The Maryland section of Appalachia is not large, in Appalachia as a whole. It contains less than 1 percent of the 165,000 square miles in the mountain region stretching from lower New York to upper Alabama and Georgia. In terms of Maryland, though, it is large; its 1,567 square miles represent more than 15 percent of the State's total area.

In population the Maryland section of Appalachia has slightly less than 1.3 percent of the mountain region's 15.3 million residents. But Maryland's Appalachia accounts for about 6.3 percent of the State's population.

Washington, Allegany, and Garrett Counties, which make up Maryland's Appalachia, are not in the Atlantic coast corridor, with its population explosion and economic expansion. Western Maryland in a sense is far away, reaching as it does into the Mississippi watershed. In easy labels, Maryland is a coastal, not a mountain, State and its economy has a tidewater base.

Back in colonial times and well into the 19th century the people in the urban areas along the coast considered the Appalachians something to get through on the way to new, developing western lands, not a place to settle in.

George Washington's road pioneering through western Maryland was done solely to establish a trade route to the Ohio River. He took the path he did not because he liked Appalachia but because the Narrows at Cumberland provided a slash through part of the mountains.

It was to open up the new West that the Federal Government built the national road in the early part of the last century. As for the Baltimore & Ohio Railroad and the Chesapeake & Ohio Canal, their names indicate their goals and those goals were not in the mountains. True the canal did not get beyond Cumberland but only because the railroad could do the job of passing through the mountains quicker and better.

Later came the exploitation of Appalachia's natural resources, primarily coal. This brought people into the mountains to remain, not to pass through. But the boom was based on an extractive economy and when the natural resources were depleted hard times came.

True, there was some industry but not enough to absorb the unemployment pool. People began to drift away; the area generally became depressed, except in a few of the urban spots where manufacturing had flourished. What is the answer?

There has been much talk about turning large areas of Appalachia into recreation centers. Steps toward that end have long since been taken in the Maryland section: witness the big State forests and parks and the development around Garrett County's Deep Creek Lake. However, some of those who have become experts in Appalachia's problems hold that recreation is not the answer, that the best promise rests in an expansion in manufacturing.

Here again western Maryland has not been sitting on its hands. Manufacturing has been expanded, particularly in the Hagerstown and Cumberland areas. According to a recent report western Maryland accounts for 8 percent of the State's manufacturing employment, a figure that runs higher than its share in the State's population.

Appalachia, along with the rest of the country, has shared in Federal aid programs: unemployment relief, retraining, forest rehabilitation, attacks on stream pollution, highway construction, and so forth. Now, if the House approves the Senate-passed administration bill for a $1.6 billion relief and rehabilitation program, Appalachia will be given a special uplift.

The time is ripe for such an uplift and, parochial though it may be to say so, particularly in our section of the mountain areas. The people up there have done a lot on their own to raise the economic level in the three counties; with a proper boost from the outside they could go much further and much faster—western Maryland is not without assets for development.

## LEGISLATIVE REAPPORTIONMENT

Mr. ANDERSON. Mr. President, the Washington Sunday Star of September 27 published an editorial entitled "Not a Rush Job." The editorial points out that in California, 6 million people from Los Angeles County have in the California State Legislature a single senator, while in another district in that State 1 senator represents only 14,000 people.

We have a somewhat similar situation in New Mexico, where 1 county has 1,874 people and another county has 262,199. This indicates the difficulty of a present problem, and suggests that, while there is no urgent need for haste,

the courts should make it their business to see that these serious inequities are minimized.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

[From the Washington (D.C.) Star, Sept. 27, 1964]

NOT A RUSH JOB

The Senate's 6-week reapportionment struggle has ended with nothing more than a mild appeal to the courts for a measure of commonsense restraint in requiring compliance with the Supreme Court's "one man, one vote" ruling. The specific suggestions proposed by the Senate, however, are entirely reasonable—and the courts should give them full consideration.

There was a good deal of conversation during the debate as to whether this subject is any of Congress business. Of course it is. The "sense of Congress" resolution is wholly proper. In fact, we think it would have been appropriate to have gone one step further, as Senators MANSFIELD and DIRKSEN were on the verge of proposing at one point, and to place the resolution's sensible guidelines within the context of a directive to the courts.

For reapportionment is clearly a legislative function, and there is some basis for the deep concern which many constitutional lawyers feel about the courts having entered this arena at all. The basic responsibility rests, of course, with the legislatures of the States. And it was their refusal over a long period of years to correct malapportionment which provided the occasion for court intervention.

Now that the courts have stepped in, reapportionment must proceed. The grievances of misrepresentation are not imaginary. With the growth of urban concentrations, these evils have attained very serious proportions in many places. In California, for instance, the 6 million people of Los Angeles County have a single senator, while in another district of that State 1 senator speaks for only 14,000. How can anyone defend such imbalances?

Having said this, however, we think the courts have an obligation to give the States reasonable time in which to correct such conditions. Surely the 15-day period which a Colorado court gave that State legislature to come into session—and to reapportion itself—was not reasonable. Surely it is not necessary to so disrupt the orderly conduct of State affairs that three separate elections, as in New York, are required to reconstitute that legislature.

The States should not be permitted to stall in fair readjustment of their assemblies. But the courts have no magic wand by which this complex process can be easily achieved. And there is no such urgent need for haste as to justify the hardship and damage that would result from precipitate action. The courts should make it their business to see that these effects are minimized.

## THE CHRISTIAN AND HIS FREEDOM

Mr. TALMADGE. Mr. President, I have just had the opportunity to read an outstanding sermon delivered last July by Dr. John R. Richardson, pastor of Westminster Presbyterian Church in Atlanta.

The sermon, entitled "The Christian and His Freedom," brings a message which is both thought-provoking and extremely timely. Dr. Richardson declares that the preservation of freedom and individual liberty is the overriding issue of our time; that, and I quote from his sermon, "the erosion of freedom is America's paramount peril."

Mr. President, I commend this splendid sermon to Members of the Senate and to the American people, and I ask that we think on what Dr. Richardson has to say and to heed his words.

I ask unanimous consent that this sermon be printed in the RECORD.

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

THE CHRISTIAN AND HIS FREEDOM

"With a great sum obtained I this freedom."—Acts 22: 28.

"If the Son therefore shall make you free, ye shall be free indeed."—John 8: 36.

God alone is completely free. He is answerable only to Himself. To no other is God accountable. At no time is God under compulsion except to the law of His own Being. While this is necessary it is also the highest freedom.

The freedom of God is His rational self-determination. God has reasons for acting as He does. God's actions were induced from perfect motives. In each act, however, God acts from the posture of freedom.

It should be obvious to any intelligent reader of the Bible that the free God is deeply concerned about freedom. What God takes so seriously should not be lightly considered by Christians. The person who learns to think Biblically will soon become dedicated to freedom.

If ever man needed clear Biblical guidance on the subject of freedom, the time is now. We must be prepared to listen to what God has to communicate to us as we study the Scriptures.

The idea of freedom as the happy state of not being a slave prevails throughout the Bible. Freedom is looked upon as a supernatural blessing. It is unattainable apart from God. Only through God's favor can it be maintained. Disobedience to God inevitably means the loss of freedom.

Many false notions are being propagated regarding freedom. Some have the idea that to be free is to do anything we like. It is the right to have our own way at all times. The lad who is chafing under parental discipline says, "I want to be free." He means he wants to have his way and no questions should be asked. The husband or wife tired of family responsibilities says, "I want to be free." The result is that some excuse is manufactured for a divorce.

Another common mistake is to limit freedom to political liberty. No sane person would minimize the value of political freedom but history demonstrates that in itself it cannot really make men free. The French Revolution is a classic example of the fallacy of this nation. Upon the monuments of the French Revolution were inscribed the motto, "Liberty, equality, fraternity." What followed? Political liberty alone brought the imposition of a reign of terror and the abridgement of other liberties.

The paramount issue of our day is the survival of freedom. Here is where we must draw the line and fight. The Duke of Wellington was an astute military commander. He said a smart military leader must give intensive thought to the choice of the battlefield where he will take his stand. This he did when he decreed to mass his armies on the heights at Waterloo.

As informed Christians in the contemporary world we must choose the battlefield where we shall take our stand. It must be the battlefield of human freedom in a world that is rapidly losing its freedoms. Here is where we should concentrate our energies and our efforts.

Freedom has not fared well during the past three decades. The prospects for the future are not bright. Some are praying that 1964 will be a banner year for freedom. God will determine whether or not we deserve freedom.

How shall we think of freedom? I do not have a perfect definition to offer. In this study on the Christian and his freedom I submit two, either of which may be considered satisfactory. One: "Freedom is the state in which a person is not subject to coercion by the arbitrary will of another or others." Two: "Freedom is the right to do what is good and right and fair in every area of life."

When can it be said that a person is free? When one is free from something, in something and for something. A man may be said to be free when he is free to choose without coercion. It is freedom to choose between good and evil, and choose between good things.

Freedom for all practical purposes is the power of self-determination. The Book of Proverbs describes a freeman as one who governs his own spirit. A free society is one that determines the form and function of its government and the structures of its social life.

I. THE CHRISTIAN MUST BE ALERT TO THE FACT THAT FREEDOM MAY EASILY BE LOST

Any student of the history of human beings must be aware of the ease in which men lose their freedom. Freedom can be lost suddenly, but it can also be nibbled away. This goes for every kind of freedom. It is especially noticeable in reference to men's personal, political, and economic freedoms.

God originally made man a free being. This freedom was an integral part of man's native endowment. God so made man that he could say "Yes" or "No" to his Creator. In this respect man was superior to the animal creation. Animals are regulated by instinct instead of volition. In nature there is no such thing as we call freedom. Nature operates by necessity. Nature cannot lose its freedom because it has none.

God tested man's ability to handle his freedom. The test was made on the basis of obedience. God informed man that there is a sphere that is reserved to the Creator alone. There is a fruit of which human beings may not eat. God alone knows what is good and evil. Man must recognize that he is a creature and accept his creaturely limitations.

Seduced by Satanic suggestions man failed to meet the test. The record is one of failure. The idea that man would not have to give an account to a higher power was quickly exploded. Man instantly realized that he was not his own master, and that his freedom was under God. Thus from the start sacred history reveals how swiftly man can lose his personal freedom and become a slave to sin. The first 11 chapters of the Bible graphically depict the consequences that follow the loss of freedom.

For a conspicuous instance of the case in which men lose their political and economic freedom let us learn from secular history. This time let us review a portion of the history of ancient Greece. Greece at one time had a passion for freedom but lost it. How?

Most of us who have studied Grecian history recall Pericles. He started a sort of public works administration. Desiring popularity he initiated certain giveaway programs. To promote these schemes it was necessary for Pericles to dip freely into the public treasury.

Pericles became more and more popular as he sponsored these measures. He was elected 15 times to a position similar to the Presidency of the United States. As time passed Pericles requested and was granted more and more power. So much power was concentrated in his hands that he could decide the issue of war or peace.

When the popularity of Pericles began to wane he started a war with Sparta. This Peloponesian war was wholly unnecessary. But Pericles believed that this was the best way to bolster his fading power and popularity. When things looked shaky Pericles promised the people government money. When something more dramatic was required he was ready to start a war.

Then came along a citizen by the name of Cleon. He desired the position held by Pericles. He decided that the surest way to secure it was to outpromise Pericles. This he did. He promised increased pay and shorter hours. The populace began to listen to him. He proposed more government. The people thought this was fine.

Finally Pericles lost out and Cleon took over. It was imperative that Cleon should make good on his promises. To increase government the money had to come from somewhere. To procure it Cleon was ready to extort it from every possible source. Taxation became almost equivalent to confiscation. Cleon put more and more people on the public payroll. A vast parasitic bureaucracy resulted from this device.

When in the third century Philip of Macedon destroyed Greece he found the people ground down by poverty and resigned to a dependence on the state for their crusts of bread. The rise of a huge centralized government brought about the loss of freedom. An irresponsible government had cost Athens her freedom.

A well-known observation on human behavior applies here. Those who choose to ignore the mistakes of history are condemned to repeat them.

When the Constitutional Convention had done its work, Benjamin Franklin was walking down a Philadelphia street. A woman accosted him with the inquiry: "Well, Doctor, what have we got, a republic or a monarchy?" "A republic, Madam," he replied tersely, "if we can keep it." This is the exalted task for each American.

II. THE CHRISTIAN MUST NEVER FORGET THAT OUR AMERICAN FOREBEARS WERE NOT CONTENT TO PAY LIPSERVICE TO FREEDOM, BUT SOUGHT TO GUARANTEE TO EVERY MAN HIS LEGAL INDEPENDENCE OF THE ARBITRARY WILL OF ANOTHER

Our American Government was founded by men who believed there should be a minimum of interference with human freedom. They abhorred coercion in any form. They had suffered from oppression and tyranny and were determined to establish a government that would respect the demands of freedom. They sought to make it impossible for the state to usurp man's inalienable rights.

It was the conviction of the architects of our civil government that it should be the function of government to protect its citizens against internal and external aggression, but should otherwise leave alone people to work out, unhampered, their own problems and aspirations. On this point there was no dissent.

One of the chief political beliefs of these wise men was that persons who make wise choices are entitled to enjoy the benefits of such choices. At the same time they consistently held that those who make foolish choices must suffer the consequences, and have no right to demand that the government pay for their mistakes.

It is evident from the records of the early days of our Republic that our forebears fearlessly maintained that every citizen has the right to use and enjoy his honestly acquired property. This right gave the owner the privilege of trading it, selling it, regulating it, or even to donate it if he so desired.

When we compare our present condition in reference to freedom with conditions a century ago we shall quickly see how great a change there has been and not for the better. In 1852 Carl Schurz, a wise young man who visited our country, wrote home and gave some of his observations on American life. As quoted in the Saturday Evening Post, the letter said, "Here in America you can see how slightly a people needs to be governed * * * Here are governments, but no rulers—governors, but they are clerks.

"All the great educational establishments, the churches, the great means of transportation, etc. that are being organized here—almost all of these owe their existence not to official authority but the spontaneous cooperation of private individuals. It is only here that you realize how superfluous governments are in many affairs in which, in Europe, they are considered entirely indispensable, and how the opportunity of doing something inspires a desire to do it.

"It is my firm conviction that the European revolutionists will drive the next revolution into a reaction merely through their lust for government, through their desire to improve things quickly and positively. Every glance into the political life of America strengthens my conviction that the aim of a revolution can be nothing else than to make room for the will of the people—in other words, to break every authority which has its organization in the life of the State, and as far as possible, to overturn the barriers to individual liberty."

This eloquent plea for strictly limited government and individual liberty is urgently needed in 1964. Once more we need to heed the trenchant remark of Woodrow Wilson, "The history of the development of freedom is the history of the limitation of the power of the government and not the growth thereof." This applies to all governments, for all tend to abuse their power. It is most distressing to find that many so-called molders of opinion are promoting the philosophy of an ever-expanding government.

Dr. Howard E. Kershner in his brilliant booklet called "The Hangman's Rope" exposes the movement in our Nation that is pushing hard for more and more executive and judicial usurpation. He reminds us that Executive order and court decree are prime planks in the Communist platform.

Vastly important, therefore, is the necessity to return to the original American conviction that there must be only a minimum of interference on the part of the Federal Government with the human freedom. Every department of our National Government should be overhauled and restructured to conform to the original American idea. Then the movement on the part of the institution of government to deny or suppress human freedom would be halted and Americans could again breathe the fresh air of liberty. Two pertinent questions for the consideration of this point are: Where do I fit into this picture? Shall I be a link in the chain of American freedom?

III. THE CHRISTIAN MUST BE AWARE OF THE FACT THAT IN EVERY CENTURY FREEDOM HAS CARRIED A HIGH PRICE TAG

Human freedom is a hard-bought thing. Said the chief captain to Paul, "With a great sum obtained I this freedom." (Acts 22: 28.) Human freedom is never cheap. It is costly. Somebody has had to pay for it. The cost involves struggles and sacrifices. Frequently pain is required to purchase and maintain freedom. In every century freedom has carried a high price tag.

Our forebears braved all the hardships and perils of the vast ocean and uncharted American wilderness that they might find freedom in a new world. They, too, were conscious that they could say, "With a great sum obtained we this freedom."

Half the population of the world today is living without the enjoyment of their fundamental freedoms. The other half is in danger of losing theirs. Lovers of freedom must be seriously concerned about this situation. This condition constitutes a ringing challenge to all who still enjoy some measure of freedom's holy light.

We are challenged to sacrifice our time to think through the problems of freedom. We are in the midst of a world revolution. The issues that divide us in the East and West are not to be settled on the battlefield, but in the minds of men. Just as the early Christians "outthought" the pagans of their day so we must "outthink" the pagans of our day. It is incumbent upon us to think sanely about human freedom to persuade others as to the truths of our beliefs. Church resolutions have proven to be ineffective in this area. The issue of freedom challenges our best thought.

Often the challenge of freedom is for the sacrifice of life. To overthrow the bid of the totalitarians for the complete domination of the world, many brave souls have had to sacrifice their lives. To destroy the nazism of Germany, the imperialism of Japan, the fascism of Italy, and the communism of Russia large numbers yielded their blood.

Patriots and martyrs speak to us from their graves that freedom is expensive. The voices of these men and women who have advanced the cause of human freedom in the world are still ringing down the centuries telling us that freedom is purchased by a great sum but it is worth all that it costs.

There are many names inscribed on the honor roll of human freedom. One of the most conspicuous is the French maid, Joan of Arc. Her's is a voice that still resounds down through the centuries.

In 1429, Orleans was besieged by by English armies. The French King was insane. The two major political parties among the nobles were involved in bitter disputes. Henry V took a well equipped army across the channel and captured the principal towns of Normandy, and methodically ravaged the country as he passed through it.

Joan of Arc felt divinely called to break the siege of Orleans and save her country. Despite the opposition of her family she said, "Before mid-Lent I must be with the King, if even to get there I must wear off my legs to the knees." She cut off her long hair, put on male garments and set out under an escort in February 1429. She found a terrified and broken French Army. Soon she filled the soldiers with enthusiasm and determination. Orleans was saved.

Captured by the British she paid the price that freedom required. By English hands she was burned. The execution took place May 30, 1431, in the public fish market of the old city of Rouen. The ashes of Joan were carried by the executioners to the Seine and thrown in, so that no vestige of that saint should be left.

This patriot loved France dearly. She believed that France should be free to develop her own type of life and institutions without meddling from other nations. Her motivation was not hatred. She said, "Of hate for the English I know nothing; I only know they must be driven out of France, for this is not their country." The dynamic motivation of her career was freedom. In our generation may the same passion be for freedom, and a willingness to pay the price even to the uttermost farthing.

IV. THE CHRISTIAN WHO IS SENSITIVE TO NATIONAL TRENDS MUST BE KEENLY CONSCIOUS OF THE FACT THAT THE EROSION OF FREEDOM IS AMERICA'S PARAMOUNT PERIL

The erosion of freedom is America's paramount peril. Thoughtful people recognize that something is radically wrong with our country. There is a growing uneasiness that something tragic is happening to American life. American morals are at a new low. Some colleges and universities are teaching that morality is "relative" and "one person's opinion is as good as another's." There are no moral absolutes, we are told.

Alarming is the breakdown in family life and family discipline. Parents are pampering their children and they are becoming irresponsible and soft. Children are permitted to indulge in anything that the crowd does.

But our paramount peril is the loss of our individual rights and freedoms. Too many of our decisions are reached under coercion, and coercion damages the exercise of the will. Our power of self-determination is progressively impaired with the passing of each year. The book of Proverbs describes a free man as one who governs his spirit, and a free society is a people that determines the form and function of its government and the structures of its social life.

This peril is noticed in many areas of American life. It is particularly visible in the sphere of economics. Some appear not to be concerned about the hazard in this area because they are unaware of the truth that without economic freedom all other freedoms are in serious jeopardy.

Those who lean heavily to the economic left would make it appear that a free market economy is incompatible with Christianity. The very opposite is the truth. Christian ethics require economic freedom. We cannot afford to be ignorant of this truth.

Collectivists frequently affirm that they began their acceptance of socialism for moral reasons. This fallacy should be exposed as contrary to sound reasoning. Our commonsense should teach us that a superior economic order that results in abundance is more moral than one that issues in scarcity and ultimate bankruptcy. The twin pillars of socialism are social planning and nationalization. Experience shows that such a program inevitably leads to waste, disorder, and a lower level of productivity.

Experience demonstrates that economic activity is better left to the voluntary cooperation of all individuals through a free market, unregulated prices, and open competition. The record of one European country after another reveals that socialism is the sure way to poverty, economic disorder, and economic imbalance. The remarkable recovery of West Germany under Erhart since 1948 is a brilliant example of the fact that everybody is better off as the result of a free economy.

We need to learn that socialism in its enthusiasm for bureaucratic organization, political centralization, economic regimentation, and subordination to the whims of the state is committed to a program that is not harmonious with the requirements of human freedom.

On moral grounds the Christian must ever be skeptical of the tenets of socialism. It is simply not moral to support a system that eventuates in social disorder, inefficiency, and poverty. Such a system that operates by coercion cannot be ethically defended. Free people outproduce, and it is not right to "muzzle the ox that treadeth out the corn."

Here, then, is our peril. Once a government gains control of the economic area of life it can control every facet of your life. History underscores the truth that once this power is acquired sooner or later all of our activities are subjected to governmental regulation and exploitation to political ends. When a free economy is gone, it will not be long until other freedoms will disappear with it.

V. THE CHRISTIAN SHOULD BE ABLE TO IDENTIFY THE DEFENDERS AND PROMOTERS OF FREEDOM

Who are the defenders and promoters of freedom? People everywhere claim to believe in freedom, even the Communist. In fact, "peace and freedom" appear to be their favorite words. Yet Communist countries are bereft of freedom. This question will be answered first from the negative standpoint and then affirmatively. Let us now try to identify both the enemies and friends of freedom.

Freedom has not fared well among many of our legislators. We thank God for men in our legislative halls who are devoted to freedom. From all appearances this group is relatively small. Many of our legislatures are conducting funeral services for freedom. They are burying freedom under legislation. We have too many manmade laws. God gave through Moses 10 laws for the regulation of the human race. Christ consolidated the 10 into 2 commandments. It would serve the cause of freedom if some bold candidate would adopt a platform to repeal legislation that militates against freedom.

Freedom is not usually defended by lobbyists and pressure groups. Of course they all claim altruistic motives and goals. The fact is most of them represent special interests and work for selfish advantages. They tend to restrict and threaten freedom. It has been said that there are over 400 pressure groups in Washington.

The cause of freedom is not defended or promoted by those who say that patriotism is outdated and one's loyalty should be to the whole world. However plausible this may sound it does not work in the interest of freedom. It only serves to make it easy for gullible people to embrace alien idealogies under the guise of what is popularly called the new internationalism.

Freedom finds no defenders and promoters among the demonstrators on the streets and in public places. The place to take grievances is the court of justice. To trespass on private property is a violation of the essence of freedom. Such a practice is certainly not helping the cause of freedom.

The cause of freedom is impaired by executives in Government who phone Members of the Congress to threaten or bribe them into a course of action to enhance their political prestige. The legislative branch of Government should be left alone by the executive branch in order that legislation be enacted without coercion.

Those who plead for a policy of coexistence with systems that are the antithesis of freedom are not defenders and promoters of freedom. Such a policy is destined to undermine freedom. It is simply a trap to catch the support of unsuspecting people. Such a policy is designed to lull people to sleep. While good men sleep the enemy gets his opportunity to sow tares.

Our best defenders and promoters of freedom are those who take seriously the teachings of the Bible. The Bible is freedom's greatest bulwark. The Bible denies that the state has the right to use man as a mere tool to further its godless ends. The Bible heaps denunciation upon those who would rob man of freedom. The influence of the Bible is always on the side of freedom. The Bible inspires one to resent every repressive act of government whether it affects him directly or not.

We must also include in the list of defenders and promoters of freedom those who teach and maximize the provisions of our U.S. Constitution. The aim of the U.S. Constitution is to safeguard individual liberty. This it does when interpreted in its plain meaning as it relates to limited government powers and the division of these powers. The language is so understandable that court decisions ought to be predictable by judicially minded men.

Finally, the defenders and promoters of freedom are those who so passionately desire it that they will pray for it. Each day our prayer should be for freedom for ourselves and for others. Pray that "long may our land be bright with freedom's holy light." We should include in our prayers petitions for the restoration of the freedoms that have been lost, the preservation of what is left, and the extension of freedom to those who are fettered in bondage.

VI. THE CHRISTIAN MUST PROCLAIM CHRIST AS THE SUPERLATIVE LIBERATOR OF MEN

If the quest for freedom is to be one of the great aims of our lives it would be a major tragedy to fail to recognize that Christ is the superlative liberator of men. Freedom was His aim. Freedom is a derivative from Christ. He saw around Him many kinds of tyrannies. His own country was frightfully oppressed. There were multitudes who were slaves to their own baser passions.

One of Christ's major claims was His ability to liberate men. "If the Son shall make you free, you shall be free indeed." (John 8:36). Many had promised freedom but their promises were bogus. Some were simply demagogs. Others were mistaken as to the right way to secure freedom. One discerning thinker expressed the thought this way: "Christ's Gospel did not promise freedom, yet it gave it: More surely than conqueror, reformer, or patriot, the Gospel will bring about a true liberty at last."

Moral bondage is the worst form of servitude. It has been observed that the worst type of slavery is that which cramps the noblest powers. Go to the alcoholic and study him. He is a slave. He would stop this destructive habit, but he cannot. He has sold out to this sinful practice and cannot liberate himself. He needs a supernatural liberator. He needs Christ. From the thraldom of drink nothing but Christ and His truth can deliver. The testimony of Morgan Blake in his book read by many Atlantans can be duplicated by thousands of others.

Since the unregenerate man is destitute of freedom, he has to be made free. This is why Christ insisted, "if the Son," meaning the Lord Jesus Christ, "make you free, you shall be free indeed." He is fully competent to liberate those who are under the tyranny of sin and the dominion of Satan. This, He said, is the central reason for His coming into the world. To this end He was anointed to preach "deliverance to the captives and set at liberty them that are bound."

It is the glory of Christ the Liberator that He emancipates the Christian from the dominion of sin, from the wrath of God, from the power of Satan, and from the unwarranted authority of men. From the positive standpoint, Christ the Liberator frees the Christian to serve the Lord. The Scripture puts the idea this way: "that being delivered out of the hands of our enemies, we might serve Him without fear, in holiness and righteousness before Him, all the days of our life."

Of interest to note is the means that Christ employs in the establishment of freedom. The means He proposed was what He called "the truth." It is Biblical truth that has brought freedom to those who have suffered under various forms of despotism. "You shall know the truth and the truth shall make you free." (John 8: 32.)

Force, at times, has helped the cause of freedom. Wherever it has been employed to this end we respect it. We enthusiastically honor the liberators of nations. But Christ knew the limitation of force in the acquisition of freedom. Thousands would have followed Him had He proposed a revolt and the use of force in removing the Romans. This, He realized, would have been abortive.

Education, if the right kind, may help the freedom movement. But secular education by itself has never been able to make or keep men free. Often it enslaves men to their own intellectual pride. Christ never said, "You shall be educated, and education shall make you free." What He had in mind was something distinct from what we call education.

It is the truth about God, the truth about man, the truth about salvation, the truth about destiny beyond death that makes men free. It is this kind of truth that fits men for freedom and makes them free. Isn't it about time that we learn this?

CONCLUSION

The study on freedom must now come to a close. I trust it will be the beginning of a fuller devotion to freedom. A few concluding remarks are in order.

We must support education for freedom. Freedom schools that are sound should be encouraged. One such school is in Colorado Springs. Robert LeFevre is president. The minds of our young people should be saturated with freedom literature. Maybe we can start a Library of Freedom. The day for the conservative thinker has arrived. There are readers ready to see what we have to say about the disease that is afflicting America, and the remedy.

Every valuable article has its counterfeit. There is an ersatz freedom. In line with such we read about freedom from the Ten Commandments, freedom from the need for thrift, freedom from work, freedom from the past, etc. Such fictitious ideas lead to human bondage. It has always done so. We should benefit from the experience of others.

Freedom must be guarded even in the church. It has been betrayed within the church and our age has not escaped it. Think of this in the matter of our giving. Ecclesiastical bureaucrats endeavor to force God's people to give to a cause whether or not they believe in it or prefer to support another cause. We need to learn afresh this principle: "That to compel a man to furnish contributions of money for the propagation of ideas which he disbelieves and abhors is sinful and tyrannical." This is our justification for refusing to support the National Council of Churches.

Is freedom still an issue? Skeptically some ask the question, "Is it wise to continue to crusade for freedom when so many other good causes demand our time and energies?" The answer is freedom is not just an issue, it is the issue of our day. It is the issue to all who are alert to the signs of the times. For what shall it profit a nation if it shall seek to create an image to please foreigners and forfeit its own freedom? And before we can export freedom abroad we must make sure it is not a lost cause at home.

As I grow older it becomes clearer to me that many times in life people do not know what is best for them. They do not see the end from the beginning. They are swayed by some immediate consideration and unconscious of their own ultimate interest. Many a voter has been bribed with his own money to vote for a certain candidate only later to be disillusioned. It would be a salutary procedure if each voter would cast his ballot in favor of freedom. A vote for freedom brings no regrets.

My last word is a plea to once again reaffirm our belief in God the Author of Liberty. It is from God we claim our freedom. From Him flow our liberties. They are God given and not state given. Remove God and the structure of our system of freedom collapses. George Washington said, "Let us raise a standard to which the wise and honest can repair." We raise high the standard of freedom and ask you to stand with us in the unending conflict between freedom and servitude. Since God is free we must believe that He wills men to be free. "Make a firm stand then, never slip into any yoke of servitude."

## THE REAPPORTIONMENT OF STATE LEGISLATURES

Mr. ERVIN. Mr. President, the Charlotte News for September 11, 1964, published an editorial entitled "The Chamber Off Course," which contains some sage observations concerning the recent decisions of the Supreme Court in respect to the reapportionment of membership in State legislatures.

I ask unanimous consent that the editorial be printed at this point in the body of the RECORD.

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

[From the Charlotte News of Sept. 11, 1964]

THE CHAMBER OFF COURSE

The position of Charlotte Chamber of Commerce directors on reapportionment is sound as far as it goes. Unfortunately, it does not go very far.

In its letter to Senators ERVIN and JORDAN and Representative JONAS, the chamber expresses a laudable caution on the subject of a constitutional amendment that would limit the Supreme Court in the field of apportionment. It urges "the broadest possible study and debate" before such an amendment is approved for submission to the States.

So far, so good. But the letter gives no support to the Dirksen bill which is the only means of making possible the study and debate the chamber desires.

The bill that Senators DIRKSEN and MANSFIELD have worked out in their capacities as party heads in Congress simply calls for a delay of approximately 15 months in the applicability of the Supreme Court's latest apportionment decision. As matters stand now, the one-man, one-vote concept which the Court has imposed on the States could be enforced by the courts immediately. State legislatures would have to reapportion under emergency conditions or run the risk of having elections challenged. The results of inaction by Congress thus might well be impossible to undo.

Contrary to the impression left by those who oppose the measure, the Dirksen bill would not read the courts out of apportionment and leave State legislatures at the mercy of rural minorities. It would give Congress the time for "the broadest possible study and debate"—to use the chamber's phrase—on the vital question of what Congress can do to show the Court that the judiciary's powers in this field are not unlimited, as the Court seems to think.

In our opinion—and somehow we can't believe that the chamber really disagrees here—the Court went too far when it decreed as an absolute constitutional principle that every house of every State legislature must be apportioned on the basis of "one man, one vote." The one-man, one-vote concept may be a perfectly sound one in apportionment; but nothing in this Nation's constitutional history or in earlier Court decisions suggests that it is the only one.

The task of Congress, in our view, is to find a way to get this message across to a Supreme Court that isn't even paying attention to the honest apprehensions of its friends these days. The Dirksen bill would give Congress the chance to do just this. It is now or never. The "sense of Congress" resolution being backed by the administration is a sham, worse than useless.

The Dirksen bill is not some fiendish device to perpetuate malapportionment and rural advantage in State legislatures. It is a last-chance measure aimed ultimately at reserving to States some rights—as well as responsibilities—in this field.

The chamber's congressional action committee, which approved the Dirksen bill, understood that. It's regrettable that the board of directors did not choose to second the committee's support of the Dirksen measure.

## SURPLUS STOCKPILE MATERIALS AVAILABLE TO SCHOOLS AND HOSPITALS

Mr. METCALF. Mr. President, recently I introduced a bill which would make surplus stockpile materials available to schools and hospitals, under the donable surplus property program. When I introduced the bill, I said that I wanted to determine exactly how schools and hospitals could make use of raw materials in teaching and research programs. In working with the Department of Health, Education, and Welfare, I have asked various educational centers and hospitals to evaluate my proposal and to give me an indication of the uses to which stockpiled materials might be put in their institutions.

I have also had the benefit of the advice of the National Association of State Agencies for Surplus Property. The State agencies are the approved bodies through which surplus property has been donated to schools and hospitals under Public Law 152. Mr. Robert H. Arnold, the president of the National Association, has written to me concerning my proposal to extend the surplus property program. I shall insert his letter in the RECORD; but first I quote a part of it which may command special interest this year. Mr. Arnold wrote:

> By making the reserve and stockpile materials available for donation prior to sale, as provided for in your amendment, the beginning, and continuation of many health and educational program could result. Too often new programs, especially in the field of research, are impossible because of the high commercial costs of materials like those in question. The costs of acquiring them through the donation program would be almost negligible.

In 1964, we have passed antipoverty legislation which marks a giant step in the struggle to extend economic opportunity to all our citizens. I hope that in 1965 many other Senators will join me in sponsoring a bill which will help research programs at schools and universities that are not wealthy enough to finance adequate research programs by themselves.

Some of the schools and colleges were notified of my amendment to S. 2272 by their State agency for surplus property. Also, I have written to schools of mining, in order to determine to what extent raw materials might be used in educational programs. I am happy to say that the response to my proposal has been deeply encouraging. The University of Alaska needs cadmium, lead, and mercury for scientific research. From the Department of Education of the State of Arkansas, I have learned that the Arkansas Vocational Technical School uses large quantities of raw materials. San Jose State College, in California, has need for copper, rubber, iodine, and tungsten.

The list goes on. The Colorado School of Mines, through its president, Orlo E. Childs, has expressed a strong interest in my proposal. The school uses lead in radiation laboratories for shielding purposes; and aluminum is used as a noncorrosive material in fume hoods. Also, asbestos sheeting is valuable as a lining

for hoods and furnaces which are kept at high temperatures.

From the University of Florida, in Gainesville, I have received word that aluminum, nickel, tin, tungsten, and zinc are needed in a rapidly expanding graduate program. And the Dudley M. Hughes Vocational School, in Macon, Ga., has stated:

> The surplus property program for educational use is one of the best administered and most helpful services, with the least cost to the taxpayers, that is being furnished by any Federal agency at the present time.

The University of Illinois can make good use of copper and copper base alloys; and the University of Kansas has expressed special interest in acquiring copper, mercury, and nickel. Also, the University of Mississippi has been strongly supporting my proposal.

The Missouri School of Mines and Metallurgy has written me a letter which is an excellent outline of ways in which a mining school can use raw materials from the national stockpile. The new Materials Research Center at the University of Missouri School of Mines will investigate the physical-chemical behavior of materials, for the purpose of developing materials with properties and reliability needed in our Nation's space and defense programs. For this center, stockpiled raw materials would be extremely useful. After reading this excellent letter, my opinion is that no better investment can be made with our raw materials than to donate them to vital research programs at colleges and universities. The defense capability, the educational level, and the all-around vitality of the Nation will be increased. The research programs will be spread over more of the Nation than now is the case, and the less wealthy institutions will be able to breathe life into their struggling laboratories.

I hope all Senators will read the letters which I shall have printed in the RECORD. Hastings College, in Nebraska, has a constant need for mercury, copper, lead, and tin. The South Dakota School of Mines needs copper and manganese dioxide in its laboratory programs. From Tennessee, Austin Peay State College has expressed a desire to obtain lead, graphite, and cadmium for radioisotope work. The physics department at Midwestern University, in Texas, states that aluminum and zinc would be of "inestimable value." Finally, the State of Vermont, through its department of education, has stated that my proposal, if enacted, would "prove invaluable to science programs in all levels of Vermont's educational system."

I am grateful to the National Association of State Agencies for Surplus Property for notifying so many educational institutions of my proposal. And I deeply appreciate the enthusiastic response of the schools, hospitals, colleges, and universities throughout America. I think the extension of the donable surplus property program to include surplus raw materials will be logical and useful. In an age in which America as a nation is committed to the development of educational excellence, such an extension is really a necessity. This bill is very important to me; and I welcome the support of all Senators who in the past have been backers of the surplus property program, and who are interested in expanding it to meet present and future needs.

I ask unanimous consent that the letters and telegrams I have received on my proposal be printed in the RECORD.

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

*August 7, 1964.*

Hon. LEE METCALF,
*Room 140, Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: The National Association of State Agencies for Surplus Property is vitally interested in your amendment to Senate bill S. 2272, the Materials Reserve and Stockpile Act of 1964.

As you are aware, the donation program, as approved under Public Law 152, 81st Congress, provides a method whereby surplus property no longer required by the Federal Government is distributed to and through approved State agencies for health, educational, and civil defense purposes.

Since its inception, the donation program has been of untold benefit to the schools, hospitals, and civil defense units throughout the 50 States. The origination and furtherance of many programs have resulted from donations of Federal surplus property, especially in the field of education.

By making the reserve and stockpile materials available for donation prior to sale, as provided for in your amendment, the beginning and continuation of many health and educational programs could result. Too often new programs, especially in the field of research, are impossible because of the high commercial costs of materials like those in question. The costs of acquiring them through the donation program would be almost negligible.

We further believe the commercial impact on producers and manufacturers of these materials would be far less if the property were donated rather than being sold.

The National Association of State Agencies for Surplus Property wishes to go on record as supporting your amendment in every way possible. We know of its potential benefits to health and education throughout the United States.

Respectfully,

ROBERT H. ARNOLD,
*President, NASASP.*

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UNIVERSITY OF ALASKA,
*July 21, 1964.*

Hon. LEE METCALF,
*U.S. Senate,*
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I have just heard of your proposed amendment to the Materials Reserve and Stockpile Act of 1964. I would like to point out that we, here at the University of Alaska, do have need, from time to time, for materials that are held on the present stockpile listings. Specifically for scientific research purposes are cadmium, lead and mercury. These metals are used in moderate quantities and would not affect the overall amounts greatly. However, if they would be made available on a donation basis, as certain surplus items are, it would save us purchasing them from Federal research and development moneys.

The lead is utilized as shielding for various AEC materials utilized in experimental work and the mercury has and will continue to be an important part of our vacuum systems in research laboratory procedures. The cadmium is utilized in chemical assay work in our marine science group to indicate to you some of the areas of utilization that are appropriate for such stockpile materials. I have not taken time to screen the whole campus on this matter but these are materials that I am aware of at present.

Your efforts on our behalf are most appreciated.

Sincerely,

ALFRED H. GEORGE,
*Assistant Comptroller for Research.*

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STATE OF ARKANSAS,
DEPARTMENT OF EDUCATION,
*Pine Bluff, August 4, 1964.*

Senator LEE METCALF,
*Room 427, Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I have been advised that you are prepared to offer an amendment to Senator SYMINGTON'S bill S. 2272 which would provide for donation of property in the Federal reserve stockpile prior to its disposal by sale.

I believe your amendment would greatly benefit education and would be to the best interest of the Nation as a whole.

The Arkansas Vocational Technical School of which I am director uses large quantities of raw material in our training program, and we could save the taxpayers of this State a considerable amount if we could receive some of the raw materials for our program through the Federal surplus property donation program.

Yours very truly,

ARKANSAS VOCATIONAL TECHNICAL SCHOOL,
LEON COKER, *Director.*

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BRADLEY COUNTY MEMORIAL HOSPITAL,
*Warren, Ark., August 4, 1964.*

Re Senate bill 2272
Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: It has come to my attention that you have submitted an amendment to the Material and Stockpile Act of 1964 with the captioned bill.

Please be assured that I wish you every success in your efforts to pass this bill.

Sincerely,

JOE CARMICAL,
*Administrator.*

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SOUTHERN STATE COLLEGE,
*Magnolia, Ark., August 3, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: Southern State College has benefited greatly from the surplus property it has received through the Arkansas State Department of Education. We appreciate your interest in acquiring additional surplus property for public institutions and your amendment to Senate bill S. 2272.

We sincerely hope that you will be able to get favorable action on this amendment as well as the bill itself.

Yours very truly,

IMON E. BRUCE,
*President.*

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ARROYO GRANDE UNION
ELEMENTARY SCHOOL DISTRICT,
*Arroyo Grande, Calif., July 24, 1964.*

Hon. LEE METCALF,
*U.S. Senator, Montana,*
*Washington, D.C.*

DEAR SENATOR METCALF: It has come to my attention that the Federal Government is presently negotiating for the sale of certain stockpiled items to foreign countries. Some of the items under consideration for sale are the following: Asbestos, mercury, bismuth, aluminum, cadmium, copper, cartage and fibers, carborundum, feathers and down, iodine, lead, magnesium, graphite, nickel, shellac, rubber, silicone carbide, talcum, tin, tungsten, and zinc.

Of this partial list, to use one example alone, is the metal mercury which has great application and use for the teaching of science. If I seek to buy this item through ordinary sources the costs are prohibitive for a junior high school educational program. However, when made available through educational surplus this item alone improves the quality of the educational program in science and the savings for the purchase of mercury can be applied toward the purchase of books in such courses as mathematics, history, geography, etc. It would be possible to use many other examples from this limited list to demonstrate how the instructional program can be improved if these items are made available through educational surplus.

I urge your continued effort to make these items available for educational consumption out of Federal stockpiles rather than have these items sold on international markets.

Thank you for your work on behalf of the schools of America.

Respectfully,

DOUGLAS A. CAMPBELL.

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RAVENSWOOD CITY SCHOOL DISTRICT,
*Palo Alto, Calif., July 24, 1964.*

Hon. LEE METCALF,
*U.S. Senator, Montana,*
*Washington D.C.*

Hon. LEE METCALF: Please be informed that we, a small public school district in northern California, do use and do need metals and materials that are occasionally released from the stockpile of strategic materials for consumption by public agencies.

We recommend the support of your proposed legislation in this matter.

Sincerely,

CRAIG A. SNASDELL,
*Assistant Superintendent,*
*Business Services.*

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COLLEGE OF SAN MATEO,
*San Mateo, Calif, July 24, 1964.*

Hon. LEE METCALF,
*U.S. Senator,*
*Washington, D.C.*

DEAR SENATOR: This school district, as well as other school districts, in my opinion have use for items such as aluminum, magnesium, copper, lead, graphite, tin, zinc, tungsten, and other materials that are on the strategic list now being considered for release to school districts.

I would like to state that I would support legislation to make these items available to schools. Such legislation would put these surplus materials to beneficial use and would provide savings to the school districts throughout the Nation.

Your support of this legislation will be greatly appreciated.

Yours truly,

MATTEO V. FASANARO,
*Business Manager.*

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CRESCENT UNION SCHOOL DISTRICT,
*Crescent City, Calif., July 24, 1964.*

Hon. LEE METCALF,
*U.S. Senator, Montana,*
*Washington, D.C.*

DEAR SENATOR METCALF: We have just learned that many surplus items have sometimes been made available for sale rather than to educational agencies through the donation program.

Among these items are aluminum sheet, asbestos, bismuth, cadmium, copper, cordage and fiber, feathers and down material, graphite, iodine, lead, magnesium, nickel, rubber, shellac, silicon carbide, tin, tungsten, and zinc.

We recognize many of these items as being desirable for our educational programs. Inasmuch as our district has been able to acquire many things that otherwise we would have had to do without, and our program is better because of the many surplus items available to us, may we suggest that the donation program be given the opportunity of acquiring the above items, so that we can more economically meet our educational needs.

Very truly yours,

D. DEVAR FELSHAW,
*District Superintendent.*

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SAN JOSE STATE COLLEGE,
*San Jose, Calif., July 24, 1964.*

Hon. LEE METCALF,
*U.S. Senator, Washington, D.C.*

We are in favor of your proposal to release stockpile materials for use in schools prior to outside sale.

For instance, we use considerable quantities of mercury, asbestos, copper, cordage, fibers, lead, rubber, shellac, silicons, and zinc. We use medium quantities of aluminum, carborundum, and tin; we use small quantities of graphite, iodine, magnesium, nickel, talc, and tungsten.

Our large engineering, science, industrial arts, and aeronautics instructional programs use most of the materials. Other instructional courses and plant operations use the materials in various quantities and in special projects.

We are a conscientious user of educational surplus property and would like to see you expand the program.

D. C. PETERSEN,
*Purchasing Officer.*

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HAYWARD UNIFIED SCHOOL DISTRICT,
*Hayward, Calif., July 28, 1964.*

Hon. LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: We are requesting your support of an amendment to Senate bill 2272 in which you are offering to make all surplus stockpile items available to schools prior to their being offered to commercial sources. We are particularly interested in items which are manufactured with ingredients including mercury, aluminum, and copper. These aforementioned items are in great demand by our school district and we feel that we would realize a large financial saving if we could be offered these items on a priority basis.

Thank you very much for any consideration which you may give us in this very important matter and we will certainly support your amendment in whatever way you feel we are able.

Respectfully,

H. MARSHALL HANSEN,
*Business Manager.*

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COLORADO SCHOOL OF MINES,
*Golden, Colo., July 21, 1964.*

Senator METCALF,
*The Old Senate Office Building,*
*Washington, D.C.*

DEAR SIR: We would like to express our gratitude to the Senators and committeemen who have been helpful in keeping the surplus property program on the very active basis which it has been extended to the schools and colleges of our country. We have had many and varied uses for the wonderful items that have been offered for our use. We would like to let you know that we have uses constantly in different ways for the following items:

Lead is used in our radiation labs for shielding sources. It is also used in many of our experiments in metallurgy and so forth.

Mercury is used in some application or another in nearly all of our labs, and we are constantly buying this item on the open market.

Aluminum in both the sheet and rod forms is used as a noncorrosive material in our fume hoods and in building a great deal of equipment where we have a high corrosive factor.

Copper in both the sheet and rod form is used throughout the labs in a great many ways.

Asbestos sheeting is used to line a few hoods and furnaces where high heat concentration burns out most other products of this type. We also use raw asbestos as an insulator for both heat and cold.

Pearl silicones are used as greases in our petroleum labs and in many other places throughout the school.

We have appreciated your help in the past on needs pertaining to surplus property and solicit your support in continuing the program in the future.

Very truly yours,

ERNEST E. WATERS,
*Purchasing Agent.*

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COLORADO SCHOOL OF MINES,
*Golden, Colo., August 3, 1964.*

Senator LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: I read your letter of July 8 concerning possible donation of surplus property to schools and hospitals with considerable interest. Our faculty has indicated desire to secure some of the materials you mentioned for research purposes. I am attaching a statement containing some details concerning potential uses of certain of the materials. Other possibilities will certainly develop in the future.

You will note that, in addition to research, certain of the materials would be useful to use in student laboratories and in constructing apparatus for these laboratories. In fact, small amounts of most of these materials are always in demand for routine laboratory use.

I appreciate having this matter called to my attention. I hope that this answer will be helpful to you.

Very truly yours,

ORLO E. CHILDS,
*President.*

Copper: A minimum of 500 pounds to be used in the foundry program and to be used in construction of equipment for teaching and research.

Corundum: 2 pounds for experimental flotation studies.

Diamond dies: 2 sets suitable for use in laboratory equipment to reduce metal rods to metal wire of small diameter.

Graphite, iodine, and manganese dioxide: 5 pounds each for use as chemicals in experimental programs.

Mercury: 100 pounds to be used chiefly in pressure measuring instruments.

Ruby: Small quantity (possibly 100 grams) to be used for experimental purposes.

Selenium: 5 pounds of high purity selenium to be used in the study of selenium alloys with other metals.

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UNIVERSITY OF FLORIDA,
*Gainesville, July 16, 1964.*

Hon. LEE METCALF,
*Senator from Montana,*
*Old Senate Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: During the past several years the University of Florida has obtained through the Federal surplus property program, many important items of equipment. In one instance we were successful in obtaining at considerable savings, all of the major items of equipment needed to establish our campus laundry.

Greater emphasis is now being placed on our graduate programs and on sponsored research. These two areas of emphasis often require our laboratory technicians and metalworking craftsmen to fabricate parts and components of various sizes and shapes. These when assembled become laboratory and field test equipment that must perform under varied and extreme conditions of operation, weather, etc.

The above described graduate and research program will require our obtaining varying amounts of the following materials: Aluminum, bismuth,[1] cadmium,[1] corundum,[1] copper, copper base alloys, graphite, lead, magnesium,[1] mercury,[1] nickel, rubber,[1] silicon carbide, tin, tungsten, and zinc.

If any of the above now in the strategic materials stockpile were offered to us through the Federal surplus property program, prior to sale to industry, considerable savings would be realized by the University of Florida.

Any assistance that you or your committee might be in obtaining the release of the above type of materials to the Federal surplus property program would be appreciated by all colleges and universities.

It is my hope that you and your committee will continue your outstanding work in making available to educational institutions numerous items of equipment surplus to the needs of our Federal Government.

Cordially yours,

J. WAYNE REITZ,
*President.*

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THE FLORIDA STATE UNIVERSITY,
*Tallahassee, July 15, 1964.*

Senator LEE METCALF,
*Old Senate Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: It is my understanding that you are sponsoring an amendment to the Material Reserve and Stockpile Act of 1964 which will permit the donable surplus property program for health and education institutions the opportunity to review and request materials declared excess to stockpile needs.

Such an amendment would be of tremendous value to educational institutions such as ours which have large basic research programs, and which also place great emphasis on teaching the physical sciences. Our research program is supported by machine shops on the campus that make the many intricate pieces of equipment required for experimental work. The need for lead, stainless steel, and aluminum is evident for such equipment. Our chemistry and biological sciences departments, both in teaching and research, have need for magnesium, antimony, mercury, iodine, and the like.

With the Government now placing great emphasis on assisting the universities in enlarging their teaching and academic facilities, the possibility of obtaining certain stock materials is most inviting.

Yours very truly,

R. K. SHAW,
*Business Manager.*

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UNIVERSITY OF MIAMI,
*Coral Gables, Fla., July 17, 1964.*

Hon. LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: Information regarding your proposed amendment to the Strategic Stockpile Act has just reached us.

A canvas of the departments most likely to benefit from the amendment, engineering, physics, Institute of Marine Science and Chemistry, evoked a unanimous affirmative as to their needs for the materials concerned.

These materials will greatly benefit general science education. Also in many cases the above mentioned departments are constructing equipment and research apparatus under Government contracts which heretofore have supplied the funds to buy these materials, thus any materials received through your efforts will result in a direct saving to the Government.

Sincerely,

U. J. HISS,
*Director of Property Control.*

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[1] Amount required is small.

MERCER UNIVERSITY,
*Macon, Ga., July 20, 1964.*

Hon. LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: It is my understanding that Senate bill, S. 2272, providing for the continuing stockpiling of certain critical materials by the Federal Government to insure their availability in case of emergency will have acted upon an amendment, designated as amendment No. 517, providing that the material cannot be disposed of under this subsection without it being offered for donation purposes prior to its sale. I am now told that some of our Senators feel that this material is of no use for educational and health purposes and therefore are not in favor of the amendment.

I thought, perhaps, it would be of value to you to know the approximate annual needs of Mercer University for materials covered under this subsection and I have requested our science departments to give me an indication, which I shall itemize for you as follows: Aluminum, 5 pounds; asbestos, 1 pound; bismuth, 2 pounds; cadmium, 1 pound; copper and copper base alloy, 5 pounds; graphite, 1 pound; iodine, 5 pounds; lead, 2 pounds; magnesium, 1 pound; mercury, 10 pounds; nickel, 1 pound; zinc, 5 pounds.

Mercer University, as you know, is a small liberal arts college of some 1,500 students and I am sure that our annual needs as indicated above for these materials would represent only a small percentage of the total needs of all institutions of higher learning in the United States. I trust that when this amendment comes before your committee, and before the Senate, that you will support it since it will be of significant value to all American higher education.

Yours very truly,

WILLIAM T. HAYWOOD,
*Business Manager.*

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PIEDMONT COLLEGE,
*Demorest, Ga., July 17, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: Apparently there is some question about the usefulness of certain materials in educational programs. I am writing to assure you that our building and construction program has and would find the following stockpile items to be useful: asbestos, lead, sheet cover, shellac, talc, feathers and down.

Our superintendent of construction and maintenance, Mr. Wilton Duckett, joins with me and all of our staff in expressing appreciation for the many ways in which the commodities provided by Georgia State Agency for Surplus Property have strengthened the total program of education for the young people in Appalachia.

Sincerely yours,

JAMES E. WALTER.

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DUDLEY M. HUGHES VOCATIONAL SCHOOL, BIBB COUNTY BOARD OF EDUCATION,
*Macon, Ga., July 20, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I am writing in regard to amendment No. 517 to Senate bill S. 2272. This amendment is of vital interest to our vocational-technical training program in Georgia.

The surplus property program in Georgia is the major source of metals, machine shop "stock" and material for welding training. If we did not have this source of materials for these areas of training the cost of buying these materials on the open market would cause drastic curtailment of many of our training programs in the metalworking and welding fields.

All of the new metals developed have to be introduced to the technicians who are going to use them. All that we ask is that the Secretary of Health, Education, and Welfare be allowed to send his surplus property screeners and select whatever metals that we can use at such time that they might become available as surplus to the national stockpile.

It is my thinking that the surplus property program for educational use is one of the best administered and most helpful services with the least cost to the taxpayers that is being furnished by any Federal agency at the present time.

I wish that you could visit our school and see some of the fine uses that we are making of many types of property secured through this program.

We earnestly ask you to give all the support possible to the subject amendment and we assure you that this material will be utilized to the fullest extent in our school.

Sincerely,

RAYMONDE M. KELLEY,
*Director, Vocational Education.*

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ATTACHMENT TO LETTER TO SENATOR LEE METCALF DATED JULY 20, 1964

Listed below are some materials that from time to time could be used in the 26 major training areas covered by Dudley M. Hughes Vocational-Technical School, Macon. Ga.:

| | |
|---|---|
| Aluminum | Lead |
| Asbestos | Magnesium |
| Bismuth | Mercury |
| Cadmium | Nickel |
| Copper and copper base alloy | Rubber |
| | Shellac |
| Cardage fibers | Silicon carbide |
| Corundum | Talc |
| Feathers and down | Tungsten |
| Graphite | Zinc |
| Iodine | |

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MUSCOGEE COUNTY SCHOOL DISTRICT,
*Columbus, Ga., July 15, 1964.*

Hon. LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: Muscogee County School District is interested in securing additional surplus materials from the Federal Government. Therefore, we are interested in amendment No. 517 to S. 2272.

This school system, along with others, cannot maintain required standards of operation without the benefit of surplus trucks, equipment, and other materials which have been available in the last several years. Some of the materials referred to as having been stockpiled, which could be available to public schools, are used and needed both in the maintenance plant and the instructional program. Reference is made specifically to aluminum, which is used in the industrial arts, vocational, and adult training programs. Aluminum in certain forms can be used in the maintenance of plant. Other materials can be used in similar fashion, particularly copper, copper base alloy, shellac, and other materials commonly used in training situations.

Your continued interest and support of the program to make these materials available to the public schools of this country is appreciated. We request that you do everything possible to help the schools obtain additional surplus property.

NATHAN M. PATTERSON,
*Assistant Superintendent*
*for Special Services.*

UNIVERSITY OF ILLINOIS,
*Urbana, Ill., July 17, 1964.*

Subject: Strategic Materials Stockpile.
Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: The University of Illinois participates in the Federal surplus property utilization program, through the Department of Health, Education, and Welfare in the State of Illinois, at the warehouse located in Springfield.

We have been advised that certain items which are of particular need to our research programs are stockpiled, and under consideration for release. The items which we could utilize to the most advantage are mercury, aluminum, copper, and copper base alloys.

Very truly yours,

D. L. HARTMAN,
*Buyer.*

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THE UNIVERSITY OF KANSAS,
DEPARTMENT OF PHYSICS AND ASTRONOMY,
*Lawrence, Kans., August 3, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: It has come to my attention that a bill is pending which would provide for the release of certain strategic materials from stockpile. I believe that this has been referred to as the "Materials Reserve and Stockpile Act of 1964." I have also been informed concerning the proposed Metcalf amendment which would provide for making available many of these materials to schools and hospitals throughout the United States.

In speaking for the Department of Physics at the University of Kansas, I would say that this department would be extremely happy to receive material which would be available, especially aluminum, copper, mercury, and nickel. It would be my feeling that this department, as well as many similar departments over the country, would benefit greatly from the availability of these stockpiled items.

Respectfully yours,

G. M. MCGONIGLE,
*Laboratory Supervisor.*

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THE UNIVERSITY OF KANSAS, DEPARTMENT OF METALLURGY AND MATERIALS ENGINEERING,
*Lawrence, Kans., July 29, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I have been informed that you propose to amend the Materials Reserve and Stockpile Act of 1964 so that the material would become available to schools and hospitals.

Whether or not the materials would be useful depends upon the condition in which it is stored; whether ingot or finished sheet for metals, bulk or packaged for the nonmetals. If the materials were available in reasonable amounts, say in 100-pound units, our metallurgy department could use the following:

1. All of the metals for use in our metals casting laboratory and experimental alloy work.

2. Graphite, if in block form, for crucibles and electric resistant heaters.

3. Rubber, if not crude, as vibration absorber pads in the laboratory mounting of machinery.

4. Nonmetallics (corundum, asbestos, silicon carbide, and talc are usable in experimental ceramic compositional work).

We appear to have no use for feathers and down, iodine or cordage fibers.

Yours truly,

MAYNARD P. BAULEKE,
*Associate Professor.*

KANSAS STATE UNIVERSITY,
*Manhattan, Kans., July 30, 1964.*

Hon. LEE METCALF,
*U.S. Senator from Montana,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I support your efforts to make strategic materials from stockpile available to schools and hospitals prior to their general release. Such a provision would be most advantageous to certain of the departments in the College of Arts and Sciences of Kansas State University.

Our chemistry department uses large quantities of bismuth, cadmium, copper, and copper base allows, iodine, lead, magnesium, mercury, nickel, tin, tungsten, and zinc for demonstration experiments in the teaching program of the department and for certain research purposes. Mercury in particular is used extensively. The department of physics also uses several hundred pounds of mercury each year in their instructional and research programs. The department of psychology uses considerable amounts of aluminum in various sizes for the construction of different pieces of equipment, particularly in some of of their animal behavior studies.

I appreciate your concern for the needs of educational institutions.

Sincerely yours,

JOHN CHALMERS,
*Dean.*

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KANSAS STATE UNIVERSITY,
*Manhattan, Kans., July 22, 1964.*

Hon. LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: It has come to my attention that the Materials Reserve and Stock Pile Act of 1964 may release strategic materials for use by educational institutions. I have conferred with the department heads in the College of Engineering and find an enthusiastic response regarding the availability of such materials for our academic program.

Specifically, the Departments of Chemical, Civil, Electrical, Industrial, and Mechanical Engineering of Kansas State University would have need for the following surplus materials: Aluminum, bismuth, cadmium, copper, corundum, graphite, lead, magnesium, mercury, nickel, tin, tungsten, and zinc.

These materials would be used extensively, both in the instructional and the research programs, with a few of the applications listed as follows:

1. Thermal conductivity experiments; thermocouples.
2. Liquid metal heat transfer.
3. Hydraulic laboratory manometers.
4. Heat transfer under vacuum.
5. Plasma studies.
6. Investigations on engineering properties of materials.

I can assure you that this surplus material would be a significant contribution to our academic program, and that efficient use of it would be made by our engineering faculty.

Sincerely yours,

JOHN W. SHUPE,
For PAUL E. RUSSELL,
*Dean.*

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COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF EDUCATION,
*Frankfort, Ky., July 15, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: This letter is to express appreciation on behalf of a large number of colleges, technical schools, secondary schools, and hospitals in Kentucky for the effort you are making to allow strategic and critical materials now in stockpile to become available through the donation program.

One can assume that not all categories of material will be needed nor usable by such institutions; however, many can be used and would be of great value as well as withholding that portion off the market thus not disrupting our economy to that extent.

The donation program has been of unestimable value to the institutions in Kentucky as is attested to by the large number of communications and expressions we have received. To make such materials as shellac, aluminum, copper and copper alloys, mercury, graphite, etc., available will mean much in furthering our technical, science, and research programs that would otherwise be hampered if this class of material were not made available through this program.

We therefore urge you and the other members of your committee to "leave no stone unturned" in bringing about a successful conclusion.

Sincerely yours,

J. B. WILLIAMS,
*Director, Division of Surplus Property.*

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THE UNIVERSITY OF MISSISSIPPI,
*University, Miss., July 18, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: We have learned that you wish to amend the Materials Reserve and Stockpile Act of 1964 to provide that when such materials are found to be surplus to present need, they be released only after being offered for donation to schools and hospitals under the donable surplus property program on the same basis as other Federal surplus property.

This would be an excellent thing to the institutions of higher learning and one that would aid these institutions considerably. We hope that you are successful with amending this act.

Very respectfully yours,

H. E. HANEY,
*Purchasing Agent.*

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THE UNIVERSITY OF MISSOURI AT ROLLA,
*Rolla, Mo., July 20, 1964.*

Hon. LEE METCALF,
*Committee on Labor and Public Welfare,*
*U.S. Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: This is in reference to your letter of July 8 regarding your proposed amendment of S. 2272. The university, like others devoted primarily or entirely to science and engineering training, has a continuing need for materials, both raw and finished, in both undergraduate instructional and graduate research programs. Our needs for any one material at any one time would, of course, be very small, but the purchase of all our materials requirements consumes a significant portion of our operating capital each fiscal year.

Our use of such materials, as listed in the second paragraph of your letter, may be briefly summarized as follows:

1. In research—the university is establishing a materials research center. Starting in September this facility will have a staff of four senior researchers in ceramics, metallurgy, physics, and chemistry and some five research assistants in various fields devoted to investigation of the physical-chemical behavior of materials for the purpose of developing materials with properties and reliability needed in our Nation's space and defense programs. The primary objective of the center will be, however, the training of engineers and scientists at the graduate level for materials research and development programs.

2. The undergraduate laboratories and graduate research in both science and engineering require a wide variety of materials. In particular metallurgical engineering uses a rather full spectrum of metals, both ferrous

and nonferrous, in its laboratory course work. The mechanical engineering, mechanics, civil engineering, and chemical engineering employ a wide spectrum of both metallic and nonmetallic materials in undergraduate laboratories, as do the departments of physics and chemistry. Oxides and silicates are used in rather significant quantities in ceramic engineering.

Of the materials listed in paragraph 2 of your letter, we have need for all of those items during the academic year, with the possible exception of feathers. If some of our materials needs could be fulfilled on a donation basis from the materials in the national stockpile, these would be gratefully received, inasmuch as this would permit moneys currently expended for these needs to be used to develop further our instructional program.

On behalf of the university administration I wish to thank you for affording us an opportunity to express interest in your proposed amendment.

Sincerely yours,

T. J. PLANJE,
*Director.*

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MONTANA SCHOOL OF MINES,
*Butte, Mont., July 16, 1964.*

Hon. LEE METCALF,
*Committee on Labor and Public Welfare,*
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: Your letter of July 8 regarding a possible amendment to S. 2272, the Materials Reserve and Stockpile Act of 1964, has arrived during Dr. Koch's absence from the campus. Because he expects to be absent for several days, I have contacted the associate director of our Montana Bureau of Mines and Geology and he has furnished the following information in answer to questions asked in your letter.

In answer to your question as to what ways this institution might use strategic materials listed in your letter, we are presuming that these materials are of commercial grade rather than crude ores or materials. If this is true, I do not believe that either the school or the bureau of mines and geology could use very much of most of the materials, and some of them would be of no use to us at all. Following is some indication of the use which might be made of the materials listed:

1. Asbestos: It may be that we could use small amounts for steel pipe insulation.
2. Copper: Small amounts might be used in metallurgical research.
3. Corundum: We have no use for corundum, as such, but do use small quantities of abrasives in manufactured forms such as wheels.
4. Diamond dies: These might possibly be used in metallurgical research.
5. Feathers: We have no use for this material.
6. Graphite: We would have no use for this material as Montana has graphite deposits which would be used on any research problems.
7. Iodine: This would be of no use to us.
8. Manganese dioxide: Small quantities might be used in metallurgical processes.
9. Mercury: Small quantities could be used in research.
10. Pyrethrum: We would have no use for this material.
11. Ruby: Probably all available supply could be used.
12. Selenium: This might be used in metallurgical research.
13. Shellac: This could be used by maintenance department.

I hope the above information will be of some help to you. As you can see, our need for any of these materials for research or instructional programs would be quite small.

Sincerely yours,

MRS. LOUISE HUNGERFORD,
*Secretary to the President.*

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HASTINGS COLLEGE,
*Hastings, Nebr., July 15, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: We wish to advise you that we can use to good advantage critical materials as surplus for education.

We have a constant need for mercury, copper, lead, tin, zinc, and many other metals. We urge you to recommend that these surplus metals, and other materials be given to education. The surplus property program has been very vital to Hastings College. Please use your influence to support the Materials Reserve and Stockpile Act of 1964.

Sincerely,

JOHN T. KONZACK,
*Associate Professor, Math and Physics, and Surplus Property Coordinator.*

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THE UNIVERSITY OF NEBRASKA,
*Lincoln, Nebr., July 16, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SIR: Avery J. Linn, director of the Nebraska State Agency for Surplus Property, has supplied the university with a list of materials and requested that we indicate those which would have the most use to the various departments.

After checking the users of such materials the following are found to be most in demand: aluminum, asbestos, copper and copper base alloys, graphite, lead, mercury, nickel, rubber, silicon, tin, tungsten, and zinc.

The University of Nebraska has a very close working relationship with the surplus property program in this State and a great deal of pride is taken in the conscientious use of Government surplus.

This program has been of great value to many departments within the university, especially in agricultural and scientific research.

Very truly yours,

L. J. LEGG,
*Inventory Manager.*

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SOUTH DAKOTA SCHOOL
OF MINES, AND TECHNOLOGY,
*Rapid City, S.D., July 15, 1964.*

Hon. LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: This is in reply to yours of July 8, 1964, relative to your intended amendment to S. 2272, the Materials Reserve and Stockpile Act of 1964.

We have inquired in a number of departments regarding the question which you have asked. We would request and, if made available to us, use substantial amounts of several of the items which you enumerate. Specifically and on this first inquiry, they would be mercury, manganese dioxide, asbestos, and probably copper. They would be used for general laboratory purposes, for research, and for plant operation and maintenance. The principal use would be in research. In this activity, they would provide a very substantial assistance and I assure you we would appreciate it greatly.

I trust that this is the kind of information which you desire.

Very truly yours,

F. L. PARTLO, *President.*

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BETHEL COLLEGE,
*McKenzie, Tenn., July 15, 1964.*

Senator LEE METCALF,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: We understand that you have introduced a bill in the U.S. Senate in reference to the disposal of surplus stockpile materials. Such bill would offer these materials free to health and educational institutions before they were offered for public sale.

We believe that this is a good bill and that its provisions will be of no small benefit to the Nation's colleges. Although we do not know the entire list of stockpiled materials, we wish to suggest that such things as sheet aluminum, lead, zinc, and tin are used considerably in general maintenance as well as in the making of various scientific equipment. No doubt there are other materials such as iodine, other metals, and miscellaneous items that could be of value to chemistry, and physics, and engineering departments.

We hope that your bill will receive favorable action from the entire Congress and the President.

Sincerely yours,

GEORGE E. ROUSE,
*Head, Department of Physical Science.*

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TREVECCA NAZARENE COLLEGE,
*Nashville, Tenn., July 15, 1964.*

Senator LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: We are pleased to learn of your proposed amendment to the Materials Reserve and Stockpile Act of 1964, which provides materials to educational institutions. The Science Department of Trevecca Nazarene College could certainly use the following materials: Aluminum, copper and copper base alloys, cordage fibers, iodine, lead, magesium, mercury, nickel, shellac, talc, and zinc.

Sincerely,

JOHN W. DIX,
*Chairman, Science Department.*

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DAVID LIPSCOMB COLLEGE,
*Nashville, Tenn., July 15, 1964.*

Re strategic materials stockpile.

SENATOR LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: It would be of great benefit in the teaching program of David Lipscomb College if the college could receive some of the materials being released from the strategic materials stockpile. In conference with the departments of science of the college, it has been determined that important use could be made of the following materials: aluminum, bismuth, cadmium, copper and copper base alloys, iodine, lead, magnesium, mercury, nickel, tin, tungsten, and zinc.

I, therefore, sincerely hope that the bill you have introduced in the U.S. Senate to amend the Materials Reserve and Stock Pile Act of 1964 will pass, so that any property being released from the stockpile may be offered for donation to health and educational institutions before it is sold. This would be of great assistance to the science program of David Lipscomb College.

Sincerely yours,

ATHENS CLAY PULLIAS.

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CHRISTIAN BROTHERS COLLEGE,
*Memphis, Tenn., July 16, 1964.*

Senator LEE METCALF,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: In reference to the bill you are introducing to amend the Materials Reserve and Stockpile Act of 1964 to provide property to educational institutions by donation, I would like to encourage you. Many institutions could use the following materials for construction or direct laboratory use: Aluminum, bismuth, cadmium, copper and copper base alloys, lead, magnesium, mercury, nickel, rubber, shellac, tin, and zinc.

Sincerely yours,

BROTHER J. EDWARD, PH. D.,
*Chairman, Chemistry Department.*

MADISON COLLEGE,
*Madison, Tenn., July 17, 1964.*

Senator LEE METCALF,
*U.S. Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I recently learned of your proposal to offer for donation to health and educational institutions before it is sold, any property being released from the Nation's stockpile of strategic materials. I think this is a fine idea, provided it can be implemented with a minimum of waste and cost to the taxpayer.

Depending on the physical form and/or minimum packaged quantity, Madison College could use asbestos, iodine, lead, magnesium, mercury, talc, tin, zinc, and possibly others.

Very truly yours,

WILEY C. AUSTIN,
*Head, Department of Chemistry.*

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HOUGHTON, MICH.,
*July 20, 1964.*

Senator LEE METCALF,
*Committee on Labor and Public Welfare,*
*Washington, D.C.*

DEAR SENATOR METCALF: Your amendment to S. 2272 would be most helpful in providing the quantities of strategic materials such as asbestos, aluminum, magnesium, and others for our undergraduate, graduate, research, and physical plant maintenance program.

MICHIGAN TECHNOLOGICAL UNIVERSITY,
Dr. R. L. SMITH,
*Coordinator of Research.*
Prof. G. A. HELLMAN,
*Director of Physical Plant.*

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CHATTANOOGA, TENN.,
*July 20, 1964.*

Senator LEE METCALF,
*U.S. Senate,*
*Washington, D.C.:*

Chemistry, engineering, physics departments use the chemicals and metals which are now stored in Federal strategic materials stockpiles. University of Chattanooga would benefit greatly if these materials were donated to educational institutions.

ROBERT W. FENIX,
*Comptroller, University of Chattanooga.*

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MEMPHIS STATE UNIVERSITY,
*Memphis, Tenn., July 16, 1964.*

Hon. LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: Recently you introduced a bill in the Senate to amend the Materials Reserve and Stockpile Act of 1964 to provide for property being released from the governmental stockpile to be offered for donation to health and educational institutions throughout the Nation.

As chairman of the Department of Chemistry and Physics at Memphis State University, we have greatly benefited from surplus materials released to us to be used in instruction of young men and young women in chemistry and physics.

We are a fast growing metropolitan university whose enrollment has more than doubled during the past 5 years, and the anticipated enrollment for the fall of 1964 will exceed 10,000 students. The legislature of the State of Tennessee has not made adequate provision for the growth of the university and supplemental assistance is greatly needed. For this reason I am complimenting you for your interest in providing surplus materials for educational institutions and urge the passage of this act.

Gratefully,

J. W. FOX,
*Chairman, Department of*
*Chemistry and Physics.*

THE UNIVERSITY OF TENNESSEE,
*Knoxville, Tenn., July 16, 1964.*

Senator LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: We at the University of Tennessee heartily endorse your efforts to amend the Materials Reserve and Stockpile Act of 1964, making it possible for property in the stockpile to be given to health and educational institutions for use in research and instructional programs.

Like other similar universities, our institution has a need for many of the materials being reserved and stockpiled, and we believe it will serve in the public interest for the Government to assist us by filling such needs.

I am asking Mr. David Johnson of our Department of Mechanical and Aerospace Engineering to send you any further details he thinks will be of value to you in promoting the passage of your bill. Mr. Johnson coordinates the university's program of acquiring surplus properties, and he is cognizant of the value of this program.

Please be assured that your interest in strengthening the Nation's institutions of higher education is certainly appreciated.

Sincerely yours,

A. D. HOLT,
*President.*

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SIENA COLLEGE,
*Memphis, Tenn., July 20, 1964.*

Senator LEE METCALF,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I am writing in regard to some materials which are a part of the stockpile of surplus property. Some of these things would be of great value to our biology and chemistry departments. Listed are the items which we would find most useful: Aluminum, asbestos, bismuth, cadmium, graphite, iodine, lead, magnesium, mercury, nickel, shellac, tin, tungsten, and zinc.

Thank you for your help in this regard.

Sincerely yours,

SISTER ADRIAN MARIE, O.P.,
*Biology Instructor.*

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LAMBUTH COLLEGE,
*Jackson, Tenn., July 16, 1964.*

Hon. LEE METCALF,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I have heard that you have introduced a bill to amend the Materials Reserve and Stockpile Act of 1964 to provide that any property being released from stockpile be offered to health and education institutions by donation before it is sold.

On behalf of our college and other small colleges throughout the country I would like to express our sincere interest in this program and hope that you may succeed in getting the bill approved. I realize that we could not use all of the materials that might be offered, but am sure that such materials would be beneficial and give us a chance to get necessary materials that we do not have funds to purchase.

Sincerely,

J. R. BLANTON,
*Business Manager.*

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AUSTIN PEAY STATE COLLEGE,
*Clarksville, Tenn., July 16, 1964.*

Hon. LEE METCALF,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR METCALF: The bill which you introduced in the Senate to amend the Materials Reserve and Stockpile Act of 1964 has very recently come to my attention. I should like to comment. Your amendment could be beneficial to any educational institution doing scientific research, and significantly beneficial to schools like Austin Peay State College which are in the early stages of research growth. Although modest research programs have recently been initiated by all of the natural science departments of the college, each department is operating without the basic stockroom supplies necessary for effective use of the time and talent of the faculty which we possess.

The people responsible for the research in our science departments have informed me that they are in general need of brass, copper, and aluminum stock, plus mercury, shellac, and glyptol. Specifically needed are lead, graphite, and cadmium for the radioisotope work. These are all materials which are constantly required in varying forms and quantities, yet their purchase in even moderate amounts is a serious drain on our limited financial resources. Your amendment would remove this drain and thus make available more funds for use in acquiring the specialized apparatus necessary for increased efficiency and sophistication in scientific investigations at Austin Peay State College.

I thank you for your interest in the welfare of science in higher education, and I shall send copies of this letter to your colleagues from Tennessee urging them to support your amendment.

Sincerely yours,

JOE MORGAN,
*President.*

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SAM HOUSTON STATE
TEACHERS COLLEGE,
*Huntsville, Tex., July 16, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: We have noticed that you have introduced a bill in the Senate to make surplus national stockpile materials available to institutions. We are constantly in need of aluminum, asbestos, copper, lead, rubber, shellac, and tin. These materials could be used in our instructional program as well as maintenance and repair. We feel that passage of this bill would be of great benefit to this institution as well as other institutions of higher learning in this vicinity.

Yours very truly,

D. C. HOLLEMAN,
*Comptroller.*

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MIDWESTERN UNIVERSITY,
*Wichita Falls, Tex., July 16, 1964.*

Hon. LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I have heard that you have introduced a bill in the Senate to make surplus materials from our national stockpile available for donation to educational and research programs in institutions of higher education. Because of the limited funds under which we operate and the fact that there is seldom a time when we are not in need bordering on the desperate for materials which may be available, I just want to express to you my appreciation for your thoughtfulness in getting this kind of bill before the legislators of this country. I sincerely hope that it does pass.

Some of the items which would be of inestimable value to us, if and when they may be available, are aluminum, copper, lead, tin and zinc (particularly in sheets), which could be used in our physics department. Mercury would also be very useful for this department. This department offers a major and is in the process of considerable expansion. We are in short supply on much of this type of thing. Our chemistry department, as well, could use most of these materials. The geology department, which has shown an upswing in students in the last 2 years, could

also make very valuable use of these items I have mentioned and kindred items. For example, shellac would be very useful for the finishing and protection of geological and biological specimens. Our biology department is constantly in need of asbestos, iodine and the shellac which I have just mentioned.

I sincerely hope that any surplus which develops in our national stockpile can be made available to some of us who need it.

Once again, thank you for your efforts on behalf of higher education. I just wish for you every success in the handling of this bill.

Very sincerely yours,

TRAVIS WHITE,
*President.*

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LAMAR STATE COLLEGE OF TECHNOLOGY,
*Beaumont, Tex., July 14, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: It has been brought to my attention that you have introduced in the Senate a bill amending the Material Reserve and Stockpile Act of 1964.

As I understand, this amendment is to provide the excess material in the stockpile for institutions of higher learning. I would like to state that if these materials become available that Lamar State College of Technology can use aluminum, mercury, lead, shellac, and some of the other materials in this category.

This material has been used in our teaching field and also in connection with our research programs.

I wish to express my appreciation to you for your efforts in scheduling these excess materials for institutional needs.

Sincerely yours,

H. C. GALLOWAY,
*Comptroller.*

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ABILENE CHRISTIAN COLLEGE,
*Abilene, Tex., July 27, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: We understand there is a possibility of some reserve materials from the national reserve stockpile being made available to institutions of higher learning. Our science department and industrial arts department are interested in this matter and, of course, appreciate being able to acquire some of these items, especially the following: Aluminum, asbestos, copper and copper base alloys, corundum, graphite, lead, nickel, shellac, silicon carbide, tin, and zinc.

We understand that you have introduced a bill making the donations of some of these items to colleges possible, and we appreciate very much your interest in our work.

Sincerely yours,

LAWRENCE L. SMITH,
*Bursar.*

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SAN ANTONIO COLLEGE,
*San Antonio, Tex., July 16, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: The information has come to me that you have introduced a bill in the Senate to make surplus national stockpile material available for donation to schools and colleges.

In the teaching of our sciences, especially chemistry, we do have constant need for aluminum, copper (wire and power), corundum, iodine, lead, magnesium (ribbon), mercury, silicon carbide, tin and zinc. If your bill is passed making such materials available on a donation basis, it would be of help to educational institutions in their instructional and research programs.

On behalf of the administration and faculty of San Antonio College, may I thank you for your help in solving our problems.

Very truly yours,

WAYLAND P. MOODY,
*President.*

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STATE OF VERMONT,
DEPARTMENT OF EDUCATION,
*Montpelier, Vt., July 16, 1964.*

Senator LEE METCALF,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I was recently informed that you have introduced an amendment to the Materials Reserve and Stockpile Act of 1964, which would provide that any such materials that are found to be surplus to present needs, be first offered for donation to schools and hospitals under the donable surplus property program.

As executive director of special services in the Vermont Department of Education I am in daily contact with local educators, therefore, I am in a position to know that your amendment, if passed, would prove invaluable to science progras in all levels of Vermont's educational system.

I hope your amendment receives enough support to insure its passage.

Sincerely yours,

RUPERT J. SPENCER,
*Executive Director.*

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

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## ROLLO OSKEY

Mr. MANSFIELD. Mr. President, do I correctly understand that the unfinished business is Calendar No. 1131, the bill (S. 724) for the relief of Rollo Oskey?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. That bill was made the unfinished business only for the purpose of filling a gap, so to speak. I ask unanimous consent that the bill no longer be the unfinished business and that the bill be returned to the calendar.

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

## INDIANA DUNES NATIONAL LAKESHORE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1298, the bill (S. 2249).

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 2249) to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 8, after the word "dated", to strike out "September 1963" and insert "July 1964"; at the beginning of line 10, to strike out "LNPNE 1000 ID" and insert LNPNE 1003 ID"; in line 21, after the word "public", to strike out "access" and insert "access: (1) to the waters of the Little Calumet River and its valley flood plain, except in side drainages, up to the 630-foot elevation or, generally, to the tops of the river banks, and (2) along"; in line 25, after the amendment just above stated, to strike out "to"; on page 4, line 18, after the word "before", to strike out "April 20, 1961" and insert "October 21, 1963"; on page 8, line 20, after "Sec. 7.", to insert "(a)"; on page 9, after line 2, to insert:

(b) In order that the lakeshore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features within the lakeshore by establishing such trails, observation points and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further,* That the Secretary may develop for appropriate public uses such portions of the lakeshore as he deems especially adaptable for such uses.

In line 24, after the word "follows:", to strike out "(1) two members to be appointed from recommendations made by Porter County, Indiana; (2) two members to be appointed from recommendations made by La Porte County, Indiana; (3) two members to be appointed from recommendations made by the Governor of the State of Indiana; and (4) one member to be designated by the Secretary." and insert "(1) one member who is year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made by the board of trustees of such town; (3) one member who is a year-round resident of the towns of Porter, Dune Acres, Portage, Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) one member who is a year-round resident of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; and (6) one member to be designated by the Secretary."; on page 11, line 15, after the word "There", to strike out "are" and insert "is"; and in line 16, after the word "appropriated", to strike out "such sums as may be necessary to carry out the provisions of this Act" and insert "not more than $23,000,000 for the acquisition of land and interests in land pursuant to this Act"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic

interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of this Act. The lakeshore shall comprise the area within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore", dated July 1964, and bearing the number "LNPNE 1003 ID", which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

SEC. 2. Within the boundaries of the lakeshore the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or otherwise. In order to enhance the recreational benefits of this Act, the Secretary also is authorized to acquire such easements or other interests as he deems necessary to assure public access: (1) to the waters of the Little Calumet River and its valley flood plain, except in side drainages, up to the 630-foot elevation or, generally, to the tops of the river banks, and (2) along the beach and waters of Lake Michigan continuously from the western boundary of the lakeshore in section 21 township 37 north, Indiana base, range 6 west, second principal Indiana meridian, to the easternmost point of intersection of the lakeshore boundary with the shoreline. The Indiana Dunes State Park may be acquired only with the consent of the State of Indiana, and the Secretary is hereby directed to negotiate with the State for the acquisition of said park. In exercising his authority to acquire property by exchange for the purposes of this Act, the Secretary may accept title to non-Federal property located within the area described in section 1 of this Act and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary. Properties so exchanged shall be approximately equal in fair market value, as determined by the Secretary who may, in his discretion, base his determination on an independent appraisal obtained by him: *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.

SEC. 3. As soon as practicable after the effective date of this Act and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 1 of this Act which in his opinion is efficiently administrable for the purpose of this Act, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. Following such establishment and subject to the limitations and conditions prescribed in section 1 hereof, the Secretary may continue to acquire lands and interests in lands for the lakeshore.

SEC. 4. (a) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within the boundaries of the lakeshore for one year following the effective date of this Act. Thereafter such authority shall be suspended with respect to all improved property located within the boundaries of the lakeshore during all times when an appropriate zoning agency shall have in force and applicable to such property a duly adopted, valid zoning ordinance approved by the Secretary in accordance with the provisions of section 5 of this Act.

(b) The term "improved property", whenever used in this Act, shall mean a detached, one-family dwelling, construction of which was begun before October 21, 1963, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of the land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided,* That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto.

SEC. 5. (a) As soon as practicable after enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of zoning ordinances for the purposes of sections 4 and 6 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning ordinances whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning ordinance and any amendment to any approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of such ordinance or amendment by the zoning agency. Such approval shall not be withdrawn or revoked, by issuance of any amended regulations after the date of such approval, for so long as such ordinance or amendment remains in effect as approved.

(b) The standards specified in such regulations and amended regulations for approval of any zoning ordinance or zoning ordinance amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property covered by the ordinance within the boundaries of the lakeshore; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area covered by the ordinance within the lakeshore by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning ordinance consistent with the laws of the State of Indiana.

(c) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the lakeshore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such ordinance or amendment.

(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under or exception to such zoning ordinance, or is subjected to any use, which variance, exception, or use fails to conform to or is inconsistent with any applicable standard contained in regulations issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may, in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation.

(e) The Secretary shall furnish to any party in interest requesting the same a certificate indicating, with respect to any property located within the lakeshore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with provisions of this Act, that such authority has been so suspended and the reasons therefor.

SEC. 6. (a) Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of acquisition by the Secretary. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(b) The Secretary shall have authority to terminate any right of use and occupancy retained as provided in subsection (a) of this section at any time after the date upon which any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with the applicable standards contained in regulations issued pursuant to section 5 of this Act and which is in effect on said date: *Provided,* That no use which is in conformity with the provisions of a zoning ordinance approved in accordance with said section 5 and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event the Secretary terminates a right of use and occupancy under this subsection, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination.

SEC. 7. (a) In the administration of the lakeshore the Secretary may utilize such statutory authorities relating to areas of the national park system and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

(b) In order that the lakeshore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features within the lakeshore by establishing such trails, observation points and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further,* That the Secretary may develop for appropriate public uses such portions of the lakeshore as he deems especially adaptable for such uses.

SEC. 8. (a) There is hereby established an Indiana Dunes National Lakeshore Advisory Commission. Said Commission shall terminate ten years after the date of establishment of the national lakeshore pursuant to this Act.

(b) The Commission shall be composed of seven members, each appointed for a term of two years by the Secretary, as follows: (1) one member who is year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made by the board of trustees of such town;

(3) one member who is a year-round resident of the towns of Porter, Dune Acres, Portage, Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) one member who is a year-round resident of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; and (6) one member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes National Lakeshore and with respect to the provisions of sections 4, 5, and 6 of this Act.

SEC. 9. Nothing in this Act shall deprive any State or political subdivision thereof of its civil and criminal jurisdiction over the lands within this lakeshore, or of its right to tax persons, corporations, franchises, or other non-Federal property on the lands included in such lakeshore.

SEC. 10. There is hereby authorized to be appropriated not more than $23,000,000 for the acquisition of land and interests in land pursuant to this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; and that the bill, as amended, be considered as original text.

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

Mr. DOUGLAS. Mr. President, I thank the majority leader for bringing up the bill. On behalf of the senior Senator from Indiana [Mr. HARTKE] and the junior Senator from Indiana [Mr. BAYH], I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2 it is proposed to strike out the amendment applying to the Little Calumet River Valley.

On page 3, following section 2, it is proposed to add this additional subsection:

(b) The Secretary of the Interior is authorized to seek such cooperative arrangements with the State of Indiana, political subdivisions thereof, and property owners as are required to provide public access to segments of the Little Calumet River and the adjacent river banks between the lakeshore boundary and the east line of section 31 and the Secretary may acquire, other than by condemnation, such easements and other interests in lands or waters as he deems necessary to further the purposes of this subsection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment of the senior Senator from Illinois [Mr. DOUGLAS].

The amendment was agreed to.

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

Mr. DOUGLAS. Mr. President, I am very appreciative of the bill's having been brought up for action. It has been before the Senate Committee on Interior and Insular Affairs for many years. During the course of the discussion two steel finishing mills have been built along the most beautiful section of the Indiana dunes, and there is threatened construction of two basic steel rolling mills on the lake front.

In order to get the bill through, we have, therefore, been compelled by the force of circumstances to exempt several thousand of what were the most beautiful acres, which have now been largely ruined. But we are including for development approximately 11,772 acres, including the 2,100 acres in the Indiana Dunes State Park.

I think I should add that there is no proposal to acquire the Indiana Dunes State Park, but merely to provide for joint arrangement for use between the State of Indiana, if it so chooses, and the National Park Service, for the cooperative development of the area. We propose to add approximately 1,000 acres or more west of Ogden Dunes, which will be used as a mass bathing beach and which will permit other areas of the park to be appreciated and kept in their natural wild state. This will include approximately all of what is known as Dune Acres except for the highly residential portion. This lies some 4 miles to the east of Ogden Dunes and directly west of the Indiana Dunes State Park. Then, flanking the Indiana Dunes State Park on the east, we are including all of Beverly Shores. We are doing this upon the decision of the residents of Beverly Shores.

We are providing that there shall be a permanent possession of improved property on the part of present owners and granting them complete freedom to dispose of their property, subject to local zoning regulations, which must also be approved by the Secretary of the Interior.

This bill does not interfere with the proposal to erect a harbor midway between the property of National Steel and Bethlehem Steel, the two companies which have erected their finishing steel plants. Indeed, it may be the only way in which this harbor can be secured.

The bill is a compromise bill. I regret that we could not save the entire area. Life moved too fast for us, and the forces of conservation were not strong enough to save the entire area. But we are providing a relatively beautiful area of 11,700 acres located within 40 miles of the city of Chicago and some 11 miles east of the city of Gary, Ind.

Within the metropolitan area which stretches from Gary up to Kenosha and Racine in Wisconsin, there are now probably close to 7 million people, and there is great need—as there is in all the metropolitan centers of the country—for beautiful recreational sites which are close in to the population.

The national parks of this country are indeed beautiful. I have had the privilege of visting and tramping in nearly all of them, but they are located far away from the great metropolitan centers of the Nation, and it takes days to get to them, and, therefore, access to them is relatively limited.

The Outdoor Recreation Commission, which was headed by Mr. Laurence Rockefeller, reported that the great need was for beautiful recreational areas which are close to metropolitan centers and which can be reached in a short period of time. The Indiana Dunes fit this prescription like a glove.

I am delighted that we have begun to meet those needs. I supported the bill which was recently passed to provide that Fire Island should become a national park. This will provide swimming and recreational facilities for the people of the great New York metropolitan complex. I supported the bill to set aside a park north of San Francisco at Point Reyes. We need many such facilities. The Midwest is badly in need of them.

The metropolitan complex which now stretches from Gary to Racine and Kenosha, but which will shortly probably stretch from South Bend to Milwaukee and then will include at least 10 million people, needs an area such as this perhaps more than any section of the country.

I hope very much that the bill will be passed today. And that House action may be speedily taken. If House action is not taken at this session, we shall be in a better position to act early in the next Congress. The long hard discouraging fight may be on the point of successful conclusion. Let us take the next step now.

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. DOMINICK. Mr. President I regret that I was not present when the distinguished Senator from Illinois [Mr. DOUGLAS] spoke in favor of the pending bill. Minority views have been issued on the bill. For the purposes of the record, I should like to read into the RECORD, what the report of the minority views is, so we can have some exposition of the other position.

In our minority report, which, incidentally, is also signed by my senior colleague [Mr. ALLOTT] and the Senator from Wyoming [Mr. SIMPSON], we say:

MINORITY VIEWS ON S. 2249

Although we are conscious of the ever-increasing need for outdoor recreation fa-

cilities, and we recognize the wisdom of acquiring suitable lands at an early date, we feel compelled to oppose this bill because of the inclusion of certain noncontiguous tracts of marshy land. These noncontiguous tracts are not only unrelated to the main body of the proposed national lakeshore geographically, but are also unrelated insofar as proposed development and utilization are concerned. Our further concern is that the patchwork taking authorized by this bill may later be used as a precedent to take the best part of a landowner's holdings and leave him with only the scraps. It is our belief that the many problems of administration that are present without the inclusion of these noncontiguous tracts are simply compounded by their inclusion, and this is amplified by the fact that they are located many miles from the main body of the national lakeshore. The map of this proposed national lakeshore has the appearance of a crazy quilt.

If it desirable to preserve these unrelated noncontiguous tracts in their present condition, the State of Indiana should take the initiative. As in the case of Cape Cod, Point Reyes, Padre Island, and others, we recognize the desirability of setting aside these areas under equitable principles to insure their preservation for the enjoyment of future generations, but it is not necessary to join unrelated tracts and to assume functions that the State rightfully ought to assume.

Mr. President, that is the minority report. Only this morning, in the Committee on Interior and Insular Affairs, we considered a bill dealing with certain property in Wisconsin in connection with the Ice Age National Scientific Reserve. This land is owned two-thirds by the State of Wisconsin. We are once again authorizing funds to be advanced to the State of Wisconsin, for the purpose of acquiring noncontiguous tracts of land, and once again to have them presumably turned over to the State of Wisconsin as a part of the State park system, and then presumably once again having it charged against Wisconsin under the Land and Water Conservation Act at a later date.

Therefore, when we say we are concerned that this noncontiguous principle may provide a precedent, I would say that once again here is a specific example of what we claim today. What happened this morning may again prove to be a pattern under which money from the Treasury will be taken in the future for other situations of like incompatible and noncontiguous tracts of land.

I say to the Senator from Illinois that I believe it is extremely important to be concerned specifically about the fact that the National Government should go in and say, "This is an appropriation of a man's land that we want to acquire for utilization for everybody in the national park system," and then leave him with nothing but the outlying areas.

This is a part of our concern with respect to establishing this type of precedent.

We have included in the RECORD the minority report. It was signed by the three Senators whom I have named, including myself. It forms a part of the pattern of opposition, so that future Congresses may consider this question when they are considering similar situations in the future.

Mr. ALLOTT. Mr. President, I have just come from an Appropriations Committee meeting, and I did not have an opportunity to hear the remarks of my colleague from Colorado. However, we have discussed this subject on many occasions, and I know I can join in his general views on this subject.

This subject has been before Congress for a long time. Many hearings have been held on the so-called Indiana Dunes project. There are many things that I personally feel are great mistakes in connection with the pending bill. First, apparently there has been very little done to consider the impact of the bill on the communities in the lakeshore itself. Secondly, there are included in the bill several noncontiguous tracts which bear no reasonable relationship to the lakeshore area itself.

From the pictures, they seem to be very nice tracts, little sylvan glades, in which people might like to sit on an afternoon, and perhaps have a picnic lunch. However, they will not accommodate very many people before their pristine character will be destroyed. They are not lakeshore areas. They are not identified with the ordinary recreation and relaxation that is associated with a lakeshore area. Some of them are 4 or 5 or 6 miles inland. They bear no reasonable relationship to the lakeshore, nor do they bear any reasonable relationship from the standpoint of administration. A separate administration will have to be provided. Separate policemen or separate watchmen or separate guards will have to be provided for each of those areas. Consequently, they are not feasible from the standpoint of efficient administration.

Also, it seems to me that with the passage of the Land and Water Conservation Fund Act, which Congress has passed and which the President has signed into law, it was the intent of Congress that the fund be used for this particular purpose. These particular noncontiguous areas can not logically be associated with the beach itself, but, rather they are the type of thing that Congress had in mind when it passed the Land and Water Conservation Fund bill, so that the States, with assistance from that fund, would be able to develop these areas under a State plan.

Most States would be glad to have the opportunity to assume responsibility for such areas as this. By the same token, there is no justifiable argument for the U.S. Government to take up such noncontiguous tracts as this, which have no development and no particular value from any standpoint, despite the loose words that have been spoken in the testimony, and having the Government bear the expense of administering them. This was a function of the State. If the State wishes to do it, it should do it under the Land and Water Conservation Fund Act.

Third, we have made an error. When I say we have made an error, I want to make it clear that in the committee I have done everything I could to correct it. I believe the areas south of the main highway, which is roughly 1½ miles from the beach, should be eliminated from the bill. The reasons for this are that to operate it practically as a lakeshore or recreation area it is necessary that it be generally in one unit. The units south of the road, of course, are relatively undeveloped. I believe there are some farms located in those areas. The point is that it does not form a reasonably compact unit. In addition to it being necessary to cross the main highway, it is also necessary to cross a railroad track. Therefore these two areas are separated by the highway and the railroad track. The part below and generally south of the road does not contribute to the practical development and enjoyment of the lakeshore area.

I believe that the other Senators who have signed the minority report, the Senator from Wyoming and my distinguished colleague from Colorado, were in general agreement on these principles.

For that reason, I wish to make my own position clear. I cannot support the bill. I do not support it in its present form. I have always supported a proposal for a lakeshore area in Indiana, just as I supported the Cape Cod, Point Reyes, and Padre Island areas. Strangely enough, in the Padre Island case, while there were differences and disagreements, the main item on which the senior Senator from Colorado disagreed with some of his colleagues was that there was not enough development proposed. The Senator from Colorado wanted full development of the area. He wanted to have a highway constructed the length of Padre Island, so that it would be fully accessible to the people who would use it.

So it is on these grounds that I wish to place myself on record as being opposed to the bill in its present form. If the particular items which I have discussed were amended out of the bill, I think the bill would then be in such form that I could support it; although problems still remain that I believe the other House will have to deal with, with respect to the corporate inholdings of this area, which deserve attention. The people in that area deserve more equitable treatment than the bill provides them.

Mr. SIMPSON. Mr. President, I aline myself with the views of the Senators from Colorado with respect to my opposition on this measure. I speak on this subject with some trepidation because of the caliber and frankness of the Senators from Indiana and the senior Senator from Illinois.

I wish to add to what the Senators from Colorado have said that I realize there is a growing need for such recreation facilities near the more densely populated areas. I have always supported reasonable legislation which was needed by the local governments to assist them in satisfying the needs of the people. However, I do not feel that it is advisable for the Federal Government to force its plans for providing recreational facilities upon a State or local government when the needs are being met, and the proposed plan would bring hardship, dissension, and conflict to and between the people of the area and the various levels of government.

The Governor of Indiana made a bitter denunciation of the bill because it would take away a most important revenue-producing feature, the Indiana Dunes State Park. He made a more equivocal

statement later; but he has never, to date, disavowed the statement he originally made, namely, that he feels that the "general assembly and the conservation department would be most reluctant to simply give this park away." Governor Welsh said that the Indiana Dunes State Park is Indiana's "greatest revenue producer and helps to sustain other parks in the State system."

The record of the hearings is replete with the dissension that has now arisen concerning this proposal. I have seen these things happen in my own part of the country, where the dissension has been so widespread and persistent that it has extended over a period of 20 or 25 years. Because so many people and so many agencies of the State government are opposed to the proposal, Congress should be extremely chary in the approach it takes toward establishing such a facility against the will of so many people.

Mr. COOPER. Mr. President, I wish to speak in support of S. 2249, which would establish for the use, benefit, and enjoyment of the people of the United States the Indiana Dunes National Lakeshore, which is located in Kentucky's neighboring State of Indiana.

I have noted the arguments made against its establishment; nevertheless, I support the bill because I believe such an area and other areas of unusual beauty ought to be preserved as a national benefit for the education and recreation of the people of our country, both those of our generation and the millions who will come after us. The population of our country is increasing by leaps and bounds. It is estimated that in only a few years the population will be more than 200 million. Unless such areas as the Dunes are saved, the millions who will live in the future will never know that our country was once graced with dunes, forests, streams, and waterfalls.

We know that the demands of necessary public works, such as roads and river facilities, and the increasing growth of industry, will swallow up in time the last areas of such beauty in our country, unless we act now to preserve them. This is particularly true in the eastern part of the United States, where there are not many such areas left. Only this year, the Congress made a decision to preserve in Kentucky and Tennessee an area of unusual natural characteristics and beauty between the Cumberland and Tennessee Rivers—called "Between the Lakes." The Dunes and other natural areas in the East may not be considered by some as striking as are other areas in the West, or even in the mountain regions of the eastern United States. Yet the Dunes have a peculiar quality of beauty which cannot be found elsewhere in the United States.

I do not know whether it is true, but many in our country say that this great Nation, beautiful as it has been and is today, may be stripped of its beauty unless its people and their representatives, by action in communities, in States, and at the Federal level, act to save and preserve its places and areas of beauty and its natural wonders. I think we can help avoid having our country lose its great beauty by creating parks and other places of natural attraction, so that they will be preserved for our people to enjoy.

I have noted the efforts and the fight made by the distinguished senior Senator from Illinois [Mr. DOUGLAS] for years, to preserve the dunes against the demands of our industrial world. Progress is inevitable and needed, but at the same time that we locate new industry and public works in many places, we can preserve other locations of beauty. Senator DOUGLAS has continued his fight throughout the years and has had the support of many in his own State and throughout the country, including my State of Kentucky. His fight has been worthwhile. So I congratulate him and his cosponsors; and as a Senator from a neighboring State, I am glad to support the bill.

Mr. BAYH. Mr. President, first I ask unanimous consent to have printed in the RECORD excerpts from a statement I made before the committee when it was hearing testimony on the bill.

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

EXCERPTS FROM STATEMENT BY SENATOR BAYH ON PROPOSED CREATION OF NATIONAL LAKESHORE IN THE INDIANA DUNES AREA

I speak today as a cosponsor of S. 2249, a bill to create a national lakeshore in the Indiana dunes area, and as a representative of the State of Indiana, in which the proposed national lakeshore is located.

I support this bill because it fills the basic need for conserving the natural beauty of the Indiana dunes area and will provide in the years to come the badly needed recreational facility for the millions of citizens of Indiana, Illinois, and Michigan who are building the great industrial complex around the southern tip of Lake Michigan.

The area is of such significant value for conservation that if it were located hundreds of miles from an area of dense population concentration it would be well worth the cost of acquisition and management. Since it is located in the center of the Midwest and the middle of the rapidly growing industrial center at the southern tip of Lake Michigan, it is even more valuable and it is essential that the Senate act promptly to provide for a national lakeshore in this area.

Scientific and recreation experts have testified to the value of the land in question and the adaptability for development as a national lakeshore and recreation area. Scientific experts have and will testify to the desirability of preserving the natural botanical, geological, and pure scientific phenomena which are found in this area. I accept their testimony and concur that this area has tremendous value for conservation, scientific, and recreational development.

There is also testimony that this particular lakeshore configuration will prove to be a hindrance to the future economic development and growth of this section of my State. I disagree with this and tend to believe that the development of Indiana Dunes National Lakeshore will be complementary to the economic development of the Calumet area and will tend in years to come to be a great asset to the industry and the workers in that industry who are attracted by the industrial potential of our area.

I have introduced and tend to work vigorously for the passage of S. 2204, a bill to provide for authorization for Federal improvements for a harbor at Burns Waterway, Ind. This port has become a symbol of the industrial development of the area, and I think that it is possible to support in good conscience both the construction of this harbor, the economic development of the steel industry in northern Porter County, and this national lakeshore preserve.

We in Indiana are deeply concerned about the establishment of a National Lakeshore Indiana Dunes area. Senate bill 2249 is now before a Senate committee. I wish to remind Senators of the importance of this measure, and I ask them to follow it as it goes through the legislative channels, for I believe this is a great opportunity to serve not only the northern part of Indiana, but also the tri-State area of Indiana, Michigan, and Illinois.

Indiana badly needs the thousands of jobs which will be provided by the industrial development of this area. The workers who will come to serve the industries will badly need Indiana Dunes National Lakeshore for recreation in their leisure time. The report of the Chief of Engineers on the Burns waterway harbor stipulates that adequate air- and water-pollution control must be provided so as to protect the adjoining areas. This should prove to be sufficient for the development of an abatement program which will allow the complementary use of beaches and park areas.

I want to make it clear that I am intensely interested in the problem of providing jobs for people in my State. I believe that the Indiana Dunes National Lakeshore will tend to provide a community facility which will be an additional stimulus and attraction for new industry. The relatively small acreage involved in the lakeshore, when compared to the industrial area, will not detract from future expansion by existing industry and by the future industrial citizens of this section. I support then this bill and am in agreement with its aims and purposes.

I have visited the area personally and have had meetings with the citizens of the area. Members of my staff have also been in contact with long-time residents of the area and community leaders of the section and of our State.

* * * * *

I would also like to make the record very clear that I am concerned about several other problems which I believe cannot be dealt with in this legislation but which would require the careful attention of the Secretary of the Interior when administration of this park and its acquisition begins.

The first is the problem that is caused by the taking of a large amount of land off the tax rolls in the community of Beverly Shores. It would appear that approximately 60 percent of the taxable property in the town of Beverly Shores would be lost from that corporation for tax purposes. Since the property tax is the principal source of revenue for this community, this would cause either a great reduction in municipal services or a tremendous increase in the tax rate of the community. Both seem to be undesirable. I believe that the administrator of the Park Service can work out some equitable arrangements on the division of community responsibility which will allow for continued municipal services without an increased tax rate. Certain municipal services which account for a major share of expenditures of this community are for services which will accrue benefits to the Park Service. I am hopeful that the Director of the Park Service will be able to negotiate for continuation of these services as warranted by the park and as needed by the residents of the community. Maintenance of roads and providing adequate police and fire protection seem to be matters in which the National Park Service has as great an interest as the residents of the community. If the Park Service can provide either a certain amount of these services or contract for providing these services by the town corporation, the municipal services can be main-

tained without increasing the tax burden on the community.

The town of Beverly Shores is the community which is most adversely affected by this problem of removing land from the tax base. I am confident that the industrial impact and the increased attractiveness of this area because of the building of this park and the building of an industrial complex will create significant new tax revenues for these tax units. The benefits which will accrue to the local tax units from other improvements will in a very short period of time prove to be much greater than the loss which is to be suffered by the taking of this park land.

There are several plans for school reorganization currently existing in the area. Under the present circumstances, the town of Beverly Shores, again, is the school corporation most adversely affected by this problem. It would appear, however, that impacted-area aid would be available to this corporation if it should continue in its present form. There is likelihood that local school reorganization may result in the creation of larger school-tax units. In this eventuality, the new tax units would probably not qualify for Federal assistance. There is also a likelihood that this larger taxing unit will not include the tremendously improved industrial areas to the west which would provide an adequate new tax base. This could be quite a serious problem and one which we must wait to see what develops in the local school reorganization plans before any logical action can be taken by the Congress or by the Park Service.

I want also, Mr. President, to express my concern over the possibility that the individual citizens will be adversely affected by the freeze on real estate transactions which will occur with the enactment of this particular lakeshore. While it is true that titles to these lands will remain negotiable, I think it is safe to assume that there will be very little demand for unimproved property in this area, and there is a possibility that there will be limited demand for the improved property.

I know that the Park Service has every intention of purchasing improved and unimproved property whenever a legitimate offer of sale is made. I know that their experience has shown that this is genuinely feasible in most of their acquisition problems. I want to go on record, however, Mr. President, suggesting that in their appropriation request they provide generously for the possibility that many landowners will want to sell to the Park Service immediately. There are, of course, emergency cases, and there are those who will genuinely object to living in a national park area. I believe the Park Service should try as far as possible to provide in their appropriation request adequate reserve to take care of these transactions as well as those normal buying patterns which are planned into their acquisition program.

This is a very vital issue to my State and one over which I am very deeply concerned. I ask consideration of the amendments which I have suggested. They are completely consistent with the aims of the bill and serve only to perfect and increase the benefit of the park either to the user or to the people in the area. I do not think any of these recommendations I have made detract in any way from the desirability of the lakeshore as a recreation or conservation area, but will serve to improve the acceptability and the desirability of the park area.

Mr. BAYH. Mr. President, as one of the two Senators from the State involved, I feel compelled to make a brief statement to stress the need for this particular type of park facility. It is only right and just that in passing legislation we should try to adhere to a policy that will conform to a pattern that will be applied equally throughout the country. However, it is rather unrealistic to feel that there can be any basic pattern for park legislation which would apply with equal validity to any area in the country. For this reason, I should like to speak to the unique position in which we find ourselves in Indiana, so far as concerns the lake shore park which the Senator from Illinois [Mr. DOUGLAS] has pursued with such diligence and for so long, and for which he stated the case so eloquently a moment ago.

On the lake shore in northern Indiana is a rare and beautiful display of nature which is surrounded by a fast growing industrial complex. Thus, there exist two circumstances which seemingly cannot and do not exist together in this country; namely, a natural area which can be readily used for recreation, and closely associated thereto resources which are presently being used for industry and to provide jobs in a rapidly growing economy.

I urge Senators to accept this proposed legislation. It would provide adequate natural recreational facilities in a broad sense; namely, bathing, camps, folklore and nature lore, such as are found in only a few places in this country. At the same time, it is located in an area of dense population. People finding jobs in rapidly growing industries can utilize these recreational facilities much better than if they had to travel halfway across the continent to find them.

I agree that this is a patchwork effort. There is a certain basic fairness, however, to the inclusion of the so-called patchwork parts of the park.

In conclusion, the Senator from Illinois [Mr. DOUGLAS] knows—although I have always had the greatest respect for him and his record in the Senate, long before I had the pleasure of meeting him—that we have not always seen eye to eye on the validity and importance of this project.

We in Indiana are faced with a controversy which I feel confronts us with two great opportunities, rather than with two irreconcilable opportunities.

First, by passing the lakeshore bill today, we can provide recreational facilities unsurpassed for this area; and second, by another piece of legislation, which I do not ask that the Senator from Illinois support at this time—but I shall attempt to do so later—I hope that we can provide port facilities on the northern lakeshore which will bring Illinois markets, Indiana markets, and midwestern markets in general, closer to the terminal facilities around the world.

It seems to me that with the election so close, there are some persons aspiring to public office, or who wish to be reelected, who are trying to make a political controversy out of this question, on the ground that by passing the dunes bill we are selling out the port facilities.

I wish the RECORD to show clearly that I have felt from the beginning that it was ridiculous to say that we could not have both. We can have the great facilities of the park and at the same time we can give to the Indiana merchants, farmers, and manufacturers the benefit of foreign markets at reduced transportation rates, which can be enacted, I hope, in the next session of Congress to enable us to build this structure in Indiana.

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

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2249) was passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of this Act. The lakeshore shall comprise the area within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore", dated July 1964, and bearing the number "LNPNE 1003 ID", which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

SEC. 2. (a) Within the boundaries of the lakeshore the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or otherwise. In order to enhance the recreational benefits of this Act, the Secretary also is authorized to acquire such easements or other interests as he deems necessary to assure public access to the beach and waters of Lake Michigan continuously from the western boundary of the lakeshore in section 21 township 37 north, Indiana base, range 6 west, second principal Indiana meridian, to the easternmost point of intersection of the lakeshore boundary with the shoreline. The Indiana Dunes State Park may be acquired only with the consent of the State of Indiana, and the Secretary is hereby directed to negotiate with the State for the acquisition of said park. In exercising his authority to acquire property by exchange for the purposes of this Act, the Secretary may accept title to non-Federal property located within the area described in section 1 of this Act and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary. Properties so exchanged shall be approximately equal in fair market value, as determined by the Secretary who may, in his discretion, base his determination on an independent appraisal obtained by him: *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.

(b) The Secretary of the Interior is authorized to seek such cooperative arrangements with the State of Indiana, political subdivisions thereof, and property owners as are required to provide public access to segments of the Little Calumet River and the adjacent river banks between the lakeshore boundary and the east line of section 31 and the Secretary may acquire, other than

by condemnation, such easements and other interests in lands or waters as he deems necessary to further the purpose of this subsection.

SEC. 3. As soon as practicable after the effective date of this Act and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 1 of this Act which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. Following such establishment and subject to the limitations and conditions prescribed in section 1 hereof, the Secretary may continue to acquire lands and interests in lands for the lakeshore.

SEC. 4. (a) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within the boundaries of the lakeshore for one year following the effective date of this Act. Thereafter such authority shall be suspended with respect to all improved property located within the boundaries of the lakeshore during all times when an appropriate zoning agency shall have in force and applicable to such property a duly adopted, valid zoning ordinance approved by the Secretary in accordance with the provisions of section 5 of this Act.

(b) The term "improved property", whenever used in this Act, shall mean a detached, one-family dwelling, construction of which was begun before October 21, 1963, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of the land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto.

SEC. 5. (a) As soon as practicable after enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of zoning ordinances for the purposes of sections 4 and 6 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning ordinances whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning ordinance and any amendment to any approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of such ordinance or amendment by the zoning agency. Such approval shall not be withdrawn or revoked, by issuance of any amended regulations after the date of such approval, for so long as such ordinance or amendment remains in effect as approved.

(b) The standards specified in such regulations and amended regulations for approval of any zoning ordinance or zoning ordinance amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property covered by the ordinance within the boundaries of the lakeshore; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area covered by the ordinance within the lakeshore by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning ordinance consistent with the laws of the State of Indiana.

(c) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the lakeshore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such ordinance or amendment.

(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under or exception to such zoning ordinance, or is subjected to any use, which variance, exception, or use fails to conform to or is inconsistent with any applicable standard contained in regulations issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may, in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation.

(e) The Secretary shall furnish to any party in interest requesting the same a certificate indicating, with respect to any property located within the lakeshore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with provisions of this Act, that such authority has been so suspended and the reasons therefor.

SEC. 6. (a) Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of acquisition by the Secretary. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(b) The Secretary shall have authority to terminate any right of use and occupancy retained as provided in subsection (a) of this section at any time after the date upon which any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with the applicable standards contained in regulations issued pursuant to section 5 of this Act and which is in effect on said date; *Provided*, That no use which is in conformity with the provisions of a zoning ordinance approved in accordance with said section 5 and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event the Secretary terminates a right of use and occupancy under this subsection, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination.

SEC. 7 (a) In the administration of the lakeshore the Secretary may utilize such statutory authorities relating to areas of the national park system and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

(b) In order that the lakeshore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features within the lakeshore by establishing such trails, observation points and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further*, That the Secretary may develop for appropriate public uses such portions of the lakeshore as he deems especially adaptable for such uses.

SEC. 8. (a) There is hereby established an Indiana Dunes National Lakeshore Advisory Commission. Said Commission shall terminate ten years after the date of establishment of the national lakeshore pursuant to this Act.

(b) The Commission shall be composed of seven members, each appointed for a term of two years by the Secretary, as follows: (1) one member who is year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made by the board of trustees of such town; (3) one member who is a year-round resident of the towns of Porter, Dune Acres, Portage, Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) one member who is a year-round resident of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; and (6) one member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes National Lakeshore and with respect to the provisions of sections 4, 5, and 6 of this Act.

SEC. 9. Nothing in this Act shall deprive any State or political subdivision thereof of its civil and criminal jurisdiction over the lands within this lakeshore, or of its right to tax persons, corporations, franchises, or other non-Federal property on the lands included in such lakeshore.

SEC. 10. There is hereby authorized to be appropriated not more than $23,000,000 for the acquisition of land and interests in land pursuant to this Act.

Mr. DOUGLAS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BAYH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

## CORRECTION OF CERTAIN ERRORS IN THE TARIFF SCHEDULES OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1541, H.R. 12253.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. An act to correct certain errors in the Tariff Schedules of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments.

Mr. BEALL. Mr. President, I strongly support the amendment to H.R. 12253 which was designed to close a loophole in the tariff schedule. Under the present law "button blanks" can be imported at a rate of 36 percent whereas imported finished buttons are dutiable at a rate which is equivalent to ad valorem rates ranging up to 140 percent. In the last 3 years there has been a marked increase in the importation of "button blanks." One might properly inquire why. First it will be helpful if I define what is meant by button blanks. Button blanks are the raw materials from which many types of buttons may be made. The answer is clear. Importers discovered a device whereby they could import almost finished buttons at the lower rate for button blanks. Now, Mr. President, these almost finished buttons were not button blanks or the raw material. In fact, 75 percent of the value has already been added when the almost finished buttons arrived in this country. This represented a discovery of a loophole in our tariff schedules and, as one can imagine, opened the floodgates to the importation of these almost finished buttons to the detriment of the domestic button industry. This amendment will plug this loophole and protect the domestic button industry as the tariff originally intended.

Since Maryland has a domestic button industry, I am naturally greatly interested and keenly aware of the industry's problem. I feel the closing of this loophole, which is clearly a tariff avoidance device, will be most helpful to those who are employed in this important industry.

I also would like to take this opportunity to commend the Finance Committee for their wisdom in deleting section 15 which deals with V-belts. A reduction in the tariff schedule, as approved by the House, would have resulted in severe hardship to our domestic producers. The committee's amendment wisely proposes to continue the present 16-percent duty on imported V-belts.

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## REMEMBERING MAYOR LA GUARDIA

Mr. JAVITS. Mr. President, the La Guardia Memorial Association, according to its tradition, held services at the grave of the late and beloved mayor of New York, Fiorello H. La Guardia, on September 20, the 17th anniversary of his death.

During the ceremony at Woodlawn Cemetery, Morris S. Novik, who was director of the city's radio station, WNYC, during the La Guardia administration and who is now a radio consultant in New York and a member of the Advisory Committee on International Information, spoke about the "Little Flower's" remarkable talent for communicating with the people of his city. Through this talent, the people of New York City closely identified themselves with the aspirations of their mayor, and made him the most beloved city official in modern times.

I ask unanimous consent to insert Mr. Novik's remarks on this occasion into the CONGRESSIONAL RECORD.

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

On this, the 17th anniversary of the death of Fiorello H. La Guardia, we assemble as we have done every year to pay tribute to a man we loved.

As the years go by, each of us attempts to assess the man. We try to explain the imprints he made, not only on our lives in general, but also on our personal lives.

The legacy of La Guardia was his identification with the people; they loved him and he loved them.

Each of us, as the years go by, see Fiorello La Guardia, naturally enough, through his own eyes. Objective though we try to be, we cannot but think in terms of our own personal relationship with him.

All of us knew La Guardia as a great man—as a great mayor—as a great leader. It was my fortune to know La Guardia as a great communicator.

There are many explanations for the La Guardia phenomenon. One seems to dominate. He was able to talk to the widest audience and not only be heard, but understood. His phrase was not elegant. It often was not eloquent, but it was always direct, earnest, and completely understandable. It was as though his heart had a tongue that spoke to other hearts. This understanding was not limited to any one group. It reached everyone.

La Guardia pioneered in the use of radio. He understood that it was not merely a medium for making speeches. It was to him, a medium for talking personally with real people about real-life problems.

He talked to people about their problems in their own terms. When he talked about the price of tomatoes on radio, he wanted to help people with limited earnings to make every penny count. He was trying to help them live better and more rewarding lives. Radio helped him ring each doorbell. Talk with each person, and help every one of them with the problems of everyday living.

This personal recollection of La Guardia is more than a sentimentalized memory. La Guardia saw radio, and in his last years, television—practically an extension of personal conversation. Many did not agree with La Guardia but they always listened.

WNYC was in existence for many years prior to Mayor La Guardia taking office. In many ways, it was regarded as an orphan or stepchild of the city government. In fact, previous administrations literally hid its antenna behind the statue on top of the municipal building and assigned the station to the housekeeping agency of the city, concerned with maintenance of buildings and bridges—the department of plants and structure.

It was Mayor La Guardia who first recognized the value of a city radio station. It was he who was responsible for the establishment of the radio station as an independent municipal department. Then began the long-range campaign to establish WNYC as a vital force in the affairs and lives of the people of the city of New York. This led into the prolonged struggle with the Federal Communications Commission to obtain recognition for the unique services rendered by WNYC and for its right to have full time on the air. A major step in winning that battle was actually achieved only recently, 25 years later. Hopefully the final victory will not be long in coming.

During the crucial years of World War II La Guardia saw radio as a personal line of communication between government—local government—and the people. From day to day the people wanted to know not only about the events of the day, but how those events were evaluated by someone they trusted. They trusted Fiorello La Guardia.

When the war broke out in 1941, the mayor was the first to realize the importance of radio and WNYC in supporting the war effort on the homefront, in civil defense, and in keeping people informed of where and how they could help.

Mayor La Guardia never missed a Sunday broadcast during the war. In the heat of summer—and city hall was not air conditioned in those days—and in the dead of winter, Fiorello La Guardia left his home to face the WNYC microphone and press every Sunday to report to the people of New York on city affairs and the contribution the city was making to the war effort.

He reported how and where they could help—when to collect tin cans, what changes were being made in rationing, how to conserve vital energies needed for the war effort.

He told them of what he thought about everything connected with the war effort. He lifted high the hope and strengthened the courage and the morale of the people of the world's greatest city.

Just as the bells of the Tower of Parliament inspired the beleaguered people of Great Britain, so WNYC broadcast the historic chimes of our city hall, followed by the identification "WNYC in a city where over 7 million people live in peace and enjoy the benefits of democracy."

La Guardia wanted the station to be a living service to the city. He wanted it to draw the people closer to each other and to their city. He wanted it to help, to teach, to entertain, to serve, to unite—and to continue.

Regularly during the war, the civil defense programs and services of WNYC were transmitted to the commercial stations in the city for rebroadcast. WNYC was the keystone in the arch that never cracked security during almost 4 years of voluntary censorship and self-regulation.

Many are commemorated by statues, monuments or public facilities named in their honor such as airports, bridges, and tunnels.

While one of the great New York airports bears his name, I prefer to think that Mayor La Guardia's principal monument is radio station WNYC. The station established a standard of excellence and a code of public service for broadcasting that even today is still unique. The station still plays a leading role in the cultural and civic affairs in the city.

That is the monument on the ether waves to Fiorello La Guardia. It is a voice that still speaks long after its innovator has passed from us. It is a voice that has meaning and responsibility. It is listened to because of its authority.

It is a living thing, a monument to his patience, his fortitude, his fighting spirit.

Perhaps I have spoken too much about La Guardia's great contributions to WNYC and the field of communications. That is natural for me.

On this the 17th anniversary of his death, I know that all of us here feel his presence. We still miss him for his concern with a hundred causes.

We miss him as a man. We miss him as a friend. He was sometimes difficult. He was sometimes violent. He could be gay. He could be sad.

Fiorello La Guardia is missed, and he will never be forgotten.

## NEW YORK STATE'S ATTACK ON ILLITERACY

Mr. JAVITS. Mr. President, in solving our domestic problems—especially those involving the welfare of our underprivileged citizens—I have always advocated cooperation between local, State, and the Federal Governments. I have offered amendments to bills establishing Federal programs in many of these areas that would have allowed local and State governments to show initiative in designing programs particularly suited to local problems.

Last week, the State of New York provided an outstanding example of such initiative. Gov. Nelson A. Rockefeller on Thursday announced that the New York State Department of Labor, in cooperation with the State and New York City's departments of education, and the Federal Departments of Labor and Health, Education, and Welfare had developed a large-scale attack on illiteracy and unemployment in New York City.

I ask unanimous consent to have printed in the RECORD the statement by Governor Rockefeller's office explaining the program, and an article which was published in the New York Times of September 25 on the same subject.

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

STATEMENT FROM OFFICE OF GOVERNOR OF NEW YORK

Governor Rockefeller today announced an occupational training project for 6,000 unemployed and underemployed New York City residents, the largest such program in the Nation.

The project was initiated, planned, and developed by the New York State Labor Department's Division of Employment, in cooperation with the State department of education, the New York City Board of Education, the U.S. Department of Labor, and the U.S. Department of Health, Education, and Welfare.

The division of employment will recruit and select the trainees through its local employment service offices—including centers of the youth employment service—and in cooperation with community agencies. Upon completion of training, the employment service will provide job placement services for the graduates.

The project, with an estimated cost of $12 million, is designed to train 4,000 disadvantaged youths and 2,000 jobless or underemployed adults under the Federal-State Manpower Development and Training Act. The multioccupation program encompasses vocational training in a number of selected fields where shortages exist or where there is a continuing demand for labor.

Novel in its large-scale attack on illiteracy, recognized as one of the causes of hard-core unemployment, the project will include basic remedial education geared to the individual trainee's needs in reading, writing, basic arithemtic, spelling, and language skills.

"Without such corrective training, the disadvantaged worker cannot hope to break the chain of illiteracy that links one generation to the next," Governor Rockefeller said. "We must first help the disadvantaged, regardless of age, to acquire the basic tools, the three R's of the world of work."

Vocational training for youths aged 16 through 21 and adults over 22 will be provided for entry jobs, as well as for some semiskilled and skilled occupations in the following fields of work: automotive services, such as mechanic and station attendant; building maintenance services; commercial occupations, including bookkeeping machine operator, stenographer, and typist; costume jewelry; equipment and material checking; electronics; food preparation and service; hospital and institutional care; machine shop; merchandising, including sales clerks and grocery checkers; metal fabricating; printing, bookbinding and paper goods, and silk screen printing.

For the most part, classes will be held in various public high schools as facilities become available throughout the city.

Job counseling and aptitude testing of trainees will be given by New York State Employment Service counselors to determine the broad field of work to which each trainee is assigned. Employment service counselors will also oversee the individual trainee's progress. In addition, the New York City Board of Education guidance counselors will provide appropriate educational counseling to assist those trainees who lack the proper motivation to make them ready for employment after training.

The program is designed so that the trainees can benefit from the project's flexibility and can move up the skill ladder within the chosen field of work. Accordingly, a qualified trainee can start training in an entry occupation and move on to a course for a semiskilled occupation in the same field of work or in a different field.

One of the principal objectives of the project is to discover and develop the trainee's work potential and thereby enhance his employability at his highest skill level.

Unemployment figures show higher rates among the less educated, with joblessness occurring more frequently and lasting longer. Of the approximately 145,000 young people entering the labor market during 1964 and 1965 in New York City, about 60,000 will be school dropouts. December 1963 estimates show a rate of unemployment of 9 percent among youth as against 5.2 percent for the city's entire labor force. The figure for nonwhite unemployed youth is still higher. Unemployed adults with less than a high school education have considerable difficulty in becoming reemployed. Many find their skills have become outmoded during this period of rapid technological change.

The first course is expected to get underway within the next few weeks. Weekly training allowances will be paid to those trainees who qualify under the provisions of the Manpower Development and Training Act (MDTA).

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[From the New York Times, Sept. 25, 1964]

STATE WILL TEACH JOBLESS THE THREE R'S—$12 MILLION PROGRAM HERE IS CALLED NOVEL IN SCOPE OF ATTACK ON ILLITERACY—BEGINS IN A FEW WEEKS—SCHOOL DROPOUTS AND ADULTS ARE ALSO SCHEDULED TO GET VOCATIONAL TRAINING

ALBANY, September 24.—A large-scale attack on illiteracy and unemployment in New York City was announced today by Governor Rockefeller.

Starting in a few weeks, the first of 6,000 unemployed persons, including a large proportion of school dropouts, will begin a basic remedial education program consisting of courses in reading, writing, arithmetic, and spelling.

The program, which will cost $12 million, was developed by the State labor department in cooperation with the State and city education departments and Federal agencies.

Mr. Rockefeller called the program novel in the scope of its attack on illiteracy.

"Without such corrective training, the disadvantaged worker cannot hope to break the chain of illiteracy that links one generation to the next," the Governor said. "We must first help the disadvantaged, regardless of age, to acquire the basic tools, the three R's of the world of work."

SPECIAL COURSES PLANNED

Students will progress according to their ability. Once they have completed work in the basic skills, they will be tested for aptitude and permitted to take specialized courses.

Training will be provided in the following fields: automotive services, building maintenance, bookkeeping, stenography, costume jewelry, equipment and material checking, electronics, food preparation and service, and hospital and institutional care among other vocations.

Classes will be held in public high schools. Counselors of the State employment service will provide job counseling and aptitude tests.

In addition, New York City Board of Education guidance counselors will assist trainees "who lack the proper motivation to make them ready for employment after training."

Weekly allowances will be paid to the trainees to qualify under provisions of the Federal Manpower Development and Training Act.

EMPLOYMENT AID OFFERED

Trainees will be recruited through the State labor department's division of employment, which will also provide job placement services for the graduates.

A labor department spokesman said that the program involved more people, put more emphasis on reading and writing and cost more than any other of its type.

Until July 1965 it will be financed entirely by the Federal Government. After that, the State must match Federal funds.

The project is designed to train 4,000 disadvantaged youths (mostly dropouts) and 2,000 jobless or underemployed adults.

The project will be one of many operating here. The city sponsors such projects as JOIN (Job Opportunities in Neighborhoods) to train youths, a literacy training program for 800 persons, and education projects for school dropouts.

## CONGRESSIONAL CONFLICTS OF INTEREST

Mr. JAVITS. Mr. President, the summer 1964 issue of the Federal Bar Journal contains a most valuable symposium on the subject of conflicts of interest, covering a wide range of applications as well as the general philosophy. The legislative, judicial, and executive branches of the Federal Government are treated fully in this series, as are the separate fields of securities, industry, and business, the news media, and State government. Indeed, while the entire series is well worthy of reproduction in the CONGRESSIONAL RECORD, certainly the two excellent comprehensive contributions on the very current subject of congressional ethics should be brought to the attention of the Congress. Accordingly, I ask unanimous consent that there be printed in the RECORD at this point in my remarks the articles contributed by my colleague from New Jersey [Mr. CASE], who is recognized as a leader on this issue in the Senate, and jointly by Erwin G. Krasnow, a past president of the Capitol Hill chapter of the Federal Bar Association, and Congressman RICHARD E. LANKFORD, past

president and first vice president of the Federal Bar Association.

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

THE CONGRESS AND ITS DOUBLE STANDARD

(By Senator CLIFFORD P. CASE [1])

On Capitol Hill, the majestic dome of the Capitol rises newly white and strong against a background of the Mall and downtown buildings of the executive branch. Its new gleam was accomplished during the course of an extensive repair and renovation program ordered by the Congress when the east front of the building showed unmistakable signs of deterioration.

The signs of the need for a rehabilitation program of the Congress itself are at least equally plain, but so far they have gone largely unheeded. One such sign is the low esteem in which Congress is currently held by many Americans. A recent poll reported that a majority of those questioned believe Congress tends to represent "special interests working for private gains." [1a]

This conclusion may not be surprising after the many months of piecemeal and still incomplete accounts of the activities of Bobby Baker and some of his associates. But the Baker case, and especially the handling of it, are only the latest demonstration of a basic cause of public mistrust and cynicism; i.e., the double standard so long practiced by Congress—one standard for the executive branch, another lesser standard for its own members.

"We are not investigating Senators," [2] said the chairman of the Senate Rules Committee when queried about the scope of the Baker investigation. In that one sentence, he expressed a view that is all too characteristic of the Congress. It shows up in many ways.

I remember, for example, a meeting several years ago, when I was a member of the Senate Interstate and Foreign Commerce Committee, to consider a Presidential nomination for a vacancy on the Federal Communications Commission. The nominee, a lawyer by profession, had previously served the Government with distinction. His qualifications were not questioned. Nonetheless, the nominee was there to withdraw his nomination. The explanation helps to highlight the double standard that today prevails in Washington.

The Federal Communications Act provides, inter alia: [3]

No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this chapter, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this chapter.

As it happened, the nominee had a prudent father. Some years before, he had established a small, and irrevocable, trust fund for his two sons, to be managed by trustees outside the family. Soon after its establishment the trustees invested a portion of the funds in stock of a well-known electrical firm which manufactures, among other things, equipment in the communications field. Over the years the stock had greatly increased in value. At the time of the hearing the trustees could not justify, in the light of their fiduciary duty toward the beneficiaries, sale of the stock. Since neither beneficiary had any control over the investments made by the trust and the trust itself was irrevocable, there was no way in which the nominee could divest himself of this involuntary financial interest.

The committee agreed it came within the proscription of the act. The provisions of the act are clear, and I do not question them or the rightness of the decision to withdraw. However, I could not help thinking of the contrast between the stringent restrictions on membership on the Federal Communications Commission and the complete absence of any restriction on membership on the Senate committee which oversees it and passes on legislation in the communications field.

Another hearing on a Presidential nomination comes to mind. The nominee, from private industry, had worked for his firm through the first 6 months of the year in which he was nominated. He had relinquished all financial interest in the firm, which did some work for the Government, but was hopeful that he might be permitted to take a half year's share in the profit-sharing plan of the company in line with his employment for the first half of the year. With some reluctance I felt obliged to point out that this seemed inconsistent with the clear intent of the law inasmuch as the company's profits were calculated for the purposes of its profit-sharing plan on a yearly basis, and the value of a 6-months share would be determined partly by the profits realized in the second half of the year. The committee agreed.

Again our action highlighted the difference between standards applied to executive appointees and the Members of Congress. For Members of Congress may, and do, sit on committees which act on measures that, directly or indirectly, affect their personal financial interests. And, on occasion, Members of Congress have attempted to influence the actions or decisions of an executive agency from which they may stand to benefit personally.

In 1962, Congress revised the statute covering bribery, graft, and conflicts of interest.[4] The revision has been described as both strengthening and liberalizing the prior statute. But, whatever one's view of the specific provisions adopted, they represent an attempt to deal with the problems presented by the postwar growth in the Government's use of consultants and part-time advisers and the past employment activities of former Government employees. By contrast no effort was made to reach the problems of conflicts of interest in the legislative branch. The Congress once again concentrated its attention on the executive arm of Government. Certain provisions such as those covering bribery [5] continue to apply specifically to Members of Congress as well as to others. Others such as section 208 dealing with "acts affecting a personal financial interest" apply only to officers and employees of the executive branch.[6] It was upon the precursor [7] of section 208 that the Dixon-Yates affair turned.

The overall public policy embodied in these provisions was described by Chief Justice Warren in *United States* v. *Mississippi Valley Generating Co.*, the litigation that became known as the Dixon-Yates case.

"The moral principle upon which the statute is based has its foundation in the Biblical admonition that no man may serve two masters, Mathew 6: 24, a maxim which is especially pertinent if one of the masters happens to be economic self-interest. Consonant with this salutary moral purpose, Congress has drafted a statute which speaks in very comprehensive terms.

"The statute establishes an objective standard of conduct, and that whenever a Government agent fails to act in accordance with that standard, he is guilty of violating the statute, regardless of whether there is positive corruption. The statute is thus directed not only at dishonor, but also at conduct that tempts dishonor. This broad proscription embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government. To this extent, therefore, the statute is more concerned with what might have happened in a given situation than with what actually happened.

"The statute is directed at an evil which endangers the very fabric of a democratic society, for a democracy is effective only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption." [8]

If this is good public policy for Congress to proscribe for the Government generally, is it any less good for the Congress itself?

To put it another way: If a Member of Congress applies "pressure" in his capacity as a Member of Congress to an executive agency to maintain or expand a program which will benefit the company in which he holds stock, is it any less reprehensible than if he were acting as a paid representative of the company?

Does the fact that he is a Member of Congress dispel the possibility of suspicion which the statute seeks to avoid?

Such actions may be infrequent but they are not unknown. I think it is probable that when a Member of Congress does exert pressure in such circumstances, he does so with a sincere conviction that the action sought is in the national interest. But sincerity is not the test. Nor is it in point that private and public interest may, and sometimes do, coincide. Rather the question is: If "What's good for General Motors is good for the country" is considered at best naive when expressed by a member of the executive branch, it is less so when proclaimed by a member of the legislative branch?

It would be unrealistic, I believe, to suggest that Members of Congress should be required to divest themselves of all financial interests which might conceivably be affected by legislation or by action of executive agencies under the purview of a committee on which a Member serves. But should a Member of Congress, whose law firm represents a common carrier, act as a committee member, or vote on the floor, on measures affecting common carriers? Or should one with business associations in the

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[1] U.S. Senator from New Jersey since 1955; Member House of Representatives, 1945–53; A.B., Rutgers, 1925; LL. B., Columbia, 1928.

[1a] The Washington Post, Apr. 20, 1964, sec. A, p. 2.

[2] The Washington Post, Jan. 15, 1964, sec. A, p. 7, col. 2.

[3] 48 Stat. 1066 (1936), 47 U.S.C. 154(b).

[4] 18 U.S.C. 201, 35 Stat. 1096 (1909) was amended by Public Law 87-849, 87th Cong., Oct. 23, 1962; 76 Stat. 1119.

[5] Note 4, supra. See also sec. 203 barring services before the departments and agencies but not services in court rendered for compensation solicited or received.

[6] 18 U.S.C. Sec. 205 bars services rendered with or without compensation before the court as well as the departments and agencies. Certain limited exceptions are provided.

[7] Former sec. 434 of 18 U.S.C.; 35 Stat. 1106 (1909).

[8] 364 U.S. 520, 549, 550, 562 (1960), rehearing denied, 365 U.S. 855 (1961).

mining industry pass on such measures as depletion allowances for income tax purposes?

Every lawyer is familiar with his obligation not to represent conflicting interests. Canon 6 of the American Bar Association's canons explicitly states the "* * * duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel." [9] We expect a Member of the judicial branch to disqualify himself from sitting in a case where his personal interests or associations might be thought to color his view. A member of the executive branch has a similar obligation. The public could reasonably look to Congress to follow this practice. And it is a matter of record that some Members of Congress have refrained from voting on particular measures because they had a direct personal interest affected by them.

It would, I think, be impossible to frame statutory prohibitions adequately safeguarding against conflicts of interest in the infinitely broad and varied situations with which Congress, and Members of Congress, have had to deal. But there is, I believe, a way in which Congress can provide better protection than now exists for the public interest, and in a manner consonant with its elective status. That is by applying the principle of public disclosure to the financial interests of members and the top staffs of the legislative branch and to their dealing with executive agencies at the behest of a particular party of interest.

Specifically, I have proposed in this and three preceding Congresses legislation that would require that all top officials in the legislative, as well as the executive branch report annually their sources of income including gifts of $100 or more in value and their financial assets and liabilities.[10] The reports would also include a statement of all dealings in securities or commodities and all purchases and sales of real property or any interest therein. They would be filed with the Comptroller General as public records available to both press and public.

A second part of my bill would also apply the disclosure principle to both oral and written communications concerning particular cases to regulatory agencies, whether from a Member of Congress or a member of the executive branch outside the agency involved. For example, all communications, routine or otherwise, from a Member of Congress in behalf of a particular application for a broadcasting license from the Federal Communications Commission would be made a part of the public record of the proceeding. Failure to cover ex parte contacts with regulatory agencies, as recommended by President Kennedy, is another notable omission of the 1962 revision of section 201 of title 18.

Public disclosure is not a new principle. Preventive rather than punitive in approach, it already applies, in part, to the area of campaign contributions and expenditures. It is the principle behind the requirement that lobbyists register and report expenditures to the Congress.

For another application of the principle, it is notable that in the 1963 Judicial Conference the problem of financial activities of judges was fully discussed. The Conference adopted a resolution forbidding any Federal justice or judge from serving as an officer, director, or employee of a corporation organized for profit.[11] The Conference disapproved of a Senate bill to require each judge to submit regularly complete financial reports open for inspection by any member of the judicial council of each circuit but the action was taken on the ground that "regardless of the merits of the proposal, judges should not be singled out from other officials of the U.S. Government to make such reports." [12]

Public disclosure is particularly appropriate in an area where a flat prohibition might raise questions of infringement upon the right of the people to elect the representative of their choice, be he rogue or shining knight. Certainly, it would help to give the electorate a better basis on which to judge.

For the Congress as a whole and for the individual Members of it, a requirement for disclosure of financial interests would help to dispel the cynicism and disdain with which so many citizens view the political practitioner. This attitude is, I am convinced, for the most part unfair. Yet it certainly has some historical basis. It was, after all, Daniel Webster who reminded officials of the Second Bank of the United States "* * * my retainer has not been renewed or refreshed as usual." [13]

The venality and corruption of many State legislatures in the mid-19th and early 20th centuries were notorious. I am confident that the Congresses in modern times compare very favorably with those of an earlier day. Certainly, in my experience, the great bulk of Members of Congress, for example, are honest, conscientious men, trying to do the best job they can in the interests of the Nation and their State or district.

For officials in the executive branch and particularly in regulatory and semijudicial agencies, the obligation to file regular financial reports would be both preventive and salutary. The maintenance of public confidence in the integrity of these agencies is essential. With them rest determinations that may vitally affect the well-being of a particular enterprise or industry and the communities of which they are part. The necessity to make such a report would serve as a stop-and-think warning. In conjunction with the requirement for disclosure of communications, it would also tend to check the all too prevalent inclination of the general public to ascribe, without tangible grounds, any particular decision to "influence" or a "fix." Contrary to common supposition, they are, I believe, the exception rather than the rule.

Support for the principle of disclosure is growing. For example, at this writing, 30 Members of the Congress, including this writer, have made public financial statements.

To accomplish the objective, however, disclosure should, as the Judicial Conference report suggests, apply equally to all, and to the same extent. And it should include all sources of income.

Adoption of this disclosure requirement will not, of course, resolve all of the conflicts-of-interest problems with which Congress is confronted. By no means do all conflicts-of-interest problems fall in the category of pecuniary interest, at least in the direct sense. Every Member of Congress is confronted, at one time or another, with the problem of drawing the line between legitimate representation of constituent interest and so-called improper influence or pressure. Every Member has also, I venture, at some time wondered whether the offer of a particular campaign contribution was made in the expectation of a subsequent favor even though it was proffered solely as the fruit of a laudable desire to return a worthy official to office. Further, there are a host of other problems, large and small, that trouble many Members of Congress. More than one Member with limited personal resources has to tussle with the problem of how to meet the expenses which serving as a Member of Congress entails.

Travel, for example, is a costly item for most Members. Once upon a time, Congress met for 4 to 6 months and adjourned for the rest of the year. Since the war, sessions have been steadily lengthening. In 1963 the session ended only when Christmas impended. There is an official travel allowance, but in the Senate it covers only three round trips a year. This does not begin to meet the needs of most Members who are rightly expected to get back home far more frequently. The cases of use of official transportation for personal purposes justifiably provoke headlines. But little notice is given to the fact that most Members spend 10 to 20 percent of their salaries on travel to and from their home States or districts for necessary functions and meetings.

A pay raise would provide a partial answer to some of these problems but it would not go to the fundamental considerations involved. To consider them, my bill would establish a Commission on Legislative Standards.

But there are still other areas in which Congress itself can act immediately to eliminate the double standard that now prevails, e.g., accountability in the expenditure of public funds. Congress demands a scrupulous accounting by the executive branch, but takes a far less stringent view of its own expenditures.

One result is that congressional travel abroad has gotten a bad name in many quarters. And understandably so. Yet, with a substantial part of our military forces dispersed around the globe and with millions of U.S. tax dollars being spent in foreign assistance, Congress has a responsibility which legitimately involves, indeed requires, some on-the-spot inspection and firsthand observation. The "junkets" of a few have tended to make all such trips suspect. Fortunately, a few years ago Congress did act, after repeated exposés, to impose minimal requirements for reporting expenditures on the use of counterpart funds by committee members and staff traveling overseas. The scope of these reports should be broadened to include all committee expenditures, domestic as well as abroad, and in greater detail than is now prescribed.

Another spot vulnerable to criticism is the process of appropriating for the legislative branch. Congress tends to regard legislative expenditures as its own business while it treats those of other governmental agencies as public business. Comity between the Houses normally precludes any real questioning of appropriations for its own use approved by the other body. But even within each body too many expenditures are shrouded in secrecy and the budget is approved without most Members knowing what it may really provide by way of swimming pools or draperies, not to speak of more major matters.

This is perhaps understandable. In a body of 100 or 435 peers—some of them more equal than others—it is unrealistic to expect the kind of scrutiny that occurs between independent though coordinate branches of government.

Through the years, Congress has shown it cannot, will not, police itself. One need go back no further than the McCarthy era to

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[9] "Canons of Professional and Judicial Ethics, Opinions of Committee on Professional Ethics and Grievances" 3, American Bar Association (1957).

[10] S. 1233, 87th Cong., 1st sess. (1961); S. 1332, 86th Cong., 1st sess. (1959); S. 4223, 85th Cong., 2d sess. (1958).

[11] "Report of the Proceedings of the Judicial Conference of the United States," 1963, p. 62, Government Printing Office, Washington (1964).

[12] Id. at 63; S. 1613, 88th Cong., 1st sess. (1963).

[13] Schlesinger, "The Age of Jackson" 84 (Little Brown, Boston, 1950).

see the futility of expecting the Congress to exercise effective self-discipline.[14]

At this writing, the Senate Rules Committee is considering the recommendations it was directed to make under Senate Resolution 212 to "make a study and investigation * * * whether additional laws, rules, or regulations are necessary or desirable" and to "report to the Senate at the earliest practicable date the results of its study and investigation together with such recommendations as it may deem desirable."

Some members of the committee have proposed a code of ethics with the sanction of censure. Promulgation of such a code is all very well as an expression of sentiment, but more than another hortatory exercise[15] is needed.

Historically, as well as practically, it is the watchful eye of the press and public that exerts the strongest pressure to keep to the straight and narrow. That is why I believe continuing information, readily available to both public and press, covering the financial interests of Members of Congress is the most promising solution to the problem. It would not be a cure-all, but it would go a long way toward protecting the public interest in the integrity of the legislative process. And, after the initial shock, I suspect the vast majority of the Members of Congress would find it a positive help in carrying out their official responsibilites.

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## CONGRESSIONAL CONFLICTS OF INTEREST: WHO WATCHES THE WATCHERS?

(By Erwin G. Krasnow[1] and Congressman RICHARD E. LANKFORD[1a])

### INTRODUCTION

The 1st session of the 88th Congress was marked by an early flurry of interest in conflict-of-interest situations and remedies for Members of Congress which resulted in a stream of legislation introduced in both the House and the Senate to prevent conflict-of-interest abuses that many Members felt existed but were understandably unwilling to lay bare in public. In addition, it led an unprecedented number of Senators and Representatives to dramatize their concern for more ethical behavior by making public disclosures of their finances in the CONGRESSIONAL RECORD.[2]

The recent legislative attention to this problem was originally spurred by the prosecution of Representatives Thomas F. Johnson, of Maryland, and Frank W. Boykin, of Alabama, on conspiracy and conflict-of-interest charges, the case of Phillipine's lobbyist John A. O'Donnell, and the accusations of congressional corruption by columnist Jack Anderson.[2a] This spark of interest was fanned by the revelations of certain business and financial activities of former Senate secretary to the majority, Robert G. Baker, and led to unanimous Senate adoption of Senate Resolution 212, introduced by Senator JOHN J. WILLIAMS, of Delaware, authorizing and directing the Committee on Rules and Administration to investigate the financial and business interests or activities of Senate officers and employees.[3] While the report of the Rules and Administration Committee was primarily concerned with the activities of staff employees, two of its recommendations directly pertained to Members of the Senate. Both proposals, however, met with defeat on the Senate floor.[4]

Previous to the 88th Congress, the most intensive congressional study on the subject of conflicts of interest was conducted by a special subcommittee of the Senate Committee on Labor and Public Welfare during the 82d Congress in 1951. This study resulted in the issuance of a report[5] recommending a series of legislative proposals for the improvement of the ethical standards of the Congress, as well as those of the executive branch. This excellent report stated the core of the conflict-of-interest problem for Members of Congress in the following manner:

"The problem of economic involvement is probably more difficult for Members of the Congress than for administrators. There are fewer traditional safeguards, temptation is more subtle, there is no higher authority, and discipline is rare even for illegalities. Men tinged with sovereignty can easily feel that the king can do no wrong, and in American politics as it now is, it is easy to feel that many things are justified which one heartily wishes were not necessary."[6]

The authors propose to investigate this statement by the subcommittee with respect to congressional conflict-of-interest problems in light of its historical and statutory background, with an analysis of the various proposals for reform and a suggested approach to a solution palatable to both the Congress and the public at large.

### CONFLICTS OF INTEREST DEFINED

In 1960, a special committee of the Association of the Bar of the City of New York completed a study of Federal conflict-of-interest laws. The committee's report, entitled "Conflicts of Interest and Federal Service,"[7] made passing reference to congressional conflict-of-interest problems, concluding that they are current, complex, controversial, and largely unresolved. In searching for a definition of a "conflict of interest," one may observe why this whole area is enmeshed with complexity, controversy, and irresolution. A definition evolved in the monumental New York City Bar Association study, which applied specifically to members of the executive branch but appears to apply equally as well to all persons enveloped with the public trust, was as follows: whenever the interest of the public official in the proper

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[14] Of the more than 250 cases summarized in "Senate Election, Expulsion and Censure Cases from 1789 to 1960", by far the greater number involved a challenge of credentials or charges of election irregularities. Only a handful involved the conduct of the office of Senator; and in the last century the Senate acted to condemn or censure in only two of these cases. The case study was compiled for the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration (S. Doc. No. 71, 87th Cong., 2d sess. (1962)).

[15] On July 11, 1958, the Congress passed a Code of Ethics for Government Service which sent out 10 tenets to which "any person in Government service should" adhere. H.R. Doc. No. 103, 86th Cong., 1st sess. (1958).

[1] A.B., 1958, summa cum laude, Boston University; LL.B., 1961, Harvard Law School; member of the Massachusetts and District of Columbia bars; formerly administrative assistant to U.S. Representative TORBERT H. MACDONALD; associate, Kirkland, Ellis, Hodson, Chaffetz, and Masters, Washington, D.C.; past president of the Capitol Hill chapter, Federal Bar Association.

[1a] B.S., 1937, University of Virginia; LL.B., 1940, University of Maryland; member of the Maryland bar; Member of Congress, Fifth Congressional District, Maryland (1953 to present); president (1962–63) and first vice president (1961–62), Federal Bar Association.

[2] Those making disclosures in the CONGRESSIONAL RECORD include: Senator CLARK (Pa.), Mar. 15, 1963; Senator JAVITS (N.Y.), Mar. 4, 1963; Representative JOHN A. BLATNIK (Minn.), Apr. 10, 1963; Representative DON EDWARDS (Calif.), Apr. 10, 1963; Representative EDITH GREEN (Oreg.), Apr. 10, 1963; Representative ROBERT W. KASTENMEIER (Wis.), Apr. 10, 1963; Representative CLARK MACGREGOR (Minn.), May 2, 1963; Representative HENRY S. REUSS (Wis.), Apr. 10, 1963; Representative WILLIAM FITTS RYAN (N.Y.), Apr. 10, 1963; Representative MORRIS K. UDALL (Ariz.), Apr. 10, 1963; Representative LIONEL VAN DEERLIN (Calif.), Apr. 29, 1963; Representative FRANK BOW (Ohio), Apr. 11, 1963; Representative JOHN W. BYRNES (Wis.), Nov. 21, 1963; Representative STANLEY TUPPER (Maine), Nov. 13, 1963; Representative CHARLES W. WELTNER (Ga.), Nov. 20, 1963; Senator WILLIAM PROXMIRE (Wis)., Dec. 3, 1963.

[2a] For a general discussion of the background on the above-named incidents, see, "An Ethical Guide Sought for Congressional Behavior," Congressional Quarterly Weekly Report, May 8, 1963.

[3] S. Res. 212, 88th Congress, agreed to on Oct. 10, 1963, provides: *"Resolved,* That the Committee on Rules and Administration or any duly authorized subcommittee thereof is authorized and directed to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest or other impropriety, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem desirable."

[4] See Senate Committee on Rules and Administration. "Financial or Business Interests of Officers or Employees of the Senate," S. Rept. No. 1175, 88th Cong., 2d sess. (1964). One of the recommendations of the Committee on Rules and Administration was incorporated in S. Res. 338, which provided that the committee shall have jurisdiction to investigate any violation of the rules of the Senate by a Member or employee, make appropriate findings of facts and conclusions with respect thereto, and upon determination of a violation, recommend to the Senate disciplinary action, including "reprimand, censure, suspension from office or employment, or expulsion from office or employment." On July 24, 1964, the Senate adopted a substitute measure introduced by Senator JOHN SHERMAN COOPER, of Kentucky, to create a Select Committee on Standards and Conduct in lieu of the proposal recommended by the Committee on Rules and Administration. The other recommendation of the Committee on Rules and Administration was embodied in S. Res. 337, which would require Senators and Senate employees to make public disclosure of those outside business and professional interests which have a pecuniary value equal to or in excess of one-half of their annual salary and the identity of profit-making business and professional organizations with which they are affiliated as an officer, director, partner, or serve in some executive, managerial, or advisory capacity. However, on July 27, 1964, the Senate adopted a motion by Senator EVERETT DIRKSEN of Illinois to recommit the resolution to the Committee on Rules and Administration with instructions to report back immediately in lieu thereof a joint resolution to establish a Commission on Ethics in the Federal Government for the purpose of studying the problem of conflicts of interest in all three branches of the Government.

[5] Special Subcommittee on the Establishment of a Commission on Ethics in Government, Senate Committee on Labor and Public Welfare, 82d Cong., 1st sess., "Ethical Standards in Government" (committee print 1951), hereinafter cited as "Douglas report" after its subcommittee chairman, Senator PAUL H. DOUGLAS.

[6] Id. at 24.

[7] The Association of the Bar of the City of New York, special committee on the Federal conflict of interest laws (1960), hereinafter cited as "bar association report."

administration of his office clashes, or appears to clash wtih the official's interest in his private affairs, a conflict of interest arises.[8] Thus, a conflict of interest may be merely an apparent conflict whose appearance alone tends to undermine public confidence in the official's conduct.

It should be stated at the outset that a conflict of interest does not mean that if a legislator favors his private economic interests, it will necessarily result in his acting against the public interest. The contrary is often the case. Nor is the most vital consideration in conflict-of-interest legislation whether a public official will in fact resolve the conflict to his own personal advantage and to the detriment of his public duties and responsibilities. The regulation of conflicts of interest seeks to prevent situations and appearances of temptation from arising and may be characterized as the regulation of evil before the event and against potential harm. Such regulatory legislation attempts to stop the public official at the doorstep of temptation and relieve the prosecutor of the burden of proving actual bribery or influence. However, even the most precise and illuminating regulatory legislation cannot comprehend all situations or legislative behavior.

Accordingly, there is a "gray zone" of legislative behavior, which has been defined by Ralph Eisenberg, assistant professor of political science at the University of South Carolina, as that area "lying between behavior that is 'clean as a hound's tooth' and behavior obviously improper and illegal, involving such things as bribery, embezzlement and theft."[9] Included in this behavioral gray zone are an endless variety of activities such as promises of more government contracts to elicit campaign contributions, use of official position to gain special advantages or privileges, acceptance of favors from industry lobbyists, investing on the basis of inside information, and misuse of stationery and various funds entrusted to a Member's management.

According to Professor Eisenberg, the problem of dealing with conflicts of interest becomes apparent in attempting to catalog such activities as "proper" or "improper" either generally or in individual situations.[10] One of the difficulties in drafting conflict-of-interest legislation is defining such shadowy conflict situations to achieve sufficient protection for the interests of both the public at large and the elected representative. The goal of conflicts legislation for elected officials on all levels of government is to promote both the actual practice and the public appearance of impartiality and objectivity in legislative activities without disqualifying present and potential public servants through excessively rigid restrictions.

LEGISLATIVE-EXECUTIVE SITUATIONS REFINED

The subject of conflicts of interest for Members of Congress is one which has received surprisingly little commentary in the legal journals. The scholarly writings, consonant with the laws enacted by the Congress, have centered on conflict-of-interest regulation of officials and employees in the executive branch. For example, the House Committee on Government Operations recently issued a report entitled "Avoiding Conflicts of Interest in Defense Contracting and Employment,"[11] which was a study of conflict-of-interest issues affecting employees, advisers, and consultants in the executive branch. However, such studies are of little value in formulating proposals for restraining conflicts situations in the legislative branch. The New York City Bar Association study indicates that the analysis and research required for a study of the congressional conflict-of-interest problem would differ materially from that of a study of the executive branch. In addition, any attempt to apply conclusions drawn from the executive study to one for the legislative would be dangerous and at least in part unworkable.[12] This is due to the fundamental differences between the executive and legislative branches which hopelessly complicate formulating a standard code which could apply equally to both branches.

First, the basic difference between an administrator and an elected official is the latter's role as a representative. As a representative of a particular district or State, a Senator and especially a Member of the House of Representatives, is deemed to be the spokesman of the people and the economic interests of his constituency. It is often the case that a Congressman's economic self-interest is similar, even identical, to that of a major group in his constituency. The New York City Bar Association study summarized the implications of a Congressman's representative capacity by stating:

"It is common to talk of the Farm Bloc, or the Silver Senators. We would think odd a fishing State congressman who was not mindful of the interests of the fishing industry—though his campaign funds come in part from this source. This kind of representation is considered inevitable and, indeed, generally applauded. Sterile application of an abstract rule against acting in situations involving self-interest would prevent the farmer Senator from voting on farm legislation or the Negro Congressman from speaking on civil rights bills. At some point a purist attitude toward the evils of conflict of interest in Congress runs afoul of the basic premises of American representative government."[13]

The spokesman for the view that Congressmen should have outside economic involvements was the late Senator Robert S. Kerr, of Oklahoma, a multimillionaire oil-and-gas producer and, through his corporations, the largest single supplier of uranium to the Atomic Energy Commission. Senator Kerr colorfully and forcefully expressed his views on the folly of a purist attitude restricting all economic conflicts of interest among Members of Congress:

"I represent the farmers of Oklahoma, although I have large farm interests. I represent the oil business in Oklahoma, because it is Oklahoma's second largest business, and I am in the oil business. I represent the financial institutions in Oklahoma, and I am interested in them, and they know that and that is the reason they elect me. They don't want to send a man here who has no community of interest with them, because he wouldn't be worth a nickel to them."[14]

In stark contrast to the philosophy of the late Senator Kerr is the conduct of Senator STEPHEN M. YOUNG, of Ohio. Upon his selection as a member of the Senate Aeronautical and Space Committee, Senator YOUNG disposed of the shares of stock he owned in Pan American Airways, a prime contractor at Cape Kennedy.[15]

A second major difference is that Members of Congress must stand for election periodically in contrast to the career status of most Government executive officials and employees. Theoretically, congressional elections and primaries act as a smoking out process of an elected official's improprieties. However, this theory loses its force in an area where there is not a strong two party system and in those elections where the public is not well informed. Advocates of the remedy of disclosure[16] as a means of deterring economic conflicts of interest claim that the public is presently prevented from being able to vote intelligently and knowledgeably on an elected official's full record.

An important principle of democratic government should be noted in connection with the view that campaigns act as a smoking out process and elections as ultimate conflict-of-interest sanctions for legislators. This principle states that one privilege of a constituency in a democracy is to elect a man of its own choosing. It is the voter's privilege to elect a man to public office in spite of improprieties in his actions or interests. Representative Thomas J. Lane, of Massachusetts pleaded guilty to willful tax evasion in 1956, and served 4 months in jail, but the voice of the people returned him to three more terms in Congress. However, the indictment of Representative Thomas F. Johnson, of Maryland, on October 16, 1962, on conspiracy and conflict-of-interest charges, probably contributed heavily to his defeat in the subsequent November elections. The illict operations of Billie Sol Estes implicated Representatives J. T. Rutherford, of Texas, and H. Carl Andersen, of Minnesota, and were perhaps a major factor in their defeat in November of 1962.

The continued surveillance of an elected official's behavior by the press, by his campaign opponents, and ultimately by the voters does result in some measure of deterrence as evidenced in three of the above examples. However, it is unrealistic to expect that an election contest—assuming that an incumbent does not run unopposed—will expose the dirty linen or unethical activities of a legislator. In the first place, the conflict-of-interest area touches upon many subtle ethical problems which are not susceptible to the usual black and white character in which political campaign issues are framed. Furthermore, even though an opponent may uncover unethical conduct, he may fear repercussions in opening this area as a campaign issue, both in terms of his own past conduct and the possible impact on the fair play concepts of the electorate. Reliance upon the voters to police conflicts situations provides an inconsistent and sporadic sanction devoid of any rational set of standards by which legislators may measure a projected action before the fact.[17]

Primarily it is the problem of getting elected which spurs U.S. solons to seek campaign contributions, dole out patronage, and make various and sundry promises. The periodic election faced by each Congressman highlights two problems foremost in his mind. First, he must be prepared to spend thousands, perhaps hundreds of thousands, of dollars to pay for the increasingly high cost of electioneering. Secondly, the possibility that the voters may put an abrupt end to his political career forces him to give consideration to possible outside sources of income and future gainful employment to meet that eventuality. The executive branch does not face this reelection problem.

Since the cost of a campaign invariably exceeds the salary of a Member of Congress, a complete ban on contributions would be unrealistic. A Member cannot rely on the average party member to finance his campaign, and therefore, usually the candidate's only recourse is to accept contributions from the more actively interested persons or groups who are donating money in order to protect their interests. Consequently, conflict-of-

[8] Id., at 3.

[9] Eisenberg, "Conflicts of Interest Situations and Remedies," 13 Rutgers Law Review 666 (1959).

[10] Ibid.

[11] H. Rept. No. 917, 88th Cong., 1st sess. (1963).

[12] Bar Association report, 15–16.

[13] Id. at 14.

[14] "Senator Kerr Talks About Conflict of Interest," U.S. News & World Report, Sept. 3, 1962, p. 86.

[15] Note 2, supra at 4.

[16] See sec. IV, proposed conflict-of-interest regulation for Members of Congress, disclosure of financial interests, infra.

[17] Note, "Conflicts of Interest of State Legislators," 76 Harvard Law Review 1209, 1214 (1963).

interest problems frequently arise when such individuals and groups lobbying for special interests later attempt to exert pressure and influence upon the donee. The Nation's Capital is the headquarters of well-heeled lobbying groups of virtually every economic, political, and social cause whose "raison d'etre" is to influence Representatives and Senators.

Furthermore, the ethical problem caused by financial pressure does not end with the completion of the primary and election campaigns. It is increasingly difficult—termed impossible by some—for a Congressman to subsist on his salary alone. The Senator and Representative have many unique expenses. A U.S. lawmaker has to divide his time between Washington, D.C., and his own congressional district. Almost every Congressman maintains two residences, one in Washington and the other in his home district. The Congressman receives three round-trip tickets to his district each session, but it is not unusual for Senators and Representatives to travel home virtually each weekend. Frequently Members have to pay for stationery supplies and long-distance telephone calls from their own pockets when their allowance is exceeded. Large expenditures of money are also necessary for entertaining and charitable giving each year both in Washington and at home, in order for a Member of Congress to nurture a reputation among his constituents as a gracious host and selfless philanthropist. The insufficient salaries of a Congressman, together with the high costs of campaigning, force many Members to continue their outside economic activities.

One of the difficulties, however, in gaining agreement in the Congress on the question of proper economic involvement is presented by the differing views on whether the office of Congressman is full time. When conflicts-of-interest legislation was first passed by the Congress in the 19th century, the Congress was a part-time legislative body, meeting 6 or less months a year. However, the office of the 20th-century Congressman is a year-round responsibility, and little time is left for conscientious Members to dabble in business or professional activities. The Douglas committee report noted that many lawyer-members accept fees for giving advice and counsel and for other legal services but frequently have time to give only perfunctory service. In this connection, the question is whether they are being paid "for their influence and to influence their perspective."[18] Moreover, when a Congressman accepts a large honorarium for speaking before a special interest group, a similar question is raised as to the reasonableness of the compensation in relation to services rendered. The issue is whether (and how) to regulate this area of fees and retainers so as to insure that a Congressman does not jeopardize, both in appearance and in fact, his ability to represent the public.

In addition, the special influence and power of the Congress generally, and each Senator and Representative in particular, pose difficult questions in regulating conflicts of interest. One of the most important is the power and influence of Senators and Representatives to shape the Nation's laws and policies during closed executive sessions of their committees and subcommittees. The executive agencies listen to Members of Congress with respect, especially legislators with seniority, as the extent of authority, the size of the appropriation, and the future of each administrative agency or executive department depends on the will of the Congress. In this connection, it is significant to note that a large amount of time is consumed by Members of Congress in assisting constituents in their dealings with Federal departments and agencies. The "errand boy" functions expected of each Member of Congress include getting a serviceman transferred to a base nearer to his home, helping a local company obtain a Small Business Administration loan, recommending constituents for Federal jobs, and urging a Federal installation to be located in a certain community. It is in large part a good thing for legislators to serve as an informal board of inspectors over the administrative bureaucracy. Congressional intervention often serves to counteract administrative errors, inaction, and red-tape. However, problems arise where congressional channels are used to promote the private economic interests of the individual Senator or Representative.

Finally, the legislator differs from the administrator in the area of special immunities and rewards bestowed on Members of Congress to assist them in the proper performance of the office.

Article I, section 6, of the Constitution grants Members of Congress freedom from arrest, except for treason, felony, and breach of the peace, while engaged in their legislative duties, and immunity from possible slander and libel suits for statements while involved in debate on the floor of the Congress. In addition, whereas the "red ink" side of the Congressman's budget book was depicted earlier, it should be noted that a Member does receive free office space in Washington and his home district, a liberal budget for secretarial help and supplies, facilities for making television and radio broadcasts at low rates, and, very important, the franking privilege.

A delicate balance must be maintained whenever special privileges and rewards are conferred upon the office of Congressman. The office must be secure enough for the Member of Congress to perform his functions but not so secure that there is no competition, nor so rewarding that the stakes of the office are too high. For example, the standard for remuneration of a Member of Congress should represent a balance between compensation sufficient for the Member to be independent in his legislative actions and one which is not so lucrative that a Member would wish to hold on to his position for the sake of the salary alone. In order that Congress is not made the pawn of conflicting forces which themselves are to be controlled, it is necessary that both the Congress as a body and its individual Members have some degree of independence and autonomy. In this regard, any conflict-of-interest proposal that is too sweeping in nature and overly punitive in its manner of enforcement would tend to thwart these goals.

PRESENT CONFLICT-OF-INTEREST REGULATION FOR MEMBERS OF CONGRESS

This section will attempt to set forth the various conflict-of-interest statutes and regulations which are applicable to Members of Congress. Since the statutory regulations mainly take the form of criminal penalties,[19] the Justice Department is extremely reluctant to prosecute a Member of Congress unless his alleged misconduct is of a very grave nature, which appears to be evidenced by the fact that less than a dozen Members of Congress have ever been indicted under these century-old statutes. The present Code of Ethics, enacted in 1958 by the 85th Congress,[20] sets a standard of conduct for Congressmen without any means of enforcement. Although the American Bar Association's Canons of Ethics apply to lawyer Members of Congress, many such Members appear to continue to enjoy a robust law practice without the intervention of any professional ethics committee either of the national or local bar associations.[21]

*Section 203. Compensation to Members of Congress, officers, and others in matters affecting the Government*

Section 203 proscribes the payment of compensation to Members of Congress for services rendered before Federal agencies in matters in which the United States "is interested." The penalty for conviction is a fine of not more than $10,000 and imprisonment for not more than 2 years, or both. While section 203 contains the same basic prohibitions as its statutory predecessor, section 281, the category of proceedings to which the disqualification applied are broadened. This section, inter alia, also extends the penalty to the giving as well as the receipt of compensation to Members of Congress. The list of proceedings has been extended to include "application" and "request" for a "ruling or other determination." According to the House report on the bill, the list was augmented to make clear that the enumeration is comprehensive of all matters that come before a Federal department or agency.[22] The "interest" required by the Government is now defined as "direct and substantial," replacing a prior "directly or indirectly interested" test. Since this is a criminal statute, the change was made to set up a clearer test of the proscribed interest to replace the vaguer phrase under section 281.

Section 203 is regarded as the keystone of the legislation in this field and has been the most litigated of the laws on conflicts of interest. This is because section 203 covers the principal situation of conflicts of interest, namely the acceptance of compensation from private sources for Government-related services. The section is broadly worded in order to cover all the multifarious forms of influence, peddling whereby a Member of Congress accepts compensation for acts and decisions made in his official capacity.

The breadth of section 203 may be seen from an analysis of two cases under section 281 (the predecessor to section 203) which involved Members of Congress. The first of these cases *Burton* v. *United States*,[23] involved Senator Joseph Burton, of Kansas,

[18] Douglas report, 25.

[19] Act of Oct. 13, 1962, 18 U.S.C. 201–218. For analysis of the act, see Department of Justice, Office of the Attorney General, "Memorandum Regarding Conflict of Interest Provisions of Public Law 87–849," Jan. 28, 1963, 28 Fed. Reg. 985 (1963). See also "Federal Conflict of Interest Legislation," hearings of June 1 and 2, 1961, before the House Antitrust Subcommittee, 87th Cong., 1st sess., ser. 3; H. Rept. No. 748, 87th Cong., 1st sess. "Conflicts of Interest," hearing of June 21, 1962, before the Senate Judiciary Committee, 87th Cong., 2d sess.; S. Rept. No. 2213, 87th Cong., 2d sess.; CONGRESSIONAL RECORD, vol. 107, pt. 11, p. 14774; CONGRESSIONAL RECORD, vol. 108, pt. 16, pp. 21975, 22311.

[20] H. Con. Res. 175 (85th Cong.).

[21] An attorney engaged in the practice of law is held to the same highest standard of ethical and moral uprightness and fair dealing when acting as a businessman or when acting as a lawyer and is subject to disciplinary action if he fails to maintain those standards in either capacity. "Canons of Professional Ethics," American Bar Association, canons 6 and 37. On the basis of canons 26 and 32, the committee on professional ethics of the American Bar Association has ruled that "a law firm could not accept employment to appear before a legislative committee while a member of the firm is serving in the legislature * * * [and that] a full disclosure before the committee would not alter this ruling nor would it be changed by the fact that the member of the legislature would not share in the fee received thereby." Opinion 296, Aug. 1, 1959, 45 American Bar Association Journal 1272 (1959).

[22] H. Rept. No. 748, 87th Cong., 1st sess. 20 (1961).

[23] 202 U.S. 344 (1906).

who served in the Senate from 1901 to 1906. Senator Burton was charged with agreeing to appear before the Post Office Department on behalf of the Rialto Grain & Securities Co., of St. Louis in return for $2,500. The company was about to lose its right to receive mail because it was allegedly involved in a scheme to defraud. The defendant argued, inter alia, that section 281 (then section 1782) was unconstitutional as it interfered with the legitimate functions, privileges and rights of Senators, and impinged upon the authority and powers of the Senate over its Members. The Supreme Court rejected this argument as the Senate itself voted to enact this provision. This opinion,[24] written by Justice John Marshall Harlan, contains an excellent statement on the underlying purpose of this section:

"Evidently the statute has for its main object to secure the integrity of executive action against undue influence upon the part of members of that branch of the Government whose favor may have much to do with the appointment to, or retention in, public position of those whose official action it is sought to control or direct. The evils attending such a situation are apparent and are increased when those seeking to influence executive officers are spurred by hopes of pecuniary reward." [25]

The Burton case is the leading court decision on the scope of the section 281 phrase referring to a matter or proceeding "in which the United States is a party or directly or indirectly interested," as the Court adopted the view that a direct moneyed or pecuniary interest of the United States was not required. Although section 203, as reenacted in 1962, sets up a new statutory test, namely, "direct and substantial," it appears that the holding in the Burton case would be the same if the Supreme Court were presently construing this phrase, based on the language found in the case denominating the Government's interest in protecting its postal facilities against improper use as a "direct" interest.[25] The Burton decision, even in view of the new statutory test, virtually forecloses all administrative law practice by Members of Congress for compensation, and as revised, section 203(a)(2) extends the type of matter proscribed from receiving compensation to "any proceeding, application, and request for a ruling or other determination."

Another case worthy of mention arising under section 281 is *United States* v. *Quinn*.[26] Representative T. Vincent Quinn, now a magistrate in New York City, was charged with violating section 281 as a result of his sharing profits from cases in which his law firm represented clients before the Internal Revenue Service. The Quinn case is important as it represents the first prosecution of a Congressman for the rendition of services through partners and not personally. Quinn, who had already left Congress, was acquitted. The Quinn case held that while it is not necessary to find a specific criminal intent, in the sense of a conscious purpose of wrongdoing or evil motive, the defendant must know that partnership profits received by him are for services rendered by the partnership before an agency during the period he is a Member of Congress, and he must have knowingly received such compensation. Quinn never met the clients, was not retained by them, and did not personally appear or render any services for them before officials of the Internal Revenue Service.

Dictum in Quinn states that mere inquiries by a Congressman, without proof of a receipt of fees for services rendered, concerning the status of matters pending before a Federal bureau, without discussion of the merits of the case, did not constitute rendition of "services" within the contemplation of the statute.[27] The Court stated that as an essential element for sustaining a conviction there must be a finding "that compensation was received in return for services rendered for the purpose of interceding with, or with the intent to influence and persuade, officers and employees of the Internal Revenue Bureau to obtain favorable decisions and actions in matters pending before the Bureau." [28]

This view seems to be contrary to the express language of section 281 and the legislative history of the statute. Congress prohibited the rendering of services within the scope of the duties of the Member of Congress for compensation. Although the object of the statute is to prevent the use or abuse of official position to influence agency action, there is no requirement that the officer actually tried to influence such action.[29] This view was expressed in *May* v. *United States* [30] where the Court commented that "the gist of the offense is the receipt of compensation, not the nature of the act done by the recipient in consequence thereof." [31] In this case, Representative Andrew Jackson May, of Kentucky, then chairman of the House Committee on Military Affairs, was charged with accepting $50,000 from Murray W. and Henry W. Garsson during World War II in return for his aid in getting war contracts for them. The Court commented:

"If the money was received by May as compensation for acts done by him for the Garssons, it is immaterial that those acts were patriotic, legitimate, and within the scope of his official duties as a Congressman." [32]

The Court affirmed the conviction, holding that even if the service rendered by a Member of Congress is otherwise proper, the receipt of compensation therefore renders it illegal.

*Limitation of the practice of law by a Member of Congress*

Lawyers traditionally have far outnumbered other professions in the U.S. Congress. Of the 535 Members of the 88th Congress, 315 are lawyers. While there is no Federal law which flatly prohibits the private practice of law by a Member of Congress, several statutes narrowly restrict the scope of such practice.

An informal survey, which appeared in the Saturday Evening Post of the methods by which lawyer-legislators run their private law practices evidenced "an astonishing variety of methods." [33] Great disparity was found between the standards of those Members who have an active law practice as to cases involving Federal agencies and the Federal courts. The partnership arrangements were characterized by their lack of a common pattern as to what cases would be accepted and how the common revenues were to be divided. Since there are few clear-cut guidelines in this area, what one Member considered to be a perfectly ethical practice of law the next may consider highly improper.

*Section 204. Practice in Court of Claims by Members of Congress*

This section forbids a Member of Congress to practice in the Court of Claims. The penalty for conviction is a fine of not more than $10,000, or imprisonment of not more than 2 years, or both. Moreover, conviction under this provision also bars a Member of Congress from ever holding "any office of honor, trust, or profit under the United States."

*Section 201. Bribery of public officials and witnesses*

The bribery section is not actually an integral part of a conflict-of-interest study. As stated earlier, regulation of conflicts of interest has been in the past the attempt to regulate the evil before its occurrence. Conflicts regulation is in essence derived or secondary—once removed from the ultimate misconduct feared. The bribe is forbidden because its effect is to subvert the official's judgment; a conflict of interest is regulated not only because it may have this effect but also because it looks to the public as though it does have this effect. Thus, bribery is a collateral problem of a conflict-of-interest study.

The 87th Congress combined into a single provision sections 201 through 213 of title 18 of the United States Code, which comprises nine general bribery sections and four sections prohibiting bribery in special cases. Under section 201 as revised, it is unlawful for anyone to bribe or attempt to bribe a Member of Congress either before or after he is qualified, by corruptly giving, offering, or promising him or any person selected by him something of value to influence him to commit or allow any fraud on the United States, or to induce him to do or omit to do any act in violation of his lawful duty.[34]

Section 201(c) prohibits a Member of Congress from soliciting, accepting, or agreeing to take a bribe. The theory of this section thereby runs counter to the classic advice of Lord Bacon, who said: "While never missing a chance to take a bribe, one should never let the taking of the bribe influence his conduct in the slightest." This subsection also makes clear that a Member of Congress cannot accept something of value, which while not of benefit to himself, will be of advantage to another person in whose well-being he is interested.

*Other statutory provisions*

There are two other statutory provisions which directly apply to Members of Congress who are lawyers: 46 U.S.C. 1223(e) makes it unlawful for any contractor or charterer who holds any contract made under the authority of the Merchant Marine Act to employ a Member of Congress as an attorney either with or without compensations; 25 U.S.C. 706 forbids a Member of Congress to practice before the Indian Claims Commission.

*Canons of ethics*

Conflict of interest guidelines for lawyer Members of Congress, as was mentioned earlier, are provided by the American Bar

[24] The Court stated: "That such proceeding or matter involved the pecuniary interests of the defendant's clients is not denied. That it also involved the use of the property as well as postal facilities furnished by the United States for carrying and transporting mail matter must also be admitted. What the Post Office Department aimed to do in the execution of the acts of Congress and the regulations established under those acts was to protect the mails of the United States from being used, in violation of law, to promote schemes for obtaining money and property by means of false and fraudulent pretenses, representations and promises * * *. And it is, we think, a mistake to say that the United States was not interested, directly or indirectly, in protecting its property, that is, its mails and postal facilities, against improper and illegal use, and in the enforcement, through the agency of one of its Departments, of a statute regulating such use." Id. at 370–371.

[25] Id. at 368.

[26] 141 F. Supp. 622 (S.D. N.Y. 1956).

[27] Id. at 629.

[28] Id. at 626–627.

[29] "Hearings on Federal Conflict of Interest Legislation Before the House Antitrust Subcommittee," 86th Cong., 2d sess., ser. 17, pt. 2 at 643 (1960).

[30] 175 F. 2d 994 (D.C. Cir. 1949).

[31] Id. at 1006.

[32] Ibid.

[33] Bagdikian and Oberdorfer, "Conflict of Interest, Can Congress Crack Down on Its Own Members?" Saturday Evening Post, Nov. 12, 1964, p. 34.

[34] See sec. 201(b) thereunder.

Association Canons of Professional Ethics. For example, Canon No. 36 states:

"A lawyer, having once held public office or having been in the public employ, should not after his retirement accept employment in connection with any matter which he has investigated or passed upon while in such office or employ."

This canon has been construed to bar a law firm from rendering services in any situation where any member of the firm is barred.[35]

*Disqualification*

An additional area of the overall conflicts-of-interest problem is based on the view that a legislator should not vote on a matter in which he has a private economic interest. The purist view, as expressed by Thomas Jefferson in his manual of parliamentary practice, provides that:

"Where the private interests of a Member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to." [36]

From the rules of the House of Representatives, rule VIII, the following broadly worded limitation is placed on a Member's right to vote:

"Every Member * * * shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question." [37]

Although the annotation of this rule notes that the weight of authority favors the idea that there is no authority in the House to deprive a Member of the right to vote, in one or two instances the Speaker of the House has decided that a Member should not vote because of a personal interest. Generally, however, past Speakers have held that the Member himself should decide the question of the propriety of his voting on a particular matter. The disqualifying interest has been held to be such as affects the Member directly and not as one of a class.

The rule of "immemorial observance" runs counter to the actual state of affairs during the 19th century. A frequently cited example of the standard of public morality in the early years of Congress was the private correspondence between Senator Daniel Webster and Nicholas Biddle, president of the National Bank, in which Senator Webster suggested that Biddle might wish the Senator to bring the matter of President Jackson's proposed withdrawal of U.S. deposits from the bank before the Senate. He wrote:

"Since I have arrived here, I have had an application to be concerned, professionally, against the bank, which I have declined, of course, although I believe my retainer has not been renewed, or refreshed as usual. If it be wished that my relation to the bank should be continued, it may be well to send me the usual retainers." [38]

It was such common practice for Members of Congress to represent people prosecuting claims against the Government that during the Civil War some Members of Congress even advertised in newspapers of their availability to represent claimants against the Government.

With respect to the enforcement of the rule concerning disqualification, each Speaker of the House has had a different practice. However, the rule has never been considered to encompass a Member's committee activity where, because of the importance of the work of committees in the framework of Congress, it would be most effective. Some of the difficulties inherent in a rule against voting due to personal interest may be seen from an incident which occurred in the House on April 11, 1874. The issue to be decided by the Speaker of the House was whether three Congressmen should vote on a national bank taxation measure since they were officers of national banks. Representative James G. Blaine, the Speaker, ruled that Members could vote their private interests if the measure was not for their exclusive benefit. At that time, Speaker Blaine was offering his services to the Little Rock and Fort Smith Railroad in return for their stock.

*Code of ethics for Government service*

An enumeration of conflict-of-interest provisions would not be complete without mention of House Concurrent Resolution 175, which was passed by the Senate on July 11, 1958, and approved by the House on August 28, 1957. This concurrent resolution declares it to be the sense of the Congress that a "Code of Ethics for Government Service" should be adhered to by "all Government employees, including officeholders." The report of the Senate Committee on Post Office and Civil Service states that this resolution is intended to apply to Members of Congress.[39]

The code of ethics contains 10 general principles which are so broad as to shed little illumination and true guidance for the public servant. For example, the first principle states that any person in Government service should "put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department." Other principles includes upholding the Constitution and laws of the land, giving "a full day's labor for a full day's pay," never discriminating unfairly by the dispensing of special favors or privileges to anyone, and exposing corruption wherever discovered. Two members of the Senate committee wrote a concurring report to stress the fact that while the code is a "statement of principles without enforcement provisions," it was their hope that it would "be reinforced in the early future by reforms of greater stringency and efficacy." [40] The Congress might have embraced the code within its own rules and employed its principles on an ad hoc basis. However, no provision for enforcement was ever made. Since previous efforts to secure action by the Congress had been unsuccessful, the code of ethics marked a breakthrough albeit a minor one.

PROPOSED CONFLICT-OF-INTEREST REGULATION FOR MEMBERS OF CONGRESS

In an impassioned speech on the House floor, Congressman WILLIAM JENNINGS BRYAN DORN, of South Carolina called for an exhaustive study of many allegedly shameful practices which are threatening to undermine this great institution we all love—the Congress of the United States.[41] He used a dramatic, perhaps melodramatic, analogy from the past:

"We have from history the example of the Roman Senate, whose power was eroded and corrupted by the Roman Emperor, and they sank into oblivion with presents, gifts, luxurious chariots, villas, and nepotism. Through such conduct, the doom of the Roman Republic was sealed forever." [42]

Although the prophecy of doom may be part of congressional histrionics, no one disputes the harmful potential of conflicts between the official duties of a Member of Congress and his personal economic advantage. Basically, the problem is not whether to have a system of legal restraints on conflict of interests, but how to design a system which achieves the maximum protection for both the Members of Congress and the public, and a minimum of undesirable collateral results.

*Disclosure of financial interests*

One of the most frequently recommended of the conflict-of-interest proposals advanced by Members of Congress is the publicizing of the personal financial interests of Senators and Representatives. This solution recognizes the difficulty of defining what is and what is not proper interest and leaves to the public both the information and the determination. A Member of Congress, if forced to disclose his private sources of income, has to decide what the effects of his known interests will be, and to make adjustments and bear responsibility accordingly.

Senator WAYNE MORSE has introduced a bill in each session of the Congress since 1947 to require Members of Congress to file public statements relating to amount, sources of income, and dealings in securities and commodities. Senator MORSE told a Senate committee that he calls this disclosure legislation "my Caesar's wife bill because I think that a public servant ought to want to be above suspicion and I think this will help place him above suspicion." [43]

Bills calling for mandatory disclosure of income and financial interests take on varying forms. A representative example is H.R. 4747, introduced by Congresswoman EDITH GREEN, of Oregon, during the 88th Congress. This bill provides that each Member of the Senate and House shall file yearly with the clerk of the Senate and Clerk of the House, respectively, a report which shall be made public containing a full and complete statement of financial interests. Five items of disclosure are required: (1) The amount and resources of all income and gifts (including speaking fees) of more than $100 received from any one source during the preceding calendar year; (2) the value of each asset held by or entrusted to him, or by him and to him and any other person, including his spouse; (3) the amount and source of all contributions during the preceding calendar year received by him or any associate, including his spouse and minor children, or on his behalf or subject to his direction or control; (4) an annual report listing all transactions in real estate, securities, or commodities by the Member or by any person, including his spouse, acting on his behalf; (5) the name of any relative who is also an employee of the Federal Government.

One of the best arguments in favor of compulsory disclosure proposals was made by the Douglas subcommittee which recommended legislation providing for the mandatory disclosure of income, assets, and certain transactions by all Members of Congress and for higher administrative officials of the Federal Government. The report of the subcommittee noted that there was more general agreement with respect to this proposal and its general effectiveness, than upon any other; it gave the following justification for such a proposal.

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[35] See *United States* v. *Standard Oil Co.*, 136 F. Supp. 345, 360 (S.D. N.Y. 1955), and cases cited therein.

[36] "Jefferson's Manual and Rules of the House of Representatives," H.R. Doc. No. 459, 86th Cong., 2d sess. 171 (1961).

[37] Id. at 318.

[38] Letters from Daniel Webster to Nicholas Biddle, Oct. 29, 1833, Dec. 21, 1833, in McGrane, "The Correspondence of Nicholas Biddle," 216–217, 218 (1919), quoted in bar association report at 30.

[39] S. Rept. No. 1812, 85th Cong., 2d sess. 1 (1958).

[40] Id. at 3.

[41] CONGRESSIONAL RECORD, vol. 109, pt. 4, p. 4927.

[42] Ibid.

[43] "Hearings on the Evaluation of the Effects of Laws Enacted to Reorganize the Legislative Branch of the Government Before the Senate Committee on Expenditures in the Executive Departments," 82d Cong., 1st sess. 239 (1951).

"Disclosure is like an antibiotic which can deal with ethical sickness in the field of public affairs. It avoids difficult decisions as to what may be right or wrong. In that sense it is not even diagnostic, yet there is confidence that it will be helpful in dealing with many questionable or improper practices. It would sharpen men's own judgments of right and wrong, since they would be less likely to do wrong things if they knew these acts would be challenged." [44]

However, in 1958, a staff report of the House Committee on the Judiciary concluded that legislative doubt as to precise boundaries of propriety did not justify a wholesale inquisition into private affairs.[45] The staff report used the simile of disclosure as an antibiotic, which was utilized in the Douglas report, as a clue to the reason why Congress has not adopted this recommendation:

"Since the initial enthusiasm with which the medical profession prescribed wonder drugs, troublesome side effects have been encountered whose full impact on the human organism has yet to be plumbed. Today, these drugs are used more sparingly. The potential side effects of compulsory disclosure of the financial affairs of all high Federal officials seem similarly to demand utmost caution in its prescription. Much added study is recommended before any broad scale and indiscriminate adoption of this remedy." [46]

The main argument of the staff report was that added reporting requirements would be a great inconvenience to most officials. They would be required, the report noted, to forgo the privacy that ordinary citizens enjoy with respect to their holdings and transactions which, in a preponderance of instances, would have no remote bearing on their public service. Furthermore, the report seriously questioned whether such an added sacrifice should be demanded of those who are called to public office.

The approach to congressional disclosure advocated by Senators KENNETH KEATING and JACOB JAVITS, of New York, provides a middle ground between the onerous task of listing all financial holdings and the present system of disclosure on a purely voluntary basis. Their proposal, embodied in Senate Concurrent Resolution 5 (88th Cong.), provides that Members of Congress "having a financial interest, direct or indirect, having a value of $5,000 or more, in any activity which is subject to the jurisdiction of a regulatory agency," shall make the nature of such interest a matter of public record by filing a statement with the Comptroller General. The statement would set forth this interest "in such reasonable detail and in accordance with such regulations as shall be prescribed by the Comptroller General."

*Disqualification*

A proposal which goes beyond disclosure is that of disqualification from voting where the Member of Congress has a personal interest in a matter which he is called upon to vote or make a decision. That this is one of the most perplexing areas of conflicts-of-interest situations is shown by the rhetorical questions raised by Representative EDITH GREEN in a speech on the House floor, on March 11, 1963:

"Now, I suppose that no one believes a Member of Congress should disqualify himself from taking part in a housing bill because he owns a house. But what if he is president or a member of the board of directors of a local urban renewal agency or a large residential construction company?

"No Member of Congress should disqualify himself from taking part in legislation involving oil or gas because his house is heated by gas or oil. But what if he is a major stockholder or officer in a gas transmission line, or the owner of a dozen oil wells?

"No Member of Congress should disqualify himself from shaping commodity legislation because he owns a farm or a ranch. But what if this Member serves as a consultant to an economic interest that seeks to knead and shape the legislation to its own ends?" [47]

Thus, the very nature of a legislator's role as a representative of the interests of his constituency makes rigid enforcement of the disqualification rule impracticable.[48]

The disqualification remedy is one that is already adopted as one of the "housekeeping" rules of the Senate and the House. However, it is rarely used and is not given serious consideration by most Members of Congress. When Senater WAYNE MORSE reminded the late Senator Robert Kerr that under rule XII of the Senate he should not vote on a natural gas bill because of his own gas investments, Kerr "exploded in anger" and proceeded to vote anyway.[49] Although both the Senate and the House clearly have the power to enforce these rules with sanctions, no machinery has ever been set up to police them.

*Ex parte communications by Members of Congress*

Ex parte communication is not primarily a conflict-of-interest problem; rather, it is concerned with fair hearing and adjudicatory procedures in quasi-judicial agencies. However, ex parte communications sometimes form part of a pattern of improper influence through threats, bribery, favors, or other means. A conflict-of-interest problem is created whenever an administrative official permits himself to be put in a compromising position as a result of such ex parte communication.

In recent years, Members of both Houses have introduced legislation which would require that all ex parte communications from Members of Congress relating to agency adjudications be made matters of public record. Ex parte communication legislation usually provides that all written and oral communications made by a Member, or a member of his staff, to an officer or employee of an executive branch department or agency shall become part of the public record of any case upon which a query is made. The record is then to include the name of the caller, the time, the matter queried, the proceeding, if any, involved, and the nature of the inquiry.

Proponents of ex parte communication legislation contend that this disclosure would be a strong safeguard against improper attempts to influence agency decisions. The argument is stated in its tersest form by Senator KEATING: "I can conceive of no circumstances under which it would be proper to do so without some notice to the parties in the agency proceedings." [50] Such proposals would not prohibit or limit contacts by Members of Congress with the administrative agencies but are designed to curb abuses "by exposing every such contact to the light of day." [51]

*Commission of Ethics*

The main recommendation of the Douglas report [52] was the establishment of a Commission on Ethics in Government. This Commission would be established by a joint resolution of Congress to focus primarily on the legislative and executive branches. It would consist of 15 members, with 5 appointed by the President, 5 by the President of the Senate (the Vice President) and 5 by the Speaker of the House. Only two persons chosen by each appointing officer would be from within the Government, the other three would be from private life. The Commission would have the power to hold hearings and secure testimony and evidence, authority to employ a staff and be given funds to carry on its work. This group would have 2 years to submit a report and recommendations to the President and the Congress.

The theory of the Douglas report proposal is that it is far more likely that reform will be accomplished if an outside nonpartisan group of eminent citizens is brought in to study the problem. There is a rule of the congressional fraternity that no Member shall expose publicly the transgressions of another. While some Members of Congress feel the need for such legislation, they are unwilling to point the finger of guilt at any of their colleagues. In this respect, an editorial in the Washington Post quipped: "Experience has shown that the prospect of getting a full disclosure of abuses from Congress is almost equivalent to that of getting complete military inspections in the Soviet Union." [53]

Favorable initial action has been taken by the Senate recently on Senate Joint Resolution 187, which establishes a Commission on Ethics in the Federal Government for the purpose of studying conflicts of interest in all three branches of the Government. This legislation, sponsored by Senator EVERETT DIRKSEN, of Illinois, incorporates many of the recommendations of the Douglas report relating to the composition and the sphere of activity of such a "blue ribbon" commission. However, the Dirksen proposal specifically empowers the Commission on Ethics to make investigations, when necessary, of Members of Congress and legislative staff as well as of officials and employees of the executive and judicial branches. On July 27, 1964, the Senate adopted a motion to recommit to the Committee on Rules and Administration the disclosure proposal recommended by that committee with instructions to report back immediately the Dirksen measure. Subsequently, on July 28, Senate Joint Resolution 187 was placed on the Senate Calendar. The Dirksen proposal seeks to take the formulation and execution of conflicts of interest regulations out of the hands of the Congress and thus there is some doubt whether such a measure will receive the support needed in the House and Senate to be enacted into law.

Another variation of the "blue ribbon" commission idea is the Commission on Legislative Ethics suggested by Representative EDITH GREEN. The composition and goals of the Commission on Legislative Ethics would be similar to those of the Commission on Ethics in Government, except the former

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[44] Douglas report, 37.

[45] Staff report to the House Antitrust Subcommittee, 85th Cong., 2d sess., "Federal Conflict of Interest Legislation," 11 (committee print, 1958).

[46] Ibid.

[47] CONGRESSIONAL RECORD, vol. 109, pt. 3, p. 3945.

[48] Senator EUGENE MCCARTHY, of Minnesota, raises this point in commenting on whether Members should refrain from voting on matters involving personal advantage to them: "For the most part the gain to the individual Congressman includes advantage or the advancement of an interest which is shared by many other persons, including constituents. Consequently all of these would be unrepresented and would suffer if the individual Member refrained." Speech delivered to the 16th Conference on Science, Philosophy, and Religion in Their Relations to the Democratic Way of Life, Aug. 30, 1960.

[49] Pearson, "Congress Needs a Code of Ethics," Washington Post, Apr. 13, 1963, p. B25.

[50] CONGRESSIONAL RECORD, vol. 108, pt. 16, p. 21988.

[51] Ibid.

[52] Douglas report, 24.

[53] "Congressional Ethics," editorial, Washington Post, Apr. 15, 1963.

would concentrate exclusively on ethical problems within the Congress.

Another type of commission suggested is similar to the grievance or ethics committees of bar associations, medical societies, and other professional organizations. This group would be comprised solely of Members of Congress. Senators KEATING and JAVITS and Representative JOHN V. LINDSAY, of New York, three of the most vocal spokesmen for congressional conflict-of-interest regulation, have proposed the creation of a Joint House-Senate Committee on Ethics during the past three Congresses. Under the Javits-Keating-Lindsay proposal, a Joint Congressional Committee on Ethics would be established within the Congress to make a study of conflict of interest problems. The Rules Committee of the House and the Senate, respectively, would be given duties similar to those of a grievance or ethics committee of a professional organization, such as a bar association. This committee would be granted authority to give advisory opinions to the Members on conflict of interest questions and to issue public interpretative opinions for the guidance of Members either on request or on its own initiative. In addition to having a group provide general guidelines for action, machinery would be established for resolving specific congressional conflict-of-interest problems.

*Same standards for executive and legislative branches*

One of the remaining major proposals calls for extension of the present conflicts laws, which apply only to the executive branch, to Members of Congress. The underlying theme of this view was expressed by former Senator John A. Carroll, of Colorado, in the 1962 Senate report on House Resolution 8140, proposing legislation to strengthen the criminal laws relating to bribery, graft, and conflicts of interest. Senator Carroll stated: "There can be no double standard. The high standard of conduct that we in the legislative branch expect of the executive branch must be equally applied to ourselves." [54]

These proposals provide for extending the coverage of sections 205, 207, 208, and 209 of title 18 of the United States Code to Members of Congress.[55] Such an equal treatment approach fails to take into account the special role and status of the legislator. As discussed earlier, the congressional problem differs from that of the executive in fundamental respects. It is submitted that the Congressman's representative status makes a conflict-of-interest approach which is tailored to govern the conduct of officials in the executive branch unworkable both in theory and in practice. For example, extension of section 205's coverage to Members of Congress would have the bizarre result of forbidding U.S. solons from rendering gratuitous services before Federal agencies on behalf of their own constituents. Furthermore, such an approach defines congressional conflicts of interest solely in terms of a criminal statute whereby conviction may lead to imprisonment, fine, or disqualification from ever holding a Federal office, or various combinations of the three. The history of congressional conflict-of-interest regulation points to the inadequacy of embracing within the concept of criminality the classic conflicts situations wherein activities may appear evil on the surface but involve no real misconduct.

A SUGGESTED APPROACH

Who watches the watchers? It has been suggested many times that Congress cannot lift itself by its bootstraps and is unwilling to take any positive steps with regard to legislative conflicts of interest. In the long run, however, Congress cannot afford to follow a double standard of ethics or assume a holier-than-thou attitude if it expects to enjoy public confidence. Unless Congress takes steps to regulate its internal affairs in a reasonable and effective manner—and convinces the public it is doing so—it cannot hope to maintain its traditional role as proctor of the other two branches of Government. If its Members cannot agree on ethical standards for themselves, Congress thereby weakens its own image as arbiter of what is proper in the society at large.

The complexity and subtlety of conflicts-of-interest problems preclude a simple answer. While criminal sanctions are appropriate for easily delineated and proscribed behavior, such as bribery, blackmail, or dishonest election practices, the gray and shadowy areas of legislative ethics militate against broad and sweeping legislation as the proper solution. In a system of government characterized by dual loyalties with a full spectrum of competing interests of the legislator and the public, codification of abstract moral principles is surely not the answer. Furthermore, pitting glib general standards of official behavior against the elements of a concrete conflicts problem rarely produces any assistance in evaluating the problem.[56] The evolution of a situational or case-by-case approach, therefore, seems to be the proper method of defining and resolving conflicts situations. In addition, any long-range solution to the problem must provide continuing machinery for defining, preventing, exposing and, where appropriate, punishing congressional conduct which falls below the designated standard.

The main impediment to regulation has been the unwillingness of the policeman to police himself. Representative OMAR BURLESON, of Texas, chairman of the House Administration Committee, stated that he is willing to let his committee act on congressional ethics bills "when the House desires. So far the leadership has indicated no strong interest (to do so)." [57] However, a significant step in regulating its internal conflicts problems was taken in the Senate in its adoption of a resolution sponsored by Senator JOHN SHERMAN COOPER, of Kentucky, which creates a Select Committee on Standards and Conduct, to be composed of Members, three from each of the political parties, to be appointed by the President of the Senate. This bipartisan committee is authorized to receive complaints of unethical conduct of Members, officers, or employees of the Senate, make investigations of allegations of such conduct, propose rules and regulations, and make recommendations to the Senate regarding disciplinary action.

The establishment of a bipartisan watchdog committee, without anything more, leaves much to be desired. While commending the select committee as a "useful device," a New York Times editorial went on to criticize such a measure as being clearly inadequate:

"It is unlikely to put a stop to either disquieting suspicions or actual malpractices, for it would be investigating matters brought to its attention, which is like locking the barn door after the horse has been stolen." [58]

The creation of a bipartisan investigating committee will take on real significance only when Congress is provided with the means by which it might operate effectively. In this connection, it is submitted that the legislative approach to conflicts of interest situations sponsored jointly by Senators JAVITS and KEATING and Representative LINDSAY is one that deserves full and serious consideration by the Congress. The Javits-Keating-Lindsay proposal employs the following three-step approach: (1) Creation of a Joint House-Senate Committee on Ethics to investigate and recommend a specific code of ethics for the Congress; (2) adoption of an interim code of ethics and system of disclosure of financial interests which would be in force during the joint committee's study; and (3) a grant of authority to the House and Senate Committees on Rules and Administration, respectively, to receive complaints and issue advisory opinions to Members of Congress on conflict-of-interest problems. In addition, these legislators cosponsored a companion bill which would require that communications between Members of Congress or their staffs and regulatory agencies be made part of the public record of the cases to which they refer.

The main Javits-Keating-Lindsay proposal, which was discussed earlier, contemplates both the formulation and execution of ethical standards by the Congress itself, with no outside intervention. The Joint Committee on Ethics would be entirely composed of Representatives and Senators, with seven members appointed by the President of the Senate and seven chosen by the Speaker of the House. The committee would study to what extent existing conflict-of-interest laws or regulations applicable to the legislative branch should be strengthened and recommend a comprehensive code of ethics covering a wide range of ethical problems ranging from outside employment to use of confidential information for personal advantage. In order to prevent establishment of the committee as a mere stalling device, it is suggested that a 6-month deadline be given within which the committee must submit its report and recommendations.

The second part of the proposal, an interim code of ethics, establishes in general terms the standards of conduct reasonably to be expected of Members of Congress. The main and all-embracing standard in the interim code provides:

"No Member of Congress, or officer or employee of the legislative branch should have any interest, financial or otherwise, direct or indirect or engage in any business transaction, or professional activity or incur any obligation of any nature whether financial or moral, which is in substantial conflict with the proper discharge of his duties in the public interest; nor should any Member of Congress, officer or employee of the legislative branch give substantial and reasonable cause to the public to believe that he is acting in breach of the public trust." [59]

In addition to this general rule, several standards are set forth with regard to certain specified situations, such as confidential information and outside employment. Although these broadly stated standards provide no definitive assistance to the judgment process in individual situations, they do serve the purpose of stating in advance both to the Member of Congress and the public what is acceptable behavior, as well as providing standards by which the appropriate congressional committee may be guided in the exploration of a particular case before it.

In addition to the enunciation of a code of ethics to guide congressional behavior, the interim proposal requires disclosure of Members' financial interests having a value of $5,000 or more [60] in any activity subject

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[54] S. Rept. No. 2213, 87th Cong., 2d sess. 16 (1962).

[55] The House passed H.R. 11049 on June 11, 1964, and the Senate passed an amended version of this legislation on July 2, 1964.

[56] Eisenberg, supra, note 9 at 669.

[57] "House Tackles Problem of Congressional Ethics," Roll Call, May 1, 1963, p. 2.

[58] "Code for Congress," editorial, New York Times, July 27, 1964.

[59] S. Con. Res. 5, 88th Cong., 1st sess., sec. 6(a).

[60] Statement of Senator JAVITS, hearings before the Senate Committee on Rules and Administration, U.S. Senate, 88th Cong., 1st and 2d sessions, "Financial or Business Interests of Officers or Employees of the Senate," pt. 22, p. 1905 (May 26, 1964).

to the jurisdiction of a regulatory agency. As mentioned earlier, such statements would set forth this interest in such reasonable detail and in accordance with regulations as prescribed by the Comptroller General. While such disclosures would be filed with the Comptroller General, consideration should also be given to disclosure proposals which call for filing such reports with the Secretary of the Senate and the House, respectively. However, the designation of a depository for such statements is only incidental to the requirement that all such statements shall be available for public inspection. This proposal represents a middle ground between proposals discussed earlier, ranging from the detailed reporting requirements advocated by Representative GREEN of all sources of income and gifts of more than $100, to the less onerous but more general disclosure recommended by the Senate Rules and Administration Committee.[61] Public disclosure, as long as the extent of reporting required is sufficiently extensive to cover those circumstances from which a conflict of interest might be inferred, is an important step in fostering public confidence in the integrity of Congress as an institution. This remedy avoids the extreme solution of outlawing all outside sources of income, dealings in stock, and receipt of fees for any reason. Thus, a Member of Congress would be allowed to receive any type of income or incur any financial obligation which he is willing to justify.

Another type of disclosure is contained in the companion bill which would require all communications between Members of Congress or their staffs and regulatory agencies be made part of the public record of the cases to which they refer. Such a proposal was advocated by the late President Kennedy, in his message to the Congress on April 27, 1961, in which he stated that some of the most spectacular examples of official misconduct have involved ex parte communication. By requiring that congressional intervention in any case under deliberation by an administrative agency be reduced to writing for the record, a simple answer is provided to the question of legitimate versus illegitimate influence by Members of Congress on administrative decisionmaking.

An important part of any comprehensive conflicts of interest proposal is that in addition to the promulgation of an interim code of ethics, effective machinery is provided for investigating and resolving specific congressional conflicts of problems as soon as the situation arises. The Javits-Keating-Lindsay proposal authorizes the Rules and Administration Committees of the Senate and House, respectively, to perform duties similar to those of grievance or ethics committees of bar associations, medical societies, and other professional organizations. It would have authority to receive complaints and to issue public interpretative opinions for the guidance of Members either on request or on its own initiative. Consideration should also be given to the alternative of vesting such power in a bipartisan Select Committee on Ethics, similar in composition to the one recently created by the Senate. Unlike the Rules and Administration Committees of the House and Senate which are assigned a number of important housekeeping functions, a special committee would be able to devote its full and undivided time to the task of defining, preventing, exposing and punishing improper congressional conduct.

Finally, since the problems of conflict of interest cut across the entire fabric of the American political and constitutional tradition, any major reform would necessarily include a complete reevaluation and revision of present campaign contribution and spending laws. Such a study would have to come to grips with the problem of which campaign contributions are properly acceptable and which are not. Politics is not classified as philanthropy for tax purposes and as a result the main sources of campaign contributions are from well-heeled lobbying groups and individuals who frequently look upon their contribution as an investment. Proposals for reform meriting serious consideration include providing tax deductions for political contributions of up to $100 and the placing of a ceiling upon the amount that any one individual or group may contribute. Furthermore, until the time that a Member of Congress can live on his salary, he will be forced to look to outside earning possibilities and contributions from lobbying groups. An encouraging step in attacking this problem, which is one of the main sources of congressional conflicts situations, was the passage of legislation this session raising the annual salaries of Members of Congress to $30,000.

The Douglas report stated: "The standards of the public will be raised if leaders in public life practice vigorous integrity. They will be lowered if these leaders are lax in their personal or official behavior." [62] It should be added that the standards of the leaders will be raised if the public both practices vigorous integrity and demands the highest standards of ethical behavior.

[61] See note 4, supra.

[62] Douglas report, 7.

## RECESS

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to move that the Senate stand in recess until 2 o'clock p.m., but I would hope that before that motion is made the attachés of the Senate would notify Senators on both sides of the aisle that there will be a yea-and-nay vote at 4 o'clock p.m. on the constitutional amendment which was passed yesterday, and that when the Senate returns, even though the tariff bill will be the pending business, there will be an opportunity for discussion prior to the time of the vote.

Mr. President, I move that the Senate stand in recess until 2 o'clock p.m., this afternoon.

The motion was agreed to; and (at 1 o'clock and 5 minutes p.m.) the Senate took a recess until 2 o'clock p.m., the same day.

At 2 o'clock p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. KUCHEL in the chair).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1082) to establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 5871. An act to amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia court of general sessions, the District of Columbia court of appeals, and the juvenile court of the District of Columbia, and for other purposes; and

H.R. 6233. An act to provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc.

The message further announced that the House had disagreed to the amendments of the Senate to the 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; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TEAGUE of Texas, Mr. DORN, Mr. HALEY, Mr. BARING, Mr. EVERETT, Mr. AYRES, Mr. ADAIR, and Mr. SAYLOR were appointed managers on the part of the House at the conference.

## ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 1851) for the relief of Chester A. Brothers and Anna Brothers, his wife, and it was signed by the **President pro tempore.**

## CORRECTION OF CERTAIN ERRORS IN THE TARIFF SCHEDULES OF THE UNITED STATES

The Senate resumed the consideration of H.R. 12253, an act to correct certain errors in the tariff schedules of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

## SENATOR McNAMARA'S POSITION ON PROGRAM OF HOSPITAL INSURANCE FOR THE ELDERLY

Mr. MORSE. Mr. President, the fanatic opposition of the "medicrats" of the American Medical Association to a program of hospital insurance for the elderly reached an absolute bottom last Friday.

Dr. Edward R. Annis, chief propagandist for the AMA, appeared on NBC television's "Today" show.

During the course of being interviewed, Dr. Annis suddenly launched into a vicious personal attack on the motives and integrity of the distinguished senior Senator from Michigan, PAT MCNAMARA. By implication, Dr. Annis extended his rusty scalpel to include those of us who have the privilege of serving with PAT MCNAMARA on the Subcommittee on Health of the Elderly of the Special Committee on Aging.

In his usual glib and phony fashion, Dr. Annis was unctuously singing the praises of the Kerr-Mills program and private health insurance, claiming that these approaches rendered a social secu-

rity plan unnecessary. The interviewer on the program upset Dr. Annis' composure through rebuttal based upon reports of the Subcommittee on Health of the Elderly. At that point, Dr. Annis lashed out with this statement:

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.

Mr. President, seven Senators signed the last two reports of the Subcommittee on Health of the Elderly in addition to PAT MCNAMARA. I am proud to have been one of those seven.

Anyone with a moderately "open mind" who has read those reports realizes the validity of their conclusions. Anyone who has read those reports is aware of the enormous documentation and factual material included in those studies which made the findings of the subcommittee valid and inevitable.

With regard to the Kerr-Mills program, we found it inadequate, inequitable, and inappropriate as the major Federal answer to the health care financing problems of the elderly. Dr. Annis, unable to face these hard facts, or deny them, resorts to vilification of Senator MCNAMARA.

But listen to what the Republican chairman of Iowa's State Board of Social Welfare, who is also chairman of the State senate's appropriations committee, had to say about public assistance health care financing. Senator Lawrence Putney told the Iowa State Medical Society:

We in the department of social welfare, are concerned over the fact that many persons are receiving old age assistance today almost entirely because of their medical care needs. In other words, were it not for medical care bills, these aged would be self-supporting.

I wonder how many Americans feel that it is a sound practice to force a person to go on public relief in order to receive medical care. It seems to me that this is unsound in theory and is not in accordance with American tradition.

I wonder what Dr. Annis will say about Senator Putney?

Our last report, thoroughly documented the inability of private health insurance to meet the needs of the elderly. Dr. Annis' hackles rose over our daring to challenge another section of the AMA's dogma. But, listen to what Iowa has to say about the adequacy of private health insurance:

Many of those approved for MAA (42.2 percent) stated that they have some form of health insurance. Evidently most policies did not adequately cover medical expenses as only 8.8 percent said their medical bills were paid primarily from this source.

We in the Senate know PAT MCNAMARA. He is not given to phoneying official documents of this body. I suppose it is an old tactic to ascribe your own base motives and methods to your opponents. This would appear to be the case in view of the absolute falsity of Dr. Annis' poisonous assault on a great Senator.

The Annis attack on PAT MCNAMARA and his subcommittee is nothing less than an expression of contempt for all the Members of the Senate. It is a direct attack on the integrity and motives of a distinguished chairman and the members of his committee.

The Senate has indicated, in approving a medicare bill, its readiness to face facts and to do what is necessary. We passed the medicare bill despite the distortions and malevolence of the AMA lobby. The same distortions and malevolence evidenced in the unprincipled "know nothing" vitriol unleased on PAT MCNAMARA.

The Senate recognized its obligation to act in behalf of our older people. I trust that the members of the conference will also recognize their duty. We cannot let Dr. Annis and his cohorts dictate to the U.S. Congress.

Dr. Annis and his ilk in the American Medical Association have time and time again demonstrated a lack of social conscience, and time and time again have made it perfectly clear that they wish to continue to foist upon the suffering old people of this country their profit dollars, placing the dollar sign above the great ethics of what should be a noble profession—and many of our doctors are noblemen. But, Mr. President, that does not include the propagandists within the American Medical Association who wish to capitalize upon human suffering. The medical profession should never have opened its doors to their interests in the first place. But let the profiteers in the American Medical Association who wish to make huge profits out of human suffering recognize that the day is coming when the American people will take their reckoning. The American people will make clear to the American medical profession that only those with a social conscience have any right to remain in it, and only those with a social conscience can serve the health needs of this country.

I say to the doctors of this country, "This is an issue on which you are going to lose, because the social welfare of the American people inevitably will win. You can have all the lying propagandists and all the vitriol mongers, such as your Dr. Annis and the rest of your political propagandists of the American Medical Association; but within the next few years the doctors of America will get their answer from an aroused American public opinion and we shall provide a medical care bill that will keep faith with the basic teaching of the Christian religion."

The attitude of those in the American medical profession who have demonstrated their lack of social conscience cannot be squared with Christian principles, and I care not for the hypocritical propaganda of men such as Dr. Annis. But this great Christian principle will finally prevail, and we shall proceed to be our brother's keeper. We shall proceed to carry out the teaching of the good Samaritan, and we shall stop the profiteers within the medical profession who work to put the dollar above their clear moral obligation to serve humanity through the medical profession.

Doctors who talk about socialized medicine as a great scarecrow to frighten the American people are the recipients, to a greater extent than any other profession in this country, of the largesse of the American taxpayer.

We hear doctors talk about what it has cost them to obtain their medical education. They are the recipients of one great subsidy after another supplied by the American taxpayer. Who builds the hospitals? Who provides for the great assistance that the medical profession gets so that it can even practice medicine? The American taxpayer.

We pass one bill after another for the aid of the medical profession by way of our bills providing for the construction of hospital facilities and various other bills related to health that are naught but huge grants of millions of dollars of the American taxpayers as a subsidy to the American medical profession.

Within the American medical profession are those with an avarice without any limit who wish to take out of human suffering bodies the last penny that they can exact by way of profit.

It is regrettable that we have doctors of that type. I feel sorry for them. Most of them are down to their last five Cadillacs. But they have picked this fight, and the American people will finish it. When they finish it, they will finish it by bringing the medical profession under the reasonable regulations that it needs to be brought under, and we shall start with the passage of a medicare bill within the next few years. We ought to do it before the present session adjourns; but certainly within the next few years we ought to pass a bill which would bring some hope and encouragement to the elderly. Over the rooftops of our elderly people hovers a constant fear that what little life savings they have been able to gather can be swept away by one serious illness. Yet we have a man such as Dr. Annis who calls himself a doctor, but by calling himself a doctor, in my judgment, he does not bring credit upon the title when he engages in the kind of attack that he engaged in in his attack upon PAT MCNAMARA.

I rise to defend this great Senator and personal friend of mine. I say to Dr. Annis that I can give him back everything that he wishes to pour out, because I am right and he is wrong, and that makes all the difference in the world.

I ask unanimous consent that there be printed in the RECORD the shocking, disgraceful, and uncalled for attack by Dr. Annis on the "Today" show.

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

EXCERPT FROM THE "TODAY" SHOW, STATION WRC–TV AND NBC–TV NETWORK, SEPTEMBER 25, 1964, 7 A.M., WASHINGTON, D.C.

(NOTE.—Dr. Edward R. Annis, immediate past president of the American Medical Association was interviewed by Herb Kaplow in Washington. Various aspects of the medicare bill were discussed, and the following was heard in part.)

KAPLOW. On the other side, we have the fact, what they claim—the supporters of the King-Anderson and its refinement—that while there is an increase in the number of people making use of various health insurance plans, that the elderly people are not in this group by and large.

ANNIS. They are in error——

KAPLOW. Or they're not getting adequate health protection.

ANNIS. Well you see these have been the statements they've been making for a long period of time without bothering to check the record. But the record presented before the Ways and Means Committee of the House, the testimony presented there by the health insurance industry of this Nation shows and can document the truth of what I just stated to you.

KAPLOW. Well now, did not the McNamara committee, which looked into this, come up with figures which would seem to support those favoring the——

ANNIS. 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. I'm asking you to look at the records before the Ways and Means Committee of the House——

KAPLOW. Senator MCNAMARA might vouch for the authenticity of his own committee, and you have as head of the Ways and Means Committee, WILBUR MILLS, who at least to this point, is opposed to the medicare.

ANNIS. The only thing I can tell you is that when MCNAMARA'S report came out a year ago that the overall chairman of the committee decried the negative character of the report. All we say is this, right today, we have programs in this Nation, to see that no one is denied medical care, because of inability to pay—old or young. And we think that a responsible administration will work with the medical profession to see to it that senior citizens who need medical care, or junior citizens, are given all of that care, already available to them, that many people don't ask for because they don't even know that these programs exist.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. There is no man of greater integrity or honesty in this body than the distinguished Senator from Michigan [Mr. MCNAMARA]. He is an unusual man. We always know where PAT MCNAMARA stands; and when he makes a statement, it is almost always, if not always, backed by facts.

I am delighted to have this opportunity to state publicly my high esteem for the Senator from Michigan, who has represented his State so well, who has done so much for the Nation, and who has sought out of the kindness of his heart and on the basis of his most responsible position to do what he could to bring about a better era for our elderly citizens.

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

Mr. MORSE. I yield.

Mr. HART. It was not until I came to the floor of the Senate a few minutes ago that I learned of the comments that Dr. Annis had made concerning my distinguished senior colleague. In the brief moment that I have had opportunity, I have seen some of the excerpts from the "Today" show as were reported by the distinguished Senator from Oregon [Mr. MORSE]. I am grateful to both the Senator from Oregon [Mr. MORSE] and our majority leader, the Senator from Montana [Mr. MANSFIELD], that they should have so promptly, publicly, and effectively made reply. I suppose that it would be expected that the junior Senator would rise to the defense of his senior colleague, whatever his true feeling might be. I wish that were not the assumption, because in truth I would like to hope I would not do so if I felt that any colleague was in error.

I rise because of a deep conviction which developed long before I came to the Senate and was permitted to sit with my colleague [Mr. MCNAMARA] that few men in public life are more forthright in their statements of opinion and position and more sincere in their conviction behind the statement than PAT MCNAMARA. As the RECORD will clearly show, my colleague and I on occasions have differed. In a few instances we have differed on major legislative proposals.

I know PAT MCNAMARA a great deal better than Dr. Annis knows him. It has never crossed my mind on occasions when we have differed that Senator MCNAMARA had any motives other than to seek what he believed to be the right answer. Sometimes some of those questions are so complex that only time will give us the absolutely correct answer, if it is ever reached.

No Member of this body is more concerned about correctly resolving any public question than is my senior colleague; and, having reached a conclusion, no one is more willing clearly to state it and fight for it.

Parenthetically, on the matter of medical care for elderly citizens, it has sometimes been said that those who support this cause do so in search of votes. For those who do not know PAT MCNAMARA as I do, let me make clear that many years ago, when I was still in college, and when medical care for older people was only a little cloud on a horizon few thought we would ever reach, PAT MCNAMARA, in the early 1930's, was chairman of a committee seeking to achieve that objective. There were no votes involved then. It was a thankless undertaking. I am delighted that he has been given the years to see the day when we are about to attain that objective.

I regret very much that, on a national television show, the implication should have been voiced which suggested that the motivation was anything other than decent and right.

I thank the Senator from Oregon for bringing this matter to our attention.

Mr. MORSE. I thank the Senator very much.

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

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

## CORRECTION OF CERTAIN ERRORS IN THE TARIFF SCHEDULES OF THE UNITED STATES

The Senate resumed the consideration of the bill (H.R. 12253), to correct certain errors in the tariff schedules of the United States.

Mr. STENNIS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 12253, a bill to correct certain errors in the tariff schedules of the United States.

## PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO THE SUCCESSION TO PRESIDENCY AND VICE-PRESIDENCY

The Senate resumed the consideration of the 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.

Mr. STENNIS. Mr. President, I wish to address myself briefly to Senate Joint Resolution 139, which was passed yesterday. It has to do with a proposed constitutional amendment.

Earlier today I made the suggestion that I would make a motion to reconsider the vote by which the joint resolution was passed yesterday. Thereupon, in colloquy with the senior Senator from Montana, it was agreed by unanimous consent that the joint resolution would be recalled and placed on the calendar and then would be taken up today; further, that there would be a yea-and-nay vote on it at 4 p.m. today.

I address myself briefly to the matters that prompted me to make the motion to reconsider; but really the point that I had in mind has been attained by having reached an agreement on a yea-and-nay vote on Senate Joint Resolution 139.

Nevertheless, I believe some matters ought to be covered. First I wish to make it clear that the steps I am taking here today are prompted solely by the desire to have a record made of this consideration, particularly to have a yea-and-nay vote on the proposal. I in no way intend to find fault with any Senator's action, or to blame any Senator. No one is to blame for anything—especially not the majority leader, the minority leader, or the Senator from Indiana [Mr. BAYH], who so ably handled the joint resolution on the floor. I also thank the Senator from Indiana for his fine attitude toward reconsideration of the joint resolution.

Yesterday, the joint resolution, a highly important measure, passed the Senate without a yea-and-nay vote, although there was an able discussion of the measure. The newspapers this morning reported that only nine Senators were in the Chamber when the measure was passed. Frankly, as a practical matter, so small an attendance would give any proposed amendment to the Constitution a "limping start" toward final passage in the other body and approval by the States of the United States. It would be much better that a measure of such great worth—and this one has great worth—should start by having the express approval of two-thirds of a quorum of the Senate. I do not question the fact that under a strict interpretation of Senate precedents, the amendment was legally passed yesterday. But I believe the whole tenor and spirit of the Constitu-

tion of the United States require that a proposal of this nature should have the RECORD show affirmatively that a quorum was actually present at that time and passed on the measure. I know the precedents do not require that, and I am not questioning that the action taken yesterday will be reconsidered, but I believe the Senate should adopt a pattern of procedure with reference to passing upon amendments to the Constitution. Article 5 of the U.S. Constitution provides:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

That calls for an affirmative expression. It has been held, and properly, I believe, that the two-thirds requirement does not mean two-thirds of the entire membership, but rather two-thirds of a quorum present and voting on the measure.

I have before me a case decided in 1920, in which the express point was before the Supreme Court for decision. I refer to the National Prohibition Cases, reported in 253 U.S. 350. In passing on a question of a constitutional proposal, the Supreme Court, at page 386, said:

> The two-thirds vote in each House which is required in proposing an amendment is a vote of two-thirds of the Members present—assuming the presence of a quorum—and not a vote of two-thirds of the entire membership present and absent.

The Court then cited another case, decided 2 or 3 years earlier. The Court said that the two-thirds vote required assumed the presence of a quorum. So far as the RECORD goes, I am sure that if it were shown that the Senate had a quorum early in the day, and unless that quorum were shown to have been broken, it would be presumed to have continued. But that still falls short of affirmative proof that two-thirds of a quorum—not of the membership—actually passed on this question.

Further, to carry out the spirit of the constitutional provision with reference to amending the Constitution, it would be well for the Senate to adopt a rule, or if not a rule, a practice, to provide affirmatively that there shall be a yea-and-nay vote, to show positively the number of Senators comprising the quorum who favored the proposal, and which ones they were, so that the positions they held with reference to the proposal would be known.

A few years ago, the Senate had fallen into the habit of approving treaties by a voice vote, although the Constitution requires the approval of two-thirds of a quorum. Sometimes only two or three Senators would be in the Chamber. As I recall, the Senate amended its rules so as to require a yea-and-nay vote. I have not verified that, but I know that the Senate had dropped into a habit of not having yea-and-nay votes on the approval of treaties. However, I believe the rule was changed. Certainly if a treaty, however small, is worthy of a yea-and-nay vote, a proposal by this august body to the States of the United States that a constitutional amendment be adopted should be subject to a yea-and-nay vote. I shall examine further into this question to see if a satisfactory solution can be reached.

Since I have raised this point, I shall speak for a moment on the merits of the proposed amendment itself. I commend the Senator from Indiana [Mr. BAYH] for the excellent work he has done on it this year. He has been diligent and industrious. He has shown a deep understanding of the problem. I remember a conference I had with him at the first of the year in which we discussed the major problem, the selection of a Vice President in the event that office became vacant. The Senator from Indiana presented the case for the amendment yesterday.

I did not hear him then, because I did not know that it was his intention to speak on the subject and had understood that there would not be a vote, even though the joint resolution would be taken up.

But to return to the merits of the amendment, I believe that the committee selected the best way of dealing with the problem of a vacancy in the office of Vice President of the United States when, for any reason, the office of the Vice Presidency becomes vacant. Many different plans were proposed. All were weighed, considered, and discussed. In my opinion, the best and most practical plan was adopted. That lends importance, too, to the weight of this amendment and the gravity of not passing it except by a two-thirds rollcall vote of a quorum.

The amendment proposes the creation of a new way of selecting the person who may become President of the United States. That in itself is a tremendous step and carries with it all the gravity, solemnity, and seriousness that any legislation could possibly have. The subject resolution presents a satisfactory solution, as nearly as can be done. It provides that the President may select a Vice President, subject to the approval of a majority vote of the two branches of Congress. That in itself is major legislation of the gravest kind. Not only does it remedy a deficiency in the Constitution, but it relates to the most momentous single event that occurs in the Nation every 4 years. We pray, of course, that the question of presidential succession may not arise again.

In addition, the amendment provides for the creation of a body that would be called to pass upon the ability or disability of one who had already been elected to the office of President of the United States. The question of removing him from office, in the event of disability, without his consent and judgment is a tremendous responsibility. So the committee has also taken an important step forward in this respect.

I am glad to join in commending this particular joint resolution. I am also glad, indeed, that the committee has worked it out and has presented it, because it is necessary for the soundness of our Government. However, I wish to get it off to as good a start as possible with a yea-and-nay vote, perhaps with no votes against it, but certainly to get it off to a good start, and an understanding before the people, which would lend strength to it.

I hope that the vote on the joint resolution will establish a precedent with reference to passing on all future constitutional proposals—whether I may or may not favor them. That has nothing to do with it.

Mr. BAYH. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. WALTERS in the chair). Does the Senator from Mississippi yield to the Senator from Indiana?

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

Mr. BAYH. I thank the Senator from Mississippi for bringing this question of the need to establish a precedent to the attention of the Senate. I join him in the hope that it will be established by this vote.

The Senator—and, indeed, other Senators—are aware of the efforts which the committee made, very early in the deliberations, to acquaint each Senator with all the facts and what went on in the deliberations. The subcommittee held extensive hearings. The committee discussed the issue at some length. The chief counsel of the subcommittee distributed to each Senator vast quantities of information, so that he could have at his disposal the complete information concerning what the subcommittee felt was a most important subject.

As the Senator pointed out, the precedent which was followed yesterday was according to that which had been established previously. The leadership and I have acted in the best of faith. There was a quorum call of an hour and a half to two hours, prior to the deliberations on this question.

Frankly, I am quick to admit that if I had my choice, I would much prefer the system which we shall follow this afternoon. However, in this colloquy, we should also include, perhaps, a bit of admonition to each of us as Senators, that we should make an effort to help the leadership carry on the burdens of leadership in its drive to close down deliberations for this session. It is faced with a gigantic task, trying to wind up the odds and ends. Some of these odds and ends, of course, are serious pieces of proposed legislation. One of the things which increases the difficulty of its task is the fact that it is almost impossible, at times, to obtain a quorum—although we did get a quorum yesterday prior to the deliberations on the proposed legislation.

For the RECORD, let me say to the Senator, in case he did not know it, that we went to some lengths, including two long-distance telephone calls to Senators who had earlier expressed opposition, and we proceeded to follow the pattern which had been followed before, to obtain the consent of those two Senators to going ahead and proceeding without them, and the promise that they would voice no objection.

I should like to raise my voice and admit that I have been one of the transgressors, from time to time, and have not been in the Chamber because I have been engaged in other deliberations.

In closing, let me point out that, perhaps, when we are closer to the vote this afternoon, I should like to make a quick

summary of the issue. Speaking to the point the Senator from Mississippi has so aptly raised, it would behoove each of us in this body to be a little more diligent about what is on the calendar, to be a little more diligent about being in the Chamber and helping the leadership to maintain a quorum so that we can go ahead and transact the business of the Senate, so that Senators can go about the business which so many of us have in our own constituencies.

Mr. STENNIS. If I may interrupt the Senator, I agree with him on the great burden the leadership carries. In ordinary times, it is heavy enough, but now, toward the close of the session, it is even heavier. I am compelled to say, in this case, in view of the Senator's remarks, however, that I inquired yesterday of the Senate aids about the vote, and they told me there would be no vote. Theoretically, I know that that is not enough, and that a Senator is supposed to be in the Chamber. This is an illustration of what we are up against. I was in my office yesterday until 11 o'clock last night, as is the Senator from Indiana frequently, I know. But, I have no complaint. I merely want to make the RECORD clear.

Mr. BAYH. Mr. President, will the Senator from Mississippi yield once more?

Mr. STENNIS. I am glad to yield.

Mr. BAYH. I believe the leadership acted in good faith, through my office, and through one of the aids on the floor, in going to some trouble to contact Senators who had voiced objection. I believe that they will agree, and I will agree with the Senator from Mississippi, on a matter of this importance. I am glad to have the RECORD show the vote. I wish to see each Senator's vote recorded, I hope favorably; nevertheless, I wish each Senator to have his right to dissent.

Mr. STENNIS. I thank the Senator from Indiana.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield?

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

Mr. COOPER. Mr. President, this morning, the distinguished Senator from Mississippi [Mr. STENNIS] suggested that it would be appropriate and, in fact, constitutional for a quorum of the Senate to vote, by recorded vote, upon this important proposed constitutional amendment. I supported him in his statement and in his request.

I did so because I believe that his suggestion is proper and carries great force. The proposed constitutional amendment before us is of such importance that even if there were no constitutional question relating to the necessity of a quorum, it should be voted upon at minimum by 51 Senators who would make up a quorum.

I suggested this morning—and repeat the suggestion again—that the record vote would carry great weight in the House, and in the legislatures of the States which, according to our constitutional process, provided for by article V of the Constitution, must ratify the proposed amendment by the approval of three-fourths of the State legislatures. A recorded vote by a quorum of the Senate, and I hope by as full as attendance of all Members as is possible, will also give proof to the people of our country of our belief in the necessity of this resolution, for the people's support is of most importance.

The Senator from Mississippi has rendered a service to the Senate and to the country. His objective is achieved now that a record vote is required for a quorum will be necessary to obtain a vote upon the proposed amendment.

The majority leader, the Senator from Montana [Mr. MANSFIELD], recognized the importance of his request and joined the Senator from Mississippi this morning in securing reconsideration of yesterdays voice vote.

I do not in any way derogate the importance of the proposed constitutional amendment by making this statement. In fact my purpose is, with that of the Senator from Mississippi, to indicate its great importance, and the necessity that it carry with it the strength and the support which a vote of 51 or more Senators will accord it when it is considered by the House, and I hope favorably by the legislatures of the States.

I also congratulate the Senator from Indiana [Mr. BAYH].

It was his creative idea, his initiative, and his force which brought the proposed constitutional amendment to the floor of the Senate—and I hope adoption and approval by the States.

His achievement is a tribute to his ability and statesmanship. It is a service to the country, which will be long remembered. At his request, I was happy to be a cosponsor of this resolution.

Its very importance, as the Senator from Mississippi has stated, and in whose statement I concur and I believe the Senator from Indiana will also concur, requires that it have the full support, and recorded support, of at least a quorum of the Senate.

Mr. STENNIS. Mr. President, I thank the Senator from Kentucky for his kind remarks.

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

Mr. STENNIS. I yield.

Mr. BAYH. Mr. President, I thank the Senator for his patience and cooperation in yielding to me again. I thank the Senator from Kentucky, who knows that we discussed this subject privately. I concur with him and with the Senator from Mississippi.

As I stated a moment ago, we should put the vote on the record. A matter of this importance, any constitutional amendment, but particularly this one that deals with the ready transfer of the Presidency should be placed on the record. We hope we shall never have to use it. Nevertheless, it should be available for the safety and welfare of the country.

I thank the Senator from Kentucky and the Senator from Mississippi for lending their voices in support of this particular piece of legislation. They are extremely able attorneys. As a freshman Member of the Senate, it is very comforting and rewarding to me to have their support. I particularly thank the Senator for cosponsoring this measure. Putting the name "COOPER" on the resolution is like putting the name "sterling" on silver. I appreciate it very much.

Mr. STENNIS. Mr. President, I have prepared some brief remarks. I do not wish to detain the Senate by reading them. I ask unanimous consent that they may be printed at this point in the RECORD.

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

The statement of Mr. STENNIS is as follows:

As the RECORD for this date will reflect, I have previously moved to reconsider the vote by which Senate Joint Resolution 139 was passed by the Senate on September 28, 1964. The RECORD will likewise reflect my reasons for making this motion, but I want to briefly expand on these remarks at this time.

My desire to reconsider this vote was certainly not based on any objection to the merits of the resolution. To the contrary, I believe it absolutely necessary that the records of the Senate affirmatively show that Senate Joint Resolution 139 has the support of an overwhelming majority of the Members of the Senate. Not in the tenure of the office of the Senator from Mississippi has a more important measure been before the Senate. It is one which should be passed by the Congress and ratified by the States without undue delay.

As all Members of the Senate know, the purpose of Senate Joint Resolution 139 is twofold: (1) to provide a method to fill the office of the vice presidency in the event of a vacancy in that office; and (2) to provide a positive means of determining, in any event, if the President is unable to perform the duties and responsibilities of his office. This measure is of such great importance to our Nation that, in my opinion, the records should reflect that it has the approval of at least two-thirds of the Members of this body. Yet, an examination of the Senate proceedings on September 28, 1964, when this measure was passed, does not reflect that a quorum was present, nor was there a record vote to positively establish the fact that this resolution was adopted in accordance with the requirements of article V of the Constitution.

While the RECORD reflects that a quorum was present at the time of the convening of the Senate yesterday, there was nothing to indicate whether a quorum was present at the time of the consideration and vote on this resolution. Although the absence of a quorum was suggested immediately prior to the consideration of Senate Joint Resolution 139, proceedings under the quorum call were dispensed with and the RECORD does not reflect that a quorum was present. I respectfully suggest that on a matter of such great importance as determining who shall exercise the powers of the Presidency, it is incumbent on the Senate to conduct its proceedings in such a manner as to affirmatively show the presence of a quorum. I do not question the fact that, under a strict interpretation of the rules of the Senate, there was no infraction, although there is judicial precedence that a quorum should be present in any proceeding under article V of the Constitution. In a series of cases in which the Supreme Court rendered a collective opinion, the Court was called upon to interpret article V as to whether an absolute two-thirds majority of each House of the Congress is required to propose a constitutional amendment, and the Court stated: "The two-thirds vote in each House which is required in proposing an amendment is a

vote of two-thirds of the Members present—assuming the presence of a quorum—and not a vote of two-thirds of the entire membership, present and absent."

The Court made this statement in the *National Prohibition Cases*, 253 U.S. 350 (1920) at page 386.

I repeat for emphasis that the Court stated that a two-thirds vote of the Members present "assuming the presence of a quorum" is required to propose a constitutional amendment. The Court does recognize the importance, and, in effect, the necessity of a quorum being present in Congress during the consideration of an amendment.

It is abundantly clear that the spirit, even the letter, of the Constitution demands that a quorum be present in both the House and Senate when a constitutional amendment is approved. I believe it is the duty of each House to proceed in such a manner that the RECORD will reflect the presence of a quorum in such circumstances.

I further believe that in all matters of such importance the Senate should record its support by means of a yea-and-nay vote. Such proceedings will lend weight and significance to any amendment thus approved. It is for this reason that I, not only move for the reconsideration of Senate Joint Resolution 139, but also request the yea-and-nay vote on the question of its final passage.

Although I do not intend to comment in detail on the merits and substantive provisions of Senate Joint Resolution 139, I do want to show for the RECORD my recognition of the great importance of this measure and my support. As I previously stated, the two basic purposes of this resolution are to provide for a method of filling the office of the Vice Presidency in the event of a vacancy and to provide a method of affirmatively determining, in any given event, that the President is unable to carry out the duties of his office. I believe the provisions of Senate Joint Resolution 139 effectively resolve these two questions which have arisen on numerous occasions during the history of our Nation. It is fitting and proper that the President have the authority, with the consent of Congress, to determine who shall be the Vice President in the event of the death, resignation, or removal of the Vice President. The method proposed by Senate Joint Resolution 139 effectively satisfies these requirements. At the same time, it should be a function of the executive branch of government to determine when the Chief Executive is disabled or, for any reason, is unable to perform his duties. Again, however, Senate Joint Resolution 139 provides a system of checks and balances on this power of the Cabinet.

The third purpose of this resolution clarifies the question of whether a Vice President who assumes the powers of the Presidency in the event of the disability of the President actually becomes President or merely acts as President during the disability. This also is a very needed improvement in our constitutional provisions as they now exist.

I, therefore, strongly support the passage of Senate Joint Resolution 139. I again want to assure the majority leader and all Members of the Senate that my action in moving for reconsideration of this resolution was motivated by a sincere desire to strengthen the position of the Senate in adopting this resolution. As a result of this reconsideration the permanent RECORD will positively reflect the presence of the quorum and, I believe, the overwhelming support of the Senate.

Mr. BAYH. 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.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair until not later than 3:45 p.m.

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

(At 3 o'clock and 16 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 3 o'clock and 45 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. TALMADGE in the chair).

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. BAYH. 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, prior to the recess we were discussing the issue which will be before the Senate for a formal vote at 4 o'clock; namely, Senate Joint Resolution 139.

Senate Joint Resolution 139 is designed to correct certain provisions in the Constitution relating to a continuity of executive power.

The problems which are dealt with by the joint resolution can be briefly stated as follows:

First, today, because of the tragedy that occurred in Dallas last November, we have no Vice President. Although there is not a soul in the Senate who will ever forget those tragic days, nevertheless, I wonder how many of us remember that this is the 16th time in the history of our country that we have had no Vice President. Indeed, over a total of more than 37 years the United States of America has not had a Vice President. We have had no Vice President 16 times. Eight Presidents died in office, seven Vice Presidents died in office, and one Vice President resigned.

Most of us are aware of the fact that over the past few years there has been a great development of the office of Vice President. Today the Vice Presidency is no longer a one-way ticket to oblivion, as it has been described by some of our Vice Presidents of the past. The Vice President has numerous tasks assigned to him.

First, the Vice President sits with the National Security Council. Second, he plays an important part in the area of space and aeronautics. Third, he is Chairman of the Equal Employment Opportunity Commission. In addition to these official jobs, I believe it is fair to say that the Vice President today is really our No. 1 ambassador.

Vice President Nixon, in the previous administration, traveled thousands of miles outside our country, twice as much as did President Eisenhower, carrying the good will and the flag of the United States. So it was with the present President of the United States, when, as Vice President, Mr. Johnson served in this capacity.

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

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. BAYH. I am glad to yield to the distinguished senior Senator from North Carolina.

Mr. ERVIN. Will not the Senator from Indiana agree with me that it is a far cry from the day when a distinguished citizen of his State, Thomas Riley Marshall, served as Vice President?

Mr. BAYH. That is correct.

Mr. ERVIN. I feel certain that the Senator from Indiana will agree with the Senator from North Carolina that Thomas Riley Marshall, in his inimitable way, suggested the esteem in which the office of the Vice President used to be held in the old days, when he said, on one occasion, that there were two brothers, one of whom went to sea, and the other was elected Vice President, and neither of them was ever heard from again.

Mr. BAYH. Yes; that is a very famous tale. The Senator is correct. It is a far cry from those days, from the days depicted by that famous Hoosier, Thomas Marshall. Today, the Vice President is a full-time assistant to the President. He is one heartbeat away from the office of President. How important it is to have in that office one who can spend his full time in carrying out the duties of office that will best serve him in the event tragedy should strike the Nation again.

The second aspect of the problem is the one of disability. Three instances are called to mind when the executive authority of the United States has rested rather tenuously in the hands of a President who was seriously ill.

The first occasion was the assassination of President Garfield, when for 80 days President Garfield lay between life and death and signed only one extradition paper, at a time when many other problems were confronting the United States.

The second, and the one which has created a great deal of stir, because of the publication of a recent best selling book was the instance of the stroke suffered by President Wilson. President Wilson lay paralyzed and disabled for 16 months while such serious problems as the League of Nations confronted the country. He was unable, because of his affliction, to fulfill all the powers and duties of his office. More recently, we all remember the three serious illnesses suffered by President Eisenhower.

We seek to deal with a problem which today offers no legal means of transferring, even temporarily, for sickness, the power which rests on the shoulders of the President. There are no such means, other than a private agreement, such as that entered into between President Eisenhower and Vice President Nixon, subsequently between President Kennedy and Vice President Johnson, and most recently between President

Johnson and Speaker McCormack. But these are private agreements which have no legal basis.

Steps have been taken previously by Congress. Efforts have been made by Members of the Senate. Perhaps the foremost advocate of this type of reform was the late Senator Kefauver, who, despite waging a strong battle, was unable to have the measure reported by the committee.

But I am happy, as chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, that the committee has been able to report a constitutional amendment because of the recognition by Members of this body, including the distinguished Senator from North Carolina [Mr. Ervin], the distinguished Senator from Kentucky [Mr. Cooper], the distinguished majority leader [Mr. Mansfield], and others, that it is time action was taken. We have achieved this success by working closely with nongovernment groups, including the American Bar Association.

We are fast reaching the place where we realize that we must put aside our petty differences and adopt the best solution we possibly can. Basically, there are three criteria for the best solution. First, it must be a solution which, if it must be implemented—God forbid that it must—but history has shown us that we will not be spared—if our future can be judged by the past, we shall be faced with crises or tragedies in this area. So such an amendment must be presented in the best form or formula to be acceptable to the people.

Second, it must be workable from an administration standpoint.

Third, it must arose sufficient support in Congress and in State legislatures to obtain the necessary votes to make it a part of the U.S. Constitution. The proposal of Senate Joint Resolution 139 meets these three criteria.

First, the joint resolution provides that in the event a vacancy exists in the Office of Vice President, the President, the one who must work closely with the Vice President, shall nominate a person for the Office and submit the name to Congress. Thereupon, the nomination shall be confirmed or the person elected or chosen Vice President by a majority of both Houses of Congress.

This requirement will accomplish two purposes. First, it will guarantee that there will be a Vice President, who will be able to work with the President. Second, it guarantees to the people that their representatives in Congress, those who are most responsive to the wishes of the people at any given time, will be able to express the voice of those whom they represent.

Third, in the event the President becomes unable to perform the powers and duties of his Office, the joint resolution provides that, first, the President may declare his own disability. In the event he knows that he will have a serious operation or feels that a serious illness is coming on, he may declare his own disability in writing and submit it to Congress. Second, in the event he is unable to do so—perhaps he might have a serious heart attack, or he might be captured by the enemy—we have tried to think of every eventuality—the Vice President, acting with the consent of a majority of the members of the Cabinet, the executive officers who are closest to the President, will assume the duties and powers of the President.

We believe that this arrangement will protect the President from any possible coup or destruction of the power of his Office. The Vice President, operating with the consent of a majority of the members of the Cabinet, could assume the powers and duties of the President as Acting President. I emphasize the words "Acting President" because it was their desire not to become President that kept Thomas Marshall and Chester Arthur—and, indeed, I think seriously inhibited Richard Nixon—from assuming the powers and duties of the Office during the illnesses I described earlier.

The last contingency is that in the event—this is not likely, but is possible—there is a dispute between the President, on the one hand, saying he is able or that he has recovered, and the Vice President and a majority of the Cabinet, on the other, saying that he is still unable to perform his duties, Congress shall settle the question.

As the Senator from North Carolina [Mr. Ervin] and I disclosed in our colloquy yesterday, we do not feel that the power of the Presidency—the Executive power—should be treated lightly. For that reason, we have said that a two-thirds vote of both Houses of Congress should be required to take Executive power away from the President.

Although there might have been a time when the Vice Presidency was a step to oblivion, this is no longer true. We are living in an age different from that which confronted our forefathers, when they almost forgot to mention the Vice Presidency in writing the Constitution. Rather, today we are living in an age when mankind has at its disposal the ability to wipe out civilization in a matter of minutes. Armies can be moved half way around the world in a matter of hours. In these times we must have able-bodied individuals as President and Vice President, persons who will always be capable of performing the powers and duties of President, to make that difficult decision which we pray God will never have to be made. We need able-bodied individuals at all times.

Considering the difficult problems and heavy burdens carried by the President today, we must have an assistant President, a Vice President, always standing at his side, helping to hold the torch for this great country.

In terminating my remarks, I feel it is only fair, and I feel compelled to say that had it not been for the cooperation of my colleagues, this measure would not have come to pass. Never before has Congress come this far with a proposal of this type of legislation.

In addition, had it not been for the willingness of the majority leader to cooperate and go out of his way, despite the tremendous burdens he carries in the closing days of the session, and his willingness to have this important measure considered, and his recognition of the urgency of the problem and the necessity for solving it, this measure would not have come to pass.

This is the best possible example we can have of the Senate at work. We considered 13 different suggestions and have resolved upon one, subject to the vote of the Senate, which we hope will ultimately be passed by the Senate and the House and ratified by three-fourths of the general assemblies of the individual States.

The PRESIDING OFFICER. The hour of 4 o'clock having arrived, the Chair, under the previous unanimous-consent agreement, lays before the Senate Senate Joint Resolution 139, which the clerk will report 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. Under the unanimous-consent agreement, a yea-and-nay vote is ordered on the question of its passage, and the clerk will therefore call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Dakota [Mr. Burdick], the Senator from Nevada [Mr. Cannon], the Senator from Connecticut [Mr. Dodd], the Senator from South Carolina [Mr. Johnston], the Senator from Missouri [Mr. Long], and the Senator from Oregon [Mrs. Neuberger] are absent on official business.

I also announce that the Senator from Oklahoma [Mr. Edmondson], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Rhode Island [Mr. Pell], the Senator from California [Mr. Salinger], the Senator from Missouri [Mr. Symington], the Senator from New Jersey [Mr. Williams], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that the Senator from Massachusetts [Mr. Kennedy], and the Senator from Alabama [Mr. Hill] are absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. Dodd], the Senator from Oklahoma [Mr. Edmondson], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Massachusetts [Mr. Kennedy], the Senator from South Dakota [Mr. McGovern], the Senator from California [Mr. Salinger], the Senator from New Jersey [Mr. Williams], the Senator from Texas [Mr. Yarborough], the Senator from Oregon [Mrs. Neuberger], and the Senator from Washington [Mr. Jackson] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall],

the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. JORDAN], the Senator from New York [Mr. KEATING], 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], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Idaho [Mr. JORDAN], the Senator from New York [Mr. KEATING], the Senator from Iowa [Mr. MILLER], the Senator from South Dakota [Mr. MUNDT], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The yeas and nays resulted—yeas 65, nays 0, as follows:

[No. 588 Leg.]

YEAS—65

| | | |
|---|---|---|
| Aiken | Ervin | Morse |
| Allott | Fong | Morton |
| Anderson | Fulbright | Nelson |
| Bartlett | Gore | Pastore |
| Bayh | Hart | Pearson |
| Bennett | Hayden | Prouty |
| Bible | Hickenlooper | Proxmire |
| Boggs | Holland | Randolph |
| Brewster | Inouye | Ribicoff |
| Byrd, Va. | Javits | Robertson |
| Byrd, W. Va. | Jordan, N.C. | Russell |
| Carlson | Kuchel | Saltonstall |
| Case | Lausche | Simpson |
| Church | Long, La. | Smathers |
| Clark | Magnuson | Smith |
| Cooper | Mansfield | Sparkman |
| Cotton | McCarthy | Stennis |
| Dirksen | McClellan | Talmadge |
| Dominick | McIntyre | Walters |
| Douglas | McNamara | Young, N. Dak. |
| Eastland | Metcalf | Young, Ohio |
| Ellender | Monroney | |

NAYS—0

NOT VOTING—35

| | | |
|---|---|---|
| Beall | Jackson | Muskie |
| Burdick | Johnston | Neuberger |
| Cannon | Jordan, Idaho | Pell |
| Curtis | Keating | Salinger |
| Dodd | Kennedy | Scott |
| Edmondson | Long, Mo. | Symington |
| Goldwater | McGee | Thurmond |
| Gruening | McGovern | Tower |
| Hartke | Mechem | Williams, N.J. |
| Hill | Miller | Williams, Del. |
| Hruska | Moss | Yarborough |
| Humphrey | Mundt | |

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the joint resolution is passed.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

## AUTHORIZATION FOR THE SELECT COMMITTEE ON SMALL BUSINESS TO FILE TWO REPORTS DURING ADJOURNMENT

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Select Committee on Small Business be authorized during the adjournment of the 2d session of the 88th Congress to file with the Secretary of the Senate two reports, entitled "The Role of Small Business in Government Procurement, 1964," and "The Role and Effect of Technology in the Nation's Economy," and that the reports be printed, along with any individual, supplemental, or minority views.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## FRANK B. ROWLETT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1494, H.R. 7348.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7348) for the relief of Frank B. Rowlett.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. LONG of Louisiana. Mr. President, reserving the right to object, I suspect that that is the bill that the Treasury Department objects to.

Mr. MANSFIELD. Mr. President, it seems to be a habit for the past 3 or 4 days to reconsider bills. So, once again, though the bill has been cleared on both sides, I ask that H.R. 7348, which was just passed, be reconsidered and placed on the calendar.

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

## ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS—88TH CONGRESS

Mr. McCLELLAN. Mr. President, as chairman of the Committee on Government Operations, I submit for the information of the Senate, a brief summary of the activities of the committee in the 88th Congress, as of this date.

A full, detailed report on the activities of the committee and its four subcommittees in the present Congress will be submitted upon the convening of the next session of Congress, as has been the custom in the past.

The following is a condensation of the actions taken by the committee with brief explanation of some of the legislation processed, which was enacted into law, or approved by the Senate. Included are bills and subjects on which hearings were held and/or reports issued.

Of the total of 127 bills and resolutions referred to the committee during the 88th Congress, 15 were enacted into law. Twenty-eight resolutions were adopted by the Senate, and 12 bills were approved by the Senate but were not acted upon in the House of Representatives.

Those bills which became law or on which the Senate acted are listed under appropriate headings. No listing was made of property transfer proposals, or other bills on which the committee took no action.

### BUDGETING AND ACCOUNTING

The Committee on Government Operations again reported favorably, and the Senate approved, as it has in five preceding Congresses, a bill (S. 537) proposing the creation of a Joint Committee on the Budget. This proposed legislation, with 77 Senators as sponsors, was developed and perfected by the committee over a period of 14 years, and has repeatedly passed the Senate. It is designed to remedy serious deficiencies in appropriation procedures and to improve the congressional surveillance over the expenditure of public funds. It constitutes a positive approach to the elimination of extravagance, waste, and needless or excessive expenditures.

The creation of a joint committee, as proposed, and its staff would serve in the appropriation field in a manner comparable to that in which the Joint Committee on Internal Revenue Taxation and its staff in the field of taxation serve the House Committee on Ways and Means and the Senate Committee on Finance. The Joint Committee on Internal Revenue Taxation has, for more than a quarter of a century, proved its great worth and service in the revenue field. In the view of the committee, a like joint committee and service is needed in the appropriation and expenditure field. The bill was referred to the House Committee on Rules on May 21, 1963, but no further action was taken.

Other fiscal legislation approved by the committee and enacted into law included, first, an act to permit the use of statistical sampling procedures in the examination of vouchers—Public Law 88–521; second, an amendment to the Government Corporation Control Act changing the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation—Public Law 88–518; third, authorizing the payment of per diem in lieu of subsistence to certain Federal employees assigned to duty on the California offshore islands—Public Law 88–538; fourth, authorizing the payment of the expenses of certain Government student trainees—Public Law 88–146; fifth, authorizing the payment of the cost of transportation of privately owned vehicles of Government employees assigned to duty in Alaska—Public Law 88–266; and, sixth, extension for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by RFC to other Government agencies—Public Law 88–330.

Another proposal S. 2670, recommended by the Civil Service Commission, which would amend the Administrative Expenses Act of 1946 to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States, requires further study and consideration of suggested amendments, before the committee can report it to the Senate.

Pursuant to the requirements of the Legislative Reorganization Act of 1946, and the rules of the Senate, a total of 570 audit reports and other communications relating to fiscal and related operations of the Government were submitted to the Senate by the Comptroller General of the United States, and referred to the committee. These reports are reviewed by the staff of the committee and, if warranted, by the Senate Permanent Subcommittee on Investigations. The great majority of the reports relate to excessive expenditures or agency actions which are considered to be irregular or not in accord with existing law. Unless some specific action was suggested by the Comptroller General, the committee took no action on these reports. In some instances, however, other committees having direct oversight jurisdiction over the subject covered by the reports have developed additional information concerning the appropriate agencies with the objective of correcting deficiencies in the basic laws in accord with the report of the Comptroller General.

REORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT

The Reorganization Act of 1949, Public Law 109, 81st Congress, as amended and extended in previous Congresses, the basic statute under which the President was authorized to submit reorganization plans to the Congress, expired on June 1, 1963. The act was further extended by the 88th Congress, which included an amendment eliminating the provision which authorized the President to submit reorganization plans proposing the creation of new Cabinet departments—Senate Report No. 1057; Public Law 88–351.

Under the provisions of the act as extended, reorganization plans submitted to the Congress by the President prior to June 1, 1965, become law within 60 calendar days after submission to the Congress, unless disapproved by a majority of either the House or the Senate by the adoption of a resolution of disapproval.

Reorganization Plan No. 1 of 1963, providing for the reorganization of certain functions relating to the Franklin D. Roosevelt Library, was submitted on May 27, 1963, under the authority of the act before it expired. The plan became effective on July 27, 1963, as neither the House nor the Senate adopted a resolution of disapproval.

The Presidential Transition Act of 1963, originally proposed in the 87th Congress as a part of the President's program based upon a recommendation of the President's Commission on Campaign Costs, established by Executive Order No. 10974 of November 8, 1961, was approved in the present Congress—H.R. 4638, Senate Report No. 448—as Public Law 88–277 on March 7, 1964.

Under the provisions of this act, the Administrator of General Services is vested with the authority to provide, upon request, to each President-elect and each Vice-President-elect necessary services and facilities, including suitable office space, payment of staff salaries, travel expenses, communications services, printing and binding, and postage, subject to appropriations provided therefor during the transition period between election and inauguration, not to exceed $900,000 in any transition period. The bill also authorized the Administrator of General Services to provide, upon request, to each former President and each former Vice President, for a period not to exceed 6 months from the date of the expiration of his term of office as President or Vice President similar services and facilities for use in winding up the affairs of his office, which shall be in addition to those authorized by the terms of 3 U.S.C. 102.

As initiated in the 80th Congress, the committee continued the compilation of an annual organization chart and report reflecting, by calendar year, all reorganizations and changes effected in the basic structure and increases or decreases in personnel of all departments and agencies in the executive branch of the Government. The chart and accompanying report for calendar year 1962, reflecting date as of January 1, 1963, were submitted to the Senate on April 4, 1963—Committee Report No. 23; the chart and accompanying report for calendar year 1963 were submitted to the Senate on March 23, 1964—Committee Report No. 24. The charts contain a tabulation of personnel assignments to major operating components of each department and agency. The reports contain complete details concerning major reorganizations effected, the resulting improvements in administration as reported by the agencies, as well as the total reductions or increases in Federal personnel.

SCIENCE AND TECHNOLOGY

On February 18, 1963, the chairman of the committee, joined by seven other Members of the Senate, introduced a bill (S. 816) providing for the establishment of a Commission on Science and Technology. This bill was somewhat similar to S. 1851 and S. 2771, reported favorably by the committee in the 86th and 87th Congresses, proposing the creation of a Commission on Science and Technology. S. 2771 was approved by the Senate on August 8, 1962, but no further action was taken in the House.

The bill, as revised, contained a broad declaration of congressional policy and objectives and placed more emphasis upon the need for a study of the problems relating to the improvement of Federal programs for the processing and retrieval of scientific information.

At the hearings held during the 86th and 87th Congresses testimony developed the need for further study as to whether or not a Department of Science and Technology should be created, or whether the Federal science functions may be reorganized effectively within the existing structure of the Federal Government without the necessity of creating a new Cabinet post.

The bill was directed at providing the President and the Congress with the necessary information to enable the development of an adequate legislative program to meet the needs of the Federal Government in the increasingly important field of science and technology. The chairman commented at length on the proposed legislation on January 31, 1962, and again on March 12, 1962. The bill again passed the Senate under unanimous consent on March 8, 1963, and was referred to the House Committee on Science and Astronautics, where no further consideration was given to it.

Senate Report No. 16 on S. 816 set forth complete background information leading to the recommendations for enactment of the bill, as well as extracts from testimony of witnesses who appeared at the hearings. The witnesses consisted of officials of the Federal Government, representatives of science, engineering, and industrial organizations, and technical research administrators. The committee, in recommending enactment of the bill, pointed out that it was necessary that the Congress and the President obtain the essential information proposed to be developed in order to enable them to enact legislation required to authorize by law a properly coordinated program for the efficient and economical administration of Federal programs operating in the fields of science and technology.

Other proposed legislation—S. 1577 and H.R. 5171—with provisions having direct and important science and technological impacts, would authorize the Administrator of General Services to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies.

On September 21, 1964, the chairman of the committee submitted a full report on the legislative background and status of H.R. 5171 to the Senate—CONGRESSIONAL RECORD, pages 22362–22369.

GENERAL SERVICES

There were a number of bills which affected the activities of the General Services Administration in various areas, which first, were designed to broaden or clarify the authority of the Administrator, officers, or employees designated to act in his behalf, or to broaden the functions and activities of GSA; second, provide general authority with respect to certain types of surplus property disposals; third, relate to the transfer of surplus property; fourth, broaden the donable property program; and, fifth, deal with procurement procedures.

The committee, in carrying out its oversight jurisdiction over these operations of GSA, took action on a number of legislative proposals coming within one or more of the above categories. The following two bills were enacted into law, as a part of the GSA legislative program for the 88th Congress:

First. An amendment to the Federal Property and Administrative Services Act of 1949 authorized grants for the collection, reproduction, and publication of documentary source material significant to the history of the United States—Public Law 88–383. Under the provisions of this bill—H.R. 6237—the Administrator of General Services is authorized to expend up to $500,000 annually in appropriated funds, together with whatever donated funds may be available, to make allocations and grants to Federal,

State, and local agencies, and nonprofit organizations and institutions, for the collection and publication of documentary source material significant to the history of the United States. The Administrator will be guided by the advice and recommendations of the National Historical Publications Commission. This Commission is also authorized to establish special advisory committees for the purpose of consultation on its various endeavors, and the National Historical Publications Commission may reimburse members of such advisory committees for transportation costs and other expenses.

Second. Another bill amended the Federal Property and Administrative Services Act of 1949 (H.R. 5801), granting authority to certain Government officials to authorize the Administrator of General Services to certify to facts and make administrative determinations on the basis of information contained in records transferred from their agencies to the General Services Administration.

Under existing authority of law (44 U.S.C. 396) any official of the Government who is authorized to certify to facts on the basis of records in his custody is permitted to continue to certify on the basis of records which he or his predecessor has transferred to the General Services Administration. This bill amended this section of the law so that the Administrator of General Services could be authorized by the agency concerned to certify as to facts and make administrative determinations from the records in his custody.

The Administrator of General Services was also authorized to delegate and authorize redelegation of such authority under the provisions of the Federal Property and Administrative Services Act of 1949. The bill was approved by the House on November 4, 1963, referred to this committee, reported to the Senate—Senate Report No. 828—and approved as Public Law 88-265 on February 5, 1964.

In addition, the following four measures were reported favorably, and were approved by the Senate, but no action was taken on them in the House of Representatives:

First. To amend the Federal Property and Administrative Services Act (S. 572) to provide uniformity and equality in Government contracting for public utility services and in the purchase of natural gas, coal, or oil for the production of such utilities, by providing that all such contracts may be made for periods not exceeding 10 years. The bill was reported—Senate Report No. 183—on May 23, passed the Senate on May 27, and was referred to the House Committee on Government Operations on May 28, 1963, where no further action was taken.

Second. A proposal (S. 1232) to make the modern code of procurement procedures contained in title III of the act directly applicable by statute to executive agencies of the Government not now so covered. At the present time, use of this modern code by such agencies is entirely on a permissive, delegated basis. This code would replace use of the limited provisions of section 3709, Revised Statutes, governing advertising and negotiation. A common statutory foundation of procurement authority would enable the Administrator of General Services to prescribe uniform procurement policies and procedures for agencies and so develop uniform procurement practices for the benefit both of the Government and the businessman contracting with the Government.

The bill would exclude the procurement of personal services from the operation of title III, which is essentially a property management code of procedures. It would make certain limitations of section 304 of the Federal Property and Administrative Services Act of 1949—concerning fees of cost-type contracts, contingent fees, examination of records, and so forth—applicable to contracts negotiated by executive agencies under any law, not only title III.

The bill was reported—Senate Report No. 1059—on June 4, 1964, passed the Senate June 19 and referred to the House Committee on Government Operations, where no action was taken.

Third. Another proposal (S. 1233) approved by the Senate would permit the Administrator of General Services to enter into contracts with private concerns for the inspection, maintenance, and repair of fixed equipment and equipment systems in Federal buildings for periods not to exceed 5 years.

Under existing authority of law contracts for such services are executed on an annual basis. The Administrator of General Services reported that authority to enter into contracts for a longer period of time will make possible greater economy, safety, and efficiency in the maintenance and operation of Federal Buildings and equipment at less cost to the Government than is possible under the requirement that such contracts be negotiated on an annual basis.

The Administrator of General Services reported to the committee that the fixed equipment and equipment systems intended to be serviced, inspected, or repaired under the authority of this amendment, would include air conditioning, heating systems, elevators, plumbing, pneumatic tube systems, and other similar equipment which has been installed in Federal buildings. A substantial part of the servicing of this equipment can be performed by private firms which specialize in the maintenance of this type of equipment.

The bill was reported—Senate Report No. 866—on February 3, 1964, passed the Senate February 7, and was referred to the House Committee on Government Operations where no action was taken thereon.

Fourth. A fourth bill in this category, S. 1509, introduced at the request of the Administrator of General Services, would authorize the heads of Federal departments and agencies for whom land or an interest therein is acquired, to reimburse the owners or tenants of such land for any expense, loss, or damage incurred by such persons in moving themselves, their families, and possessions to another residence or location.

The bill provided that reimbursement shall be in addition to, but not in duplication of, other payments authorized by law. The bill further provided that the total reimbursement shall not exceed 25 percent of the fair market value of the property as determined by the head of the agency, and that no payment may be made unless an application is submitted to the head of the agency within 1 year from first, the date the interest is to be vacated under an agreement with the Government, or, second, the date the parcel is actually vacated, whichever first occurs.

This bill was reported June 29—Senate Report No. 1126—passed the Senate on June 30, and was referred to the House Committee on Public Works, which has taken no action.

There were 23 other bills referred to the committee, involving surplus property transfers and disposals to local or State governments or for other public purposes, 5 of which were approved by the Senate, with 4 becoming law. Three of the remaining 18 proposals were implemented through administrative action, in cooperation with the committee and the sponsors of the bills, thus requiring no further consideration by the committee.

Twelve proposals were filed to extend the donable provisions of the Federal Property Act to other public and welfare groups, but in view of the opposition of the operating departments and agencies administering existing programs for the benefit of education, health, and civil defense programs now covered, the committee took no action on these measures.

A total of 170 proposals for the negotiated sale of surplus property was submitted to the committee by the General Services Administration—167—and the Department of Defense—3—pursuant to section 203(e) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377). These proposals were submitted to the two Senators from the States in which the property was located, for their information and approval. Also, if the fair market value and other factors warranted, copies of the proposals were also submitted to the members of the committee. Should there be no objection to the proposed sale by any Senator, it is consummated by the GSA or other agency designated as the disposal authority, after the expiration of 30 days. All except three of these proposals were processed either within the 30-day period, or after certain questions regarding the sale which had arisen had been resolved. In two instances objections arose which required consideration by the committee.

MISCELLANEOUS HEARINGS

In addition to hearings held on legislation pending before the committee, as set forth in the respective sections of this report, the committee held hearings on two negotiated sales proposals, as follows:

First. On January 11, 1963, the proposed negotiated sale of seven surplus C-74—Globemaster—aircraft to William J. Chalk Associates, Toronto, Canada, by the Defense Supply Agency.

At the request of Senator GRUENING, who objected to the sale of these aircraft on the proposed terms and conditions,

the committee held hearings to review the merits of this particular sale as well as the broader questions involved relating to the Government's general policy with regard to disposition of surplus aircraft.

As a result of this hearing, the committee requested that the pending sale of these aircraft be withdrawn, and that no further action be taken until a thorough review and revamping of the Government's policy with regard to the disposal of surplus aircraft had been completed. This policy review and realinement was subsequently accomplished, and the surplus C–74 aircraft disposed of in such a manner as to assure that they would not be used in a way inimical to the interests of the United States.

Second. On March 25, 1963, the proposed negotiated sale of some 435 acres of surplus land and improvements, formerly Mitchel Field, to the county of Nassau, State of New York.

At the request of the Senator from New York [Mr. JAVITS], who expressed reservations over the terms of this sale, the committee held a hearing to determine the merits of Nassau County's contention that it should not be required to pay the full market price for this property since a good portion of it would be used for park, recreational, educational, and health purposes. Following a thorough review of the terms of this proposed sale, the contention of the county authorities, as well as an analysis of the statute involved—Federal Property and Administrative Services Act of 1949, as amended—and its applicability to this matter, the committee concluded that the General Services Administration had acted in accord with existing regulations and statutes and, therefore, withdrew its objection to the sale.

GENERAL LEGISLATION

The committee also gave consideration to a number of other bills of general application. These included two bills which would, first, authorize Government agencies to provide quarters and facilities to civilian officers and employees of the United States (S. 1833), with the objective of restating and clarifying existing statutory authority and regulations which authorize the Government to provide rental quarters and certain related services for Government personnel—Public Law 88–459; and, second (S. 1543), to repeal that portion of the act of March 3, 1893, which prohibits the employment, in any Government service or by any officer of the District of Columbia, of any employee of the Pinkerton Detective Agency or any similar agency. Its objective was to repeal that portion of the act of March 3, 1893, set forth in title 5, United States Code, section 53 (27 Stat. 591), which, in effect, prohibits the Federal Government or the District of Columbia from employing, for any purposes, employees of organizations which engage in investigative work. The bill passed the Senate on October 17, 1963—Senate Report No. 447—following the adoption of an amendment which repealed the original statutory prohibition, but continued a prohibition against the employment by the U.S. Government or the government of the District of Columbia of detective agencies or their employees for investigative work. It was referred to the House Committee on Government Operations on October 21, 1963, where no further action was taken.

Proposed legislation (S. 12), identical to a bill introduced in the 87th Congress on which hearings were held, would amend the Randolph-Sheppard Vending Stand Act. Following the reintroduction of the legislation, continued conferences were held with the executive agencies involved, which resulted in the required administrative action being taken, thus eliminating the need for further action on the bill.

A bill (S. 1896), recommended by the Civil Service Commission, which proposed to amend section 7 of the Administrative Expenses Act of 1946 to provide for the payment of travel cost for applicants invited by a department to visit it for purposes connected with employment, was acted upon favorably by the committee, but the report to the Senate was not filed due to subsequent developments involving proposed amendments to which the committee did not have an opportunity to give further consideration.

The committee withheld action on 18 other legislative proposals which were referred to it, because of opposition which developed, lack of agreement on suggested amendments, or because the authors of the bills did not request that the committee process the bills. Among these were several bills providing for the establishment of committees or offices to study and develop programs directed toward the solution of consumer and community problems.

There was a total of 63 Executive communications from department and agencies addressed to the President of the Senate and referred to the committee. In some instances, the agencies submitted reports required by law on certain specified activities or expenditures, or for the information of the Congress; in others the communications suggested legislation as a part of the agency's proposed legislative program.

Of the 32 resolutions introduced, which related to activities of the committee, 28 were adopted by the Senate. Of these, 10 provided authority and funds for the operations of the four subcommittees in the first and second sessions of the 88th Congress, 11 authorized the reprinting of hearings and reports of the committee and the subcommittees, and 7 authorized the appearance of the chairman or members of the staff at court proceedings resulting from testimony before the Senate Permanent Subcommittee on Investigations. The four remaining resolutions were not reported.

REPORTS AND SPECIAL STUDIES

During the 88th Congress, the committee issued several reports and special studies on subjects which were considered to be of special interest to the Congress and the public generally. Among them were studies entitled "The Authority of the Senate To Originate Appropriation Bills," issued on April 30, 1963, as Senate Document No. 17, 88th Congress, and "Government Competition With Private Enterprise," issued on June 21, 1963, as a committee print.

The study on the right of the Senate to originate appropriation bills consisted of a review and analysis of the debates and actions of the Constitutional Convention of 1787, and other pertinent materials. It demonstrated clearly that it was the intention of the Founding Fathers at the 1787 Convention to vest in the Senate of the United States the authority, coequal with the House of Representatives, to originate appropriation bills.

In the 88th Congress, the committee had before it three bills and two resolutions dealing with various aspects of Government competition with private enterprise. The basic bill, S. 1093, had as its objective the statutory establishment of Federal policy directed toward the reduction or elimination of commercial-industrial activities which are competitive with private enterprise. The two resolutions, Senate Resolution 100 and Senate Resolution 299, merely authorized the Committee on Government Operations or any of its duly authorized subcommittees to make a full and complete study of the entire field of Government competition with private enterprise. Two additional bills, S. 2254 and S. 2268, were indirectly related to the general subject, in that they would have required agencies and departments of the Federal Government to procure certain types of services from commercial suppliers whenever economy would result from such procurement and the national interest would not be adversely affected.

Following the introduction of S. 1093 and Senate Resolution 100, the staff of the committee was directed to make a comprehensive study of the entire subject. This study reviewed and analyzed, first, the nature, extent, and history of business-type operations carried on by the Federal Government; second, congressional studies and proposals over a period of some 30 years; third, executive branch action during the past 10 years; and, fourth, current executive branch policy and action. The report concluded that, first, considerable progress had been made in reducing or terminating those Government activities which are competitive with private enterprise; second, there are certain activities which the Government will continue to carry on, without regard to whether they compete with private enterprise, either because the public interest or national security requires such continuance, or because of cost factors involved; and, third, there are undoubtedly some activities still being carried on which should be reduced or terminated.

ACTIVITIES OF SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

In addition to the legislative actions set forth in the preceding sections of this report, the committee referred 10 other measures to its Subcommittee on Intergovernmental Relations for hearings and recommendations for full committee consideration.

Two of these bills (S. 855, S. 2114) were reported to the Senate by the full committee upon recommendation of the subcommittee, passed the Senate, and were referred to the Committee on Gov-

ernment Operations in the House where no action was taken.

Mr. President, I ask unanimous consent to have printed in the RECORD, the report of the Subcommittee on Intergovernmental Relations, which includes actions taken on those bills reported to the Senate, as well as an outline of the other measures and special studies and reports made by the subcommittee.

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

ACTIVITIES OF THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

The Subcommittee on Intergovernmental Relations, chaired by Senator EDMUND S. MUSKIE, of the Senate Committee on Government Operations, was legally constituted on July 12, 1962. During the more than 2 years it has existed, the subcommittee has taken seriously its mandate "to examine, investigate, and make a complete study of intergovernmental relations * * * including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations."

The subcommittee's activities have divided into two major categories, legislative and research. Under the former, three major legislative recommendations initiated or strongly approved by the Advisory Commission have been the subcommittee's basic concerns during the 88th Congress.

The first, S. 855, was introduced by Senator MUSKIE on February 19, 1963. It implements the Advisory Commission's June 1961 recommendation that certain Federal grant-in-aid applications be reviewed by metropolitan area planning bodies. Hearings on this measure, and on Senator CLIFFORD CASE'S somewhat more ambitious metropolitan planning bill, S. 915, were held May 21–23, 1963. Testimony was heard from 22 witnesses, and the official reports of 10 governmental departments, as well as statements on behalf of 17 private organizations, were received and made part of the hearing record. The bill as amended and the accompanying report (S. Rept. No. 821) were approved by the subcommittee and subsequently by the parent committee. S. 855 passed the Senate unanimously on January 23 of this year and is now pending before the House Committee on Government Operations.

A bill (S. 815) to permit Federal agencies to restore to States certain jurisdictional authority now vested in the United States which could be better administered by State authorities, was introduced on February 18, 1963, as an administration bill at the request of the Attorney General. It is identical to legislation originally drafted by the committee staff with the cooperation of the Justice Department, in order to implement recommendations outlined in the "Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States."

The Advisory Commission, in its June 1961 "Report on State and Local Taxation of Privately Owned Property Located in Federal Areas: Proposed Amendment to the Buck Act," supported the retrocession of legislative jurisdiction in such areas to the States and indicated its approval of a similar bill then pending before the 86th Congress. Hearings on S. 815 were held by the Subcommittee on Intergovernmental Relations on August 20–22, 1963. Some 20-odd witnesses testified, and official reports from 19 governmental departments were received and made part of the record. Three executive sessions were held on the bill, and it is still pending in the subcommittee.

The third major legislative measure of concern to the subcommittee is S. 2114, introduced by Senator MUSKIE on September 4, 1963, which implements the Advisory Commission's June 1961 report, "Periodic Congressional Reassessment of Federal Grants-in-Aid to State and Local Governments." Thirty-nine other Senators joined in sponsoring this measure. Hearings were held in January of this year, and the bill as amended and the accompanying report (S. Rept. No. 1056) were approved by the subcommittee and subsequently by the parent committee. On June 19 the measure unanimously passed the Senate, was favorably reported by the House Intergovernmental Relations Subcommittee, and is now before the House Committee on Government Operations.

The question of the future disposition of Ellis Island has been a continuing responsibility of the subcommittee. The parent committee referred the following five bills dealing with the subject to the subcommittee soon after its establishment: S. 2596, Ellis Island for Higher Education, Inc.; S. 2582, the Training School at Vineland, N.J.; and S. 867, S. 1118, and S. 1198, which included slightly different programs for health, education, and housing for the elderly. As a follow-up, S. 1090, the Training School at Vineland, N.J., and S. 1300, Ellis Island for Higher Education, Inc., were also assigned to the subcommittee.

In September 1962 the subcommittee held hearings to "gain a broader and more detailed understanding of the fundamental issues and questions involved,"[1] following which the chairman of the subcommittee requested the General Services Administration to withhold action on final transfer of title to the island until the subcommittee and the full committee had concluded their review of the disposal problem. Additional subcommittee hearings were held in New York City in December, during which numerous proposals were advanced. Additional recommendations have been received since the conclusion of these hearings.

Since no one proposal has had sufficient widespread support or stood out as being more meritorious than the others, the subcommittee attempted to promote cooperation among the various sponsors. Extensive communications and conferences failed to produce a multipurpose plan. In April 1963, 11 major foundations were requested by Chairman MUSKIE to assess and comment upon "the feasibility of the financing, public benefit, practicality, and probability of ultimate realization" of the various noncommercial proposals. Some replies favored one or another of the plans, but none indicated a willingness to support any one or a combination of the proposals.

In July 1963, the chairman contacted congressional representatives and State officials of New York and New Jersey, as well as the mayors of New York City and Jersey City, requesting their assistance in the subcommittee's deliberations on the disposal question. At the suggestion of Senator JACOB JAVITS, a meeting of such officials was held in September "to arrive at a consensus as to what should be the disposition of Ellis Island." While it was not possible at that time to decide on a specific course of action, none of the officials favored commercial development of the island. The chairman raised the question of whether the proposed redevelopment of the New Jersey shoreline "might enhance the possibilities of using the island for a national park, monument, or recreational purposes."[2] He asked the Interior Department's National Park Service to review the proposal in light of New Jersey's redevelopment plan, which ultimately led to a recommendation by the Secretary of the Interior in June 1964 for the conversion of Ellis Island to a national historic site dedicated to public park and recreation uses.[3] The subcommittee is presently exploring the merits of this proposal.

In the realm of research and investigation, the subcommittee has engaged in various undertakings. Advisory commission studies and reports have been examined and analyzed so they will get the careful consideration they deserve. In June 1963, the subcommittee joined with the House Intergovernmental Relations Subcommittee to sponsor 3 days of joint hearings on the manifold problems confronting governments in the New York metropolitan area. These proceedings clearly demonstrated that one of the most important single problems in the field of intergovernmental relations is the emergence of a metropolitan America.

During the spring and summer of 1963, the subcommittee staff continued to process its questionnaire that had been distributed earlier, resulting in the publication in December 1963 of a committee print entitled "The Federal System As Seen by State and Local Officials." As a followup on this attempt to determine the views of interested public officials on crucial intergovernmental relations issues, a second questionnaire was sent out in March 1964 to Federal departments and agencies.[4]

As part of its continuing survey of the impact of urban area problems on our Federal system, in December 1963 the subcommittee published a report entitled "National Survey of Metropolitan Planning," prepared by the U.S. Housing and Home Finance Agency.

In a probe of the nature and extent of urban research currently being conducted under Federal auspices, on April 15, 1964, the subcommittee issued another study, prepared at its request by the Bureau of the Budget.[5] This survey prompted the recent establishment, at the chairman's suggestion, of a centralized system for reporting and listing all urban research projects financed by Federal funds, to be done by the Science Information Exchange of the National Science Foundation. Such clearinghouse activities should eliminate much of the duplication and overlapping among such projects and provide needed information relating to urban research to interested Federal agencies.

Indicative of the subcommittee's perennial concern with the need for more effective coordination of joint local-Federal projects was the issuance in May of this year of a survey conducted by the Advisory Commission entitled "Impact of Federal Urban Development

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[1] "Disposal of Ellis Island (New York harbor)," hearings before the Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, 87th Cong., 2d sess., pursuant to S. Res. 359; p. 2.

[2] "Discussion on the Disposal of Ellis Island," before the Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, 88th Cong., 1st sess., pursuant to S. Res. 45 (committee print), pp. 1 and 2.

[3] "A Study Report on Ellis Island," by the National Park Service in cooperation with the Bureau of Outdoor Recreation, U.S. Department of the Interior, June 1964.

[4] "Problems of Federal-State-Local Relations, Questionnaire No. 2," prepared by the Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, 88th Cong., 2d sess., pursuant to S. Res. 280 (committee print).

[5] "Urban Research Under Federal Auspices," a survey prepared for the Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, by the Bureau of the Budget (committee print).

Programs on Local Government Organization and Planning." A few weeks later, pursuant to a July 1963 contract with the MIT-Harvard Joint Center for Urban Studies, the subcommittee published an expert analysis of the present condition of metropolitan planning in America. This study discusses many aspects of S. 855 in addition to more general problems relating to orderly metropolitan development.[6]

In response to numerous requests, the subcommittee prepared and distributed in August of this year a select bibliography entitled "Metropolitan America."

The publications cited highlight in various ways the challenge that massive urbanization presents to our traditional system of Federal-State-local relations. They have greatly assisted the subcommittee in its legislative deliberations and there is considerable indirect evidence that legislative and executive officials at all levels of government have found these research efforts of value.

Finally, in an attempt to merely define the scope of its second major focal point of re-research interest, the subcommittee this summer distributed a "Catalog of Federal Aids to State and Local Governments," prepared by Mr. I. M. Labovitz, of the Legislative Reference Service, Library of Congress. It covers all forms of Federal aids effective as of April 1, 1964, and more than 40,000 copies have been requested by Members of Congress and interested State and local officials.

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SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS PUBLICATIONS, 88TH CONGRESS

HEARINGS

"Role of the Federal Government in Metropolitan Areas," December 13 and 14, 1963.

"Metropolitan Planning (S. 855 and S. 915)," May 21–23, 1963.

"Government in Metropolitan Areas (New York Metropolitan Region)," (joint hearings with House Subcommittee on Intergovernmental Relations, held June 7, 8, and 10, 1963, in New York City).

"Adjustment of Legislative Jurisdiction on Federal Enclaves (S. 815)," August 20–22, 1963.

"Periodic Congressional Review of Federal Grants-in-Aid (S. 2114)," January 14–16, 1964.

REPORTS

"Activities Report of Subcommittee (S. Rept. No. 84, Apr. 1, 1963)," (includes as appendix D the GSA assessment of legal status of Ellis Island).

"Planning in Metropolitan Areas (S. Rept. No. 821)," to accompany S. 855, January 22, 1964.

"Periodic Congressional Review of Federal Grants in Aid (S. Rept. No. 1056)," to accompany S. 2114, June 1964.

COMMITTEE PRINTS

"Discussion on the Disposal of Ellis Island (Sept. 4, 1963)."

"The Federal System as Seen by State and Local Officials (December 1963)."

"National Survey of Metropolitan Planning (HHFA) (December 1963)."

"Questionnaire No. 2 (March 1964)."

"Urban Research Under Federal Auspices (BuBud) (Apr. 15, 1964)."

"Catalog of Federal Aids to State and Local Governments (Apr. 15, 1964)."

"Impact of Federal Urban Development Programs on Local Government Organization and Planning (ACIR) (May 30, 1964)."

"The Effectiveness of Metropolitan Planning (MIT-Harvard Joint Center) (June 1964)."

"Metropolitan America (Bibliography) (August 1964)."

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SUMMARY OF ACTIVITIES OF THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

The Senate authorized the Committee on Government Operations to conduct investigations during the 88th Congress into 3 fields of jurisdiction, and the committee delegated this duty to its permanent Subcommittee on Investigations. The three areas are:

1. Waste, inefficiency, and kindred matters in Federal executive agencies.

2. Crimes and improper activities in the labor and management fields.

3. Activities of organized crime which utilizes facilities of interstate or international commerce to violate Federal laws.

Major investigations under these broad powers in 1963 and 1964 resulted in public and executive hearings, as follows:

1. The Procurement of the TFX aircraft by the Department of Defense.

2. Organized crime hearings concerning the first major breakthrough in the traditional barrier of silence that has always surrounded the criminal organization known as the Mafia (Cosa Nostra). Mafia gangster Joseph Valachi's testimony was described as a criminal intelligence weapon of great importance by police officials of major metropolitan areas.

3. International and interstate traffic in illicit narcotics. The hearings examined the network of organized crime which operates the traffic, and studied the problems of treatment and rehabilitation of narcotic addicts.

Numerous other inquiries were carried out by the subcommittee without public hearings. Many of these investigations resulted in corrective action by agencies or organizations involved; others produced no evidence to substantiate information or allegations received, and several are being continued. Examples of such inquiries are:

1. An investigation of reports of falsification of records by personnel of the U.S. Employment Service.

2. A study of gambling and bribery of players in professional and college sports.

3. An investigation of the infiltration of hoodlums into legitimate business and industry.

Disclosures made to the subcommittee resulted in the introduction of the following bills, among others, pending before the Senate:

S. 287, introduced by Senator MCCLELLAN, would amend the antitrust laws to prohibit certain activities of labor organizations in restraint of trade.

S. 288, introduced by Senator MCCLELLAN, would prohibit strikes by employees in certain strategic defense facilities.

S. 1308, introduced by Senator MCCLELLAN, would prohibit wiretapping by persons other than duly authorized law-enforcement officers engaged in the investigation or prevention of specified categories of criminal offenses.

S. 3009, introduced by Senator MCCLELLAN, would grant immunity to certain witnesses in order to compel testimony in racketeering cases.

It is likely that the subcommittee's recent hearings will result in other legislative proposals in the fields of organized crime and illicit narcotic traffic. The subcommittee has worked closely with the Department of Justice and the Bureau of Narcotics in these areas, and is presently studying proposals made during its hearings. Among these are proposals that would make it a crime to belong to a criminal organization like the Mafia, and that would make it a crime to obstruct justice by threatening witnesses prior to the formal initiation of judicial proceedings. Other legislative proposals are likely in the field of treatment and rehabilitation for narcotic addicts.

During the 1st session of the 89th Congress, the subcommittee's efforts will be directed toward investigations in the following major areas, among others:

1. To complete the inquiry into the procurement of the TFX aircraft by the Department of Defense.

2. An inquiry into criminal activities of certain officials of a building construction union in New York.

3. An inquiry into the national urban renewal program to determine whether there have been improper practices, frauds, and waste in certain of its 350 individual programs.

4. An inquiry into contract and procurement irregularities and possible conflicts of interest in a branch of one of the armed services.

5. An inquiry into allocations of certain foreign aid funds to pay for wasteful and ineffective airline operations in one of the new nations of Africa.

6. A continuing inquiry into operations of the Commodity Exchange Authority, Department of Agriculture, in connection with the operations of Allied Crude Vegetable Oil Refining Corp. (Anthony DeAngelis).

7. A continuing inquiry into certain aspects of foreign aid to Iran.

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SUMMARY OF THE ACTIVITIES OF THE SUBCOMMITTEE ON NATIONAL SECURITY STAFFING AND OPERATIONS

In the 88th Congress, the Subcommittee on National Security Staffing and Operations has conducted a major study on the administration of national security in Washington and in the field and has issued findings and proposals for improvement.

These findings are set forth in three short and highly readable staff reports: "Basic Issues," an analysis of the fundamental dilemmas and problems of national security administration; "The Secretary of State," analysis of the Secretary of State's dilemma and his relations with the Congress, and the problems of the Department of State, with specific recommendations for improvement; "The American Ambassador," analysis of the modern ambassador's functions with particular emphasis on the nature of support given him from Washington, with recommendations for changes in staffing procedures and operations.

Many of the recommendations contained in these reports have been or are now being acted upon by the Government; others are being weighed.

During the 2 years, the subcommittee has held a comprehensive set of hearings on basic issues of national security operations, on the role of the State Department in the policy process, and on the role of U.S. Ambassadors and the missions they head in the conduct of our relations with other nations. Issued in nine parts, this testimony includes contributions from present and former government officials, military leaders, and expert students of national security operations:

Gen. Lauris Norstad, former Supreme Allied Commander, Europe.

The Honorable W. Averell Harriman, Under Secretary of State for Political Affairs.

Dr. Richard E. Neustadt, professor of government, Columbia University.

Dr. Robert W. Tufts, professor of economics, Oberlin College.

The Honorable Ellis O. Briggs, career Ambassador, retired.

The Honorable H. Freeman Matthews, career Ambassador, retired.

The Honorable Edwin O. Reischauer, U.S. Ambassador to Japan.

The Honorable David K. E. Bruce, U.S. Ambassador to Great Britain.

[6] "The Effectiveness of Metropolitan Planning," prepared in cooperation with the Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, by the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University, June 30, 1964 (committee print).

The Honorable Samuel D. Berger, former U.S. Ambassador to the Republic of Korea.

The Honorable William J. Crockett, Deputy Under Secretary of State for Administration.

The Honorable George F. Kennan, former U.S. Ambassador to Yugoslavia.

The Honorable Lincoln Gordon, U.S. Ambassador to Brazil.

The Honorable Donald M. Wilson, Deputy Director, U.S. Information Agency.

The Honorable Kermit Gordon, Director, Bureau of the Budget.

The Honorable William P. Bundy, Assistant Secretary of State for Far Eastern Affairs.

The Honorable Dean Rusk, Secretary of State.

The Honorable Livingston T. Merchant, career Ambassador, retired.

The Honorable Edmund A. Gullion, former U.S. Ambassador to the Republic of the Congo.

The Honorable Foy D. Kohler, U.S. Ambassador to the Soviet Union.

Col. George A. Lincoln, professor of social sciences, U.S. Military Academy, West Point, N.Y.

In addition, background studies have been prepared by the subcommittee staff in cooperation with the executive branch and the Library of Congress. The following studies have been published: "Administration of National Security: A Bibliography," an up-to-date, annotated bibliography; "Staffing Procedures and Problems in Communist China," a study of the recruitment and management of personnel in the making of national policy in Red China; "Staffing Procedures and Problems in the Soviet Union," a study of the recruitment and management of personnel in the making of national policy in the Soviet Union; "The Ambassador and the Problem of Coordination," a historical study of the coordination of U.S. policies and operations in individual countries abroad.

The subcommittee's hearings and publications have found a wide audience not only in official circles in Washington and abroad, but also in universities, colleges, research centers, and among private citizens.

The subcommittee has received the full cooperation of the executive branch and has approached its task in a nonpartisan and professional manner.

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SUMMARY OF ACTIVITIES OF THE SUBCOMMITTEE ON REORGANIZATION AND INTERNATIONAL ORGANIZATIONS

Two principal studies and a number of miscellaneous reviews comprised the work of this subcommittee during 1963 and 1964.

The two major studies related to (1) interagency coordination on drug research and regulation, and (2) interagency coordination on environmental hazards—pesticides.

Each of these studies has involved the examination of governmentwide cooperation, efficiency, and economy in scientific and regulatory programs.

1. COORDINATION ON DRUGS

In August 1962, the subcommittee began a study of Federal drug problems. The immediate basis for the study was the problem of drug safety. This problem was illustrated by the international tragedy of the birth abroad of thousands of babies, deformed by a "harmless sedative," known as thalidomide.

Problems of drug safety and drug efficacy, drug information, research, purchases and regulation occupied the subcommittee's attention throughout 1963. The hearings ended on May 28, 1964. The final report is now in process.

Publications: In addition to its first volume in 1962, the subcommittee issued, during 1963–64, five hearing-exhibit volumes and a committee print on "Drug Literature."

Achievements: The chairman of the subcommittee, Senator HUBERT H. HUMPHREY, has presented to the Senate a series of statements, describing significant achievements by the subcommittee in fulfillment of its mission. These achievements relate both to cooperation between agencies and strengthening of intra-agency programs, notably those within the Food and Drug Administration.

Fiscal significance of study: The study of Federal drug problems has involved the scrutiny of over $\$1\frac{1}{4}$ billion annually in direct Federal expenditures. This includes around $90 million in purchases of drugs used in the three Federal hospital systems (those of the Veterans' Administration, the Department of Defense, and the U.S. Public Health Service). Indirectly, much larger sums of money are involved. The reason is that drug therapy plays a crucial role in Federal inpatient and outpatient clinical programs (over and above those in our basic system of private medicine throughout the Nation).

2. COORDINATION ON DEVICES

Medical devices and materiel: In connection with the interagency drug study, evidence emerged of the need for increased coordination in the separate agencies' procurement of medical supplies and equipment. As a result of the subcommittee's efforts, steps are underway in an Interagency Procurement Advisory Council toward increased cooperation in this respect, as well.

Fiscal significance: Purchases of medical devices by Federal agencies involve over $100 million annually. The safety and effectiveness of this equipment also involves, however, the health and well-being of vast numbers of patients.

3. COORDINATION ON PESTICIDES

In May 1963, the subcommittee held the first of a series of hearings on Federal pesticide policies and programs. The review has been conducted under the acting chairmanship of the former Secretary of Health, Education, and Welfare, Senator ABRAHAM RIBICOFF.

Significance: Pesticide programs are vital to the Nation's production of food and fiber. The programs may likewise involve health in many instances.

Hearings and publications: Close to 100 witnesses, representing every shade of opinion on this very complex and controversial subject have been heard to date. Cabinet officers, Federal and State scientific experts, conservationists, university agricultural scientists, pesticide industry representatives, and the late Rachel Carson have presented their views.

Printed transcripts of the record, covering over 1,000 pages, in 4 volumes, have been made public. The background material used by the President's Science Advisory Committee in developing its 1963 "Report on the Use of Pesticides" will be released by the subcommittee at a very early date in a 4-volume set covering an additional 1,000 pages. The transcript of the more recent hearings, which may comprise 10 additional volumes of printed hearings, is being prepared for early publication.

Achievements: Considerable progress in interagency coordination has occurred during the past year and a half. This progress is due in considerable measure to contributions by the subcommittee.

Subcommittee's own economy: The subcommittee has endeavored to serve as a model of economy in its own right. For example, the pesticide study has been conducted with the services of only a single clerical-stenographic employee on the payroll of the subcommittee. Editing work has been performed by existing subcommittee staff and all other professional duties by staff loaned from the office of the Acting Chairman.

4. OTHER AREAS OF COORDINATION

During the 88th Congress, the subcommittee and its staff maintained close contact with Federal agencies on a number of other areas of interagency coordination on which the subcommittee had been active in previous years.

(a) The most important of these areas was interagency coordination on scientific information, documentation, and communication. The subcommittee's interest in this topic dates from August 1957. It involved in earlier years an extensive series of hearings, reports, committee prints, Senate documents, and studies by the staff of the full committee and the subcommittee.

It should be noted that the efficiency of numerous agencies' science information programs vitally affects the success of the over $15 billion in federally supported research, development, testing, and evaluation. During 1963 and 1964, much additional progress on the information front resulted from the subcommittee's efforts.

The subcommittee also endeavored to stimulate governmentwide teamwork in a number of other areas.

The subcommittee chairman has summarized a few of the miscellaneous results obtained in 1963–64, as follows:

(b) Study of interagency coordination in international technical assistance programs resulting in increased partnership between the Agency for International Development and domestic departments and agencies (e.g., U.S. Department of Agriculture, U.S. Department of Health, Education, and Welfare) in the furnishing of technical aid overseas.

(c) Interagency coordination in international athletic programs, resulting in the issuance by President John F. Kennedy of an Executive order, establishing an Interagency Committee on International Athletics (a mechanism useful in encouraging both fitness of American youths and an adequate American effort in the world of Olympics).

(d) Interagency coordination in behavioral studies relating to war or peace, resulting in the establishment in March 1964 of a Social Science Advisory Board by the Arms Control and Disarmament Agency.

Manual: As part of other diverse activities, the subcommittee published in August 1963 a revised edition of the "Federal Disaster Relief Manual." First published 4 years earlier, the manual, prepared by cooperating Federal agencies, has served as a useful handbook. It outlines, on a governmentwide basis, programs available to States and communities stricken by floods, hurricanes, and other disasters.

GAO studies: In addition, during the 88th Congress, two studies were made by the General Accounting Office, at the subcommittee's request: A study of waste, resulting from inadequate planning and tardy termination of a radio telescope in Sugar Grove, W. Va., by the Department of the Navy; and a study of mismanagement of National Science Foundation grant funds by the American Institute of Biological Sciences.

Study of foreign aid: In October 1962, the subcommittee issued as a committee print a study of American foreign aid programs by Senator ERNEST GRUENING. The study was based on his on-the-scene analysis of U.S. aid in 10 Middle Eastern and African countries.

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## THE DRAFT IS NOT A PARTISAN ISSUE

Mr. NELSON. Mr. President, during the past year, the late President Kennedy, President Johnson, Secretary McNamara, and many distinguished Members of the Senate gave increasing attention to the problem of our outmoded military draft.

Three months ago, on June 29, 1964, I discussed the draft in a detailed Senate

speech, proposing specific legislation directing the Secretary of Defense to submit a step by step plan for the full, responsible elimination of the draft by 1967, when present draft laws expire.

In this connection, of course, Senator GOLDWATER'S recent, somewhat vague, proposal that the draft be ended "as soon as possible" is a welcome one. There is a danger, however, that the tone and context of the Senator's remarks may cast the issue in partisan terms, which would be a disservice to the Nation.

I would like, therefore, to review the record of the last year to show that there is a growing and nonpartisan consensus that the Selective Service System must be revised, and that Senator GOLDWATER is a latecomer to this consensus.

On September 6, 1963, John F. Kennedy noted in a letter to James G. Patton, president of the National Farmers Union, that "the growing pool of eligible manpower is far in excess of the needs of the armed services, short of national emergency." The President told Mr. Patton that he was "starting to study carefully all the steps that we can take to free young men from doubt about their status, and from inequities under the present law."

Accordingly, President Kennedy issued an Executive order on September 10 providing for the deferment of all married men from the draft.

Far from resisting change in the present Selective Service System, the Department of Defense has begun to try to find possible alternatives to it. As the New York Times reported on January 6, 1964, the Pentagon was already studying the draft laws early this year "with an eye to possible major revision."

On January 16, Senator KEATING introduced a bill to establish a commission of 14 which would provide a "comprehensive study and investigation of the adequacy of the present system of compulsory military training under the Universal Military Training and Service Act." Senator KEATING was joined in sponsoring this bill by a bipartisan group of 12 Senators, including myself.

On April 19, President Johnson announced plans for a full review of the draft system, indicating the hope that it would be replaced within 10 years, and on June 22, Secretary McNamara approved a $1 million manpower study program which was expected to lead to the elimination of the program or drastic revision of it.

So the administration had already taken all of these definite steps indicating its desire to revise the present Selective Service System, when I introduced, on June 29, legislation aimed at eliminating the draft by 1967. My bill, S. 2960, would direct the Secretary of Defense to formulate and submit to Congress for its consideration at least 2 years prior to the expiration of the present program, an alternative designed to meet our military manpower requirements on a voluntary basis.

I introduced this bill because I believe the Congress has a responsibility to express itself on this major issue. And I believe we should take action to establish a definite schedule for ending the draft by 1967.

Mr. President, the primary fear of those who feel that we must maintain an involuntary system is that the armed services might not be able to attract enough volunteers if the threat of the draft were not hanging over the heads of potential enlistees. On July 8 I presented to the Senate evidence based on Army and Air Force surveys of enlistees showing that the draft is not needed as a threat to get men to volunteer. If the main elements of my plan are implemented—increased military pay and other incentives for enlistment, the elimination of arbitrary standards which bar many capable men from enlisting, and the use of more civilians in noncombat jobs—I believe conscription will be unnecessary.

On August 14, the Pentagon announced plans to enlist 60,000 draft rejectees over the next 3 years for a 6-month rehabilitation and training period in the Army. The major aim of this program will be to test one of the assumptions embodied in my bill: that certain arbitrary standards for enlistment could be lowered without harm to the quality of our Armed Forces.

The Department's program follows a smaller experiment undertaken early this year. After a 6-week intensive training course 11 men who had failed the enlistment screening test scored high enough to meet draft standards. Administered by the National Committee for Children and Youth, and joined by the Departments of Labor and Defense, the program showed that revisions in present standards are possible.

The record shows, I think, that the draft is under serious and responsible attack. Indeed, by this summer, the winds of change had become so strong that the membership of our major parties reached a consensus on the desirability of ending the draft as soon as possible.

On July 14 the Republican Party signified its agreement with the goal of the administration's announced actions. The Republican platform pledged a "reevaluation of the Armed Forces' manpower procurement programs with the goal of replacing involuntary inductions as soon as possible by an efficient voluntary system, offering real career incentives."

On August 25, the Democratic Convention promised in its platform to "pursue our examination of the selective service program to make certain that it is continued only as long as it is necessary and that we meet our manpower needs without social or economic injustice."

Thus, it was almost a year after President Kennedy had begun to take another look at the draft that the Republican candidate on September 2 joined those who oppose the present system. To my knowledge, his proposal to end the draft was the first time that the Senator from Arizona had publicly commented on the issue, and his statement came when all the necessary steps for ending the draft had been proposed.

We are happy to welcome Senator GOLDWATER to the cause, but frankly, there is some doubt about his complete dedication to it. In the same September 2 speech, he charged that the Johnson administration is using the draft for "political and social schemes."

Without further clarification, we are once again left in uncertainty about what the Senator really means, but if he includes in his condemnation the program which was announced by the Pentagon on August 14, his determination to end the draft must certainly be questioned. The expressed purpose of the first program, as I pointed out earlier, is simply to see if young men who would like to volunteer for the services but are rejected, can meet the qualification standards after a brief training program. More importantly, this test program will, if successful, answer part of the problem of a voluntary system, for if we can use men who are presently excluded from the draft, it would mean a great addition of enlisted men to our present forces.

I do not see how Senator GOLDWATER can proclaim his intention to end the draft and at the same time dismiss this kind of program, which is a preliminary to creating a new system, as a "political" or "social" scheme. It would seem that either the Senator does not understand the draft, or he is not very serious about doing something about it.

Those of us who have taken an active interest in changing our manpower procurement system know that this is not a partisan effort. There is now a broad consensus that the draft should be eliminated as soon as possible. The remaining differences are matters of method and of timing, and I am hopeful that agreement can be reached on these during the next session of Congress among all who are genuinely concerned.

Mr. President, I ask unanimous consent that several articles relating to the draft be printed at this point in the RECORD.

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

[From the New York Times, Jan. 6, 1964]

DRAFT OVERHAUL BEING CONSIDERED—REPEAL OF LAW HELD DOUBTFUL, BUT PENTAGON REVIEW MAY LEAD TO MAJOR CHANGES

(By Jack Raymond)

WASHINGTON, January 5.—The Pentagon is studying the draft laws and how they are carried out with an eye to possible major revision.

Officials point out, however, that total abandonment of some form of conscription is not likely without a far more drastic reduction of military forces than is now foreseen.

There are now 2.7 million men in the Armed Forces and no major reductions are pending, despite certain cutbacks for economy reasons.

According to Defense Department experts, the size of the Armed Forces would have to be reduced at least one-third and probably more to permit recruitment of an entirely voluntary force.

Nevertheless, studies have been undertaken on all aspects of conscription, including its possible abandonment. They are directed by William Gorham, a Deputy Assistant Secretary of Defense for Manpower.

Mr. Gorham was in charge of the studies that were prepared for President Kennedy last September, when the President halted the draft of married men by giving them deferred status.

The United States never had a peacetime draft law before 1940. It was extended by one vote in the House of Representatives in 1941, on the eve of World War II, after a fierce debate in which then Representative Lyndon B. Johnson played a major role.

Mr. Johnson, favoring the draft among other forms of military preparedness, arranged for Secretary of State Cordell Hull, a former Member of the House, to send an appeal to the House requesting extension of the Draft Act. The message was applauded and presumably won over some Members.

EXTENDED WITHOUT DEBATE

After the war conscription and proposals for universal military training were hotly debated. The Universal Military Training and Service Act of 1951, however, has been extended by Congress regularly virtually without debate.

The Senate last year took 10 minutes to extend the act. The House did not take much longer, although a handful of its Members argued for a reassessment of military manpower needs in view of the growing population and complaints of inequalities.

One of the proposals, by Representative ROBERT KASTENMEIER, Democrat, of Wisconsin, called for a Presidential commission on the utilization of military manpower that would make recommendations on personnel requirements of the future.

President Kennedy, although supporting the draft, concerned himself with the complaints about it. His exchange of letters with James G. Patton, president of the National Farmers Union, was an example.

Mr. Patton wrote the President last August, reporting that in traveling around the country he had found "that an increasing number of Americans are becoming deeply concerned over the ineffectiveness, inequality, and consequent injustice of our national policy on the procurement of military manpower."

Pointing out that the policy and program had been established a long time ago, but that times had changed, Mr. Patton went on:

"Experts appear to agree that the draft no longer meets the needs of our armed services for skilled manpower and that, in addition, it unequally and undemocratically distributes the burden of defending our society.

"Isn't it time for a thorough-going reappraisal of our military manpower problem?"

Mr. Kennedy, in a "Dear Jim" reply said:

"I am sure that all of us agree that the Selective Service Act is administered as fairly as it can be but falls far short of being perfect. Certainly there are inequalities in its results."

NEW STUDY URGED

The President added that it was "especially important" to survey the problem again because "the growing pool of eligible manpower is far in excess of the needs of the armed services, short of a national emergency."

Mr. Kennedy added, however, that he was "in complete agreement" that some sort of Selective Service System must be kept in operation for an emergency.

The President then called attention to his plan to permit deferment of married men.

"But that is only an initial step, and we are now starting to study carefully all the steps that we can take to free young men from doubt about their status, and from inequities under the present law," Mr. Kennedy said.

With his letter to Mr. Patton, Mr. Kennedy forwarded an extract from a Pentagon memorandum outlining certain reasons for maintaining the Selective Service System.

The extract suggested that some of the inequities in the draft were due to increased voluntary recruitment. Conceivably, it observed, efforts to increase the attractiveness of military service could lead to elimination of the need for military conscription.

"Nevertheless," the Pentagon warned, "until we actually have attained this objective it would be a grave gamble with national security to terminate the authority."

Because the Armed Forces do not need all the men that the draft makes available, deferment possibilities have been broadened over the years and physical and mental standards raised.

TESTS ORDERED AT 18

In raising the standards, the Government has been dismayed at the number of youths exempted for psychological disorders. The Army Surgeon General's Office found that nearly one-eighth of those who failed to meet minimum standards between 1953 and 1958 were psychologically unfit.

This concern led to an order, issued yesterday by President Johnson, moving up to 18 years old the age for physical and mental testing for the draft. At present the examinations are generally given at 22 or 23. The idea of the earlier examinations is to try to spot those youths who need help as soon as possible.

The broadening of deferment possibilities has brought charges that the young men with enough money to get married or enter college have an advantage over those who must go to work immediately out of high school.

While selective service decisions are subject to appeal in Washington, it is said that regulations are often applied differently in various communities. A youth who would be drafted in one locality is spared in another, and some young men are reported to have moved their residences for that reason.

At the Pentagon, the manpower experts assert that about 500,000 new recruits are needed annually to keep the active duty force at 2.7 million and that 100,000 more new men a year are required to maintain an Active Reserve force of 1 million.

Although the Army is the only military service that uses the draft, it is agreed that without it the Navy and Air Force would be hard put to maintain their strengths through recruitment. Many young men, facing the draft, volunteer for the Navy, Air Force, Marine Corps or Coast Guard in preference to Army service.

As alternatives to the draft, suggestions have been made for increasing pay and making military service so attractive that its appeal would permit recruitment; a nationwide lottery, in which the various deferment and exemption practices would be eliminated and the luck of the draw substituted; and the Hershey plan.

The latter plan, named for Lt. Gen. Lewis B. Hershey, Director of the Selective Service System, would introduce a form of universal military service. Existing mental and physical requirements would be lowered considerably, although not abandoned, in order to bring virtually every young man of draft age into a training program for a period of as little as 3 months.

The plan has other features but it is based essentially on the premise that virtually all young men should serve, that many who do would choose to stay in uniform, and that those who don't stay would be wasteful of the training effort anyway.

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[From the Milwaukee Journal, Jan. 9, 1964]

DRAFT INVESTIGATION NEEDED

Inequities of the Draft Act become increasingly apparent as the pool of draft-age young men increases without an increase in the number needed by the Armed Forces.

Universal military training is not universal. Many young men avoid service. Deferments are liberally granted to college students and men in "critical" occupations. Under the latest draft rules married men are not taken.

Defense authorities concede that the Draft Act is not so much a program for conscription as a "hot breath" that spurs young men to enlist. They say that without the draft enlistments would fall off drastically.

Some critics urge abandonment of selective service. They think volunteer service could be made sufficiently attractive with better pay and fringe benefits so that all the men needed would volunteer. Dr. Eli Ginzberg, the Columbia University manpower specialist, does not go that far but he thinks the draft should be reformed. Recently he suggested a lottery. Each boy upon reaching 18 would pull a number from an urn. On the basis of the number drawn he would be classified as immediately available, available if needed, available in a serious emergency. Nobody would be permanently exempt but all would have a clear idea, early in adulthood, about the chances of being called.

Senator KEATING, Republican, of New York, and six other Senators have now introduced a bill calling for an investigation of the Draft Act. The legislation proposes that a study commission of 14 members be created. It could have no more than five military men.

The Pentagon already has a committee at work making a similar study, but the draft is essentially a civilian operation. A commission authorized by Congress is the appropriate body to make the study. By the time the present act expires July 1, 1967, detailed information and recommendations should be available.

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[From the New York Times, Jan. 10, 1964]

REVISING THE DRAFT

The new studies by the Defense Department of means and methods of procuring military manpower are welcome—though tardy. They should be supplemented by investigations by appropriate congressional committees and by private groups.

For it is none too soon to begin to consider alternatives to or major revisions of the draft law, which expires in June 1967. It has been clear for some time that the inequities in the present law and the great increase in the draft-age population, plus technological changes in the armed services, require a major reexamination of how to select, recruit, and retain the numbers of men required annually.

There is much that is wrong with the present draft law. It is in no sense universal: only about 58 percent of the men reaching age 26 (the upper induction level) ever serve. There are all sorts of exemptions. Aside from the inequities, the draft per se (except when applied en masse in wartime) is a wasteful system. Shocking, too, are the high percentages of those rejected for mental or physical defects or illnesses.

The studies ought to be directed primarily at two objectives:

Can the services be maintained at required levels without the compulsion of the draft? Without additional inducements toward professionalism—higher pay, quicker promotion, more psychic rewards, or what not—this seems doubtful. We cannot afford to gamble with security. Britain has discarded the draft and as a result she has not been able to maintain her army at a size commensurate to her needs or plans. The United States may be able to do so, but only if we provide more inducements to volunteers.

What can be done about the intolerably high rate of rejections? President Johnson has made the first partial move by directing that all 18-year-olds be examined immediately upon reaching draft age to permit correction of, or treatment for, remedial defects. But this is a palliative. The large number of men rejected as psychiatrically unfit is a challenge to the Nation's program

of mental health. How is it to be met? Where are such men to be treated? Who is to treat them?

Answers to these and scores of other questions dealing with the procurement of military manpower—and indirectly with the social health of the Nation—are long overdue.

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[From the Washington Post, Apr. 23, 1964]

OVERHAULING THE DRAFT

The comprehensive review of the Selective Service System launched by President Johnson carries no implication of a softer approach to our world problems. Although it coincides with a relaxation of tension between the United States and the Soviet Union, the President's chief motive appears to be adjustment of the draft to current domestic realities. The fact that the present law has been in effect for 15 years and that the fairness of its operation is being increasingly questioned is sufficient reason for a thoroughgoing review.

In wartime the draft was imperative because of the heavy demands of the military services for manpower. Through the cold-war period the Selective Service Act has been repeatedly renewed because the country has looked upon it as the best means of sharing the obligations of military service equally, as the President has said, through a "fair and just system." But the country is certainly not committed to compulsory military service any longer than it is necessary to the national defense.

The study which the President has ordered may lead to the conclusion that the draft is no longer the best means of recruiting the type of men that the services need. It may indicate that the registration of 9 million men between the ages of 18 and 26 is a wasteful way of recruiting the 500,000 who are actually inducted each year. Or the President's study group may find that the draft is still essential and that it can be made to operate more satisfactorily.

Whatever the outcome, further emphasis should be focused on the plight of the young men, nearly one-half of the total, who are deemed to be physically or educationally unfit for military service. The Nation cannot afford this continued waste of manpower. Here is one of the most vital segments of the administration's campaign to rehabilitate the disadvantaged.

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[From the Christian Science Monitor, May 14, 1964]

HOW UNITED STATES FINDS MILITARY MANPOWER

(By Neal Stanford)

WASHINGTON.—Practically every American male, 18 through 26 (who is not deferred and is physically and mentally fit), can expect to do military service.

It will come some time during those 8 years—sooner or later—depending on whether he waits for the draft.

What so drastically cuts down the size of the 9-million-man draft pool in this country is the size and number of those exempt and deferred—plus those who enlist.

MINIMUM STANDARDS

Roughly a third of the country's male population ages 18–26, is judged unfit for peacetime service.

These men cannot meet the physical and mental tests given all entering the military services.

This suggests that, as Norman Paul, Assistant Secretary of Defense for Manpower, said not long ago:

"If the needs of the armed services were simply for aggregate numbers of men under arms, irrespective of trainability or skill, it is possible that we could procure the number of individuals needed in all services today without recourse to the draft. As a practical matter, certain minimum mental, physical, and moral standards of acceptability for military service have been essential at all times * * *."

Since 1951 all enlistees and all draftees are examined under the same physical standards and under a common mental test. Each service also uses its own specialized supplemental aptitude screening tests.

The physical standards are essentially the same as in World War II.

ABILITY TO ABSORB

The mental test (Armed Forces Qualification Test) is aimed at measuring a person's general ability to absorb military training within a reasonable period of time.

The minimum passing score for inductees, set by Congress in 1951, corresponded to about a fifth-grade level of education.

The Korean war, however, showed this level too low for the "higher qualitative requirements" of the services in modern warfare.

In 1958 Congress allowed a supplemental aptitude test. This disqualified the lowest 15 percent of the draft-liable population.

ONE-THIRD ELIMINATED

Still, about a third of inductees are drawn from group 4, or the lowest acceptable mental category.

Physical and mental standards, then, eliminate about one-third of all young men examined for service—volunteers as well as draftees.

Next came the deferrables—married men, students, those engaged in an exempt occupation—generally something to do with defense, security.

Draft boards are sympathetic to the educational efforts of those eligible for selective service.

They invariably permit high school students to finish their schooling. They generally permit those that want to go to college to do so. They even allow most of those wanting to work for a master's degree to work for it.

HESITANT ON PH. D.'S

But they are hesitant to allow work for a Ph. D. It is argued that a young man, by stretching out his education that far and getting regular deferments could reach 26 before finishing his schooling—and avoid (or evade) the draft.

High school students, however, are deferred not just because selective service is sympathetic to education in general, but because in practice 18- and 19-year-olds, even 20-year-olds are not called up, as older men are taken.

Fathers have been deferred all along.

Last September, the late President Kennedy deferred married men without children.

This was done primarily to cut back the size of the draft pool that was growing much faster at the bottom than it was being siphoned off at the top.

NO RUSH INTO MARRIAGE

His ruling did not though, as some thought it would, create a rush to the marriage bureaus.

Before Mr. Kennedy's ruling, 3 out of 10 in the draft pool were married.

Now it is only about 33 out of 100.

However, the elimination of married men has lowered the average age of draftees by 1 full year—from about 23 to 22.

The explanation is the way the draft boards pick men to be inducted.

The first group called are the so-called draft delinquents.

They are not juvenile delinquents—but those who in some way or other have tried to skip the draft, avoid the call—gone a.w.o.l., and so on.

They catch these boys first. It is a small group.

NEXT THE 26-YEAR-OLDS

Then they take those not exempt or deferred by age order, starting with the 26-year-olds who have not yet done their military service.

They want to be sure that except for those exempt or deferred, everyone does his time in the service.

When all 26-year-olds are taken, then the 25-year-olds, and so on down the age list.

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[From the Christian Science Monitor, May 15, 1964]

EIGHTEEN-YEAR-OLDS FACE PUZZLE

(By Neal Stanford)

WASHINGTON.—Eighteen-year-olds face a problem: Should they enlist or wait to be drafted?

If they enlist, they are in for 4 years if they choose Air Force or Navy, or 3 years if they choose Army.

If they wait for the draft the stretch is only 2 years. But if they enlist, they can get their tour of duty over by the time they are 22.

If they wait for the draft (as things are now) they won't be tagged until they are 22.

If they enlist they can choose their service. If they wait to be drafted, they automatically go into the Army.

At some point, if single and physically and mentally fit, they are going to be called before they reach 26.

However, somewhere between 18 and 22 or 23 (when the draft might get them) they may get married. That would defer them.

Therefore, unless they are really looking forward to military service (which is not the rule) they can well miss it.

Congressmen have made it quite clear they don't particularly approve of deferring all married men. Fathers, yes. But childless married men, no.

Senator RICHARD B. RUSSELL, Democrat, of Georgia, chairman of the powerful Senate Committee on Armed Services, said early this year: "That was a serious mistake. It should never have been done."

EXEMPTION CRITICIZED

His argument was that local boards knew better the circumstances in each case and could use judgment and discretion in making deferments of married men.

"This blanket exemption," he charged, "naturally is going to drive some of these young men into marriage before they are ready for it. It just is not fair. It brings a new element of unfairness into a situation that was already crowded with unfairness."

Eighteen-year-olds face the fact that under the draft system they are not going to be taken until they are 22 or 23.

They could, if through high school, start learning a trade, or go to a junior college, or get married at 21 or 22 and never be inducted.

But if they don't get married they will eventually get called (unless the rules change), and it will not be at their pleasure but at the Government's.

EDUCATION PLANNED

That is another reason why many enlist—they want to decide when to do their military service and how to plan their future education, if any, not leave it to chance and the Government.

As things now stand they cannot be drafted at 18 and get out at 20. This is because only the older age draft groups are called, due to the size of the draft pool and the desire not to let the older men escape.

True, at 18 they can enlist and get their military duty over within 3 or 4 years, depending on the service they join. Then they can go on with their education or a career.

One thing 18-year-olds find hard today is to get a job with the draft hanging over them, even though 3 or 4 years off.

Employers don't want to hire someone who is going into the Army a year or two or three later.

Four out of every ten enlistees admit that they volunteered rather than await the certainty of the draft but the uncertainty of the time they would be drafted.

It is quite apparent that the draft has given impetus to voluntary enlistments.

CHANGE LOOMS

Without a draft the other services (which don't use it to get their manpower quotas) would have a hard time filling their ranks. Gen. Earle G. Wheeler, Chief of Staff of the Army, put it this way recently: "The other services would suffer without a draft because to a certain degree the fact that the Army has a draft makes some people volunteer for the Air Force and Navy."

There is one draft uncertainty facing the 18-year-old that is being eliminated this coming fiscal year. It is surprising it wasn't done earlier.

The practice is, and has been, to defer the physical and mental examinations of draft registrants until they were called up.

That has meant that 18-year-olds had to wait until they were 22 or 23 to find out if they met the physical and educational standards of the military services.

BENEFITS SEEN

With one out of every three men not meeting current standards, it became obvious that this particular draft uncertainty—disrupting the work, schooling, plans of so many young men—needed to be eliminated.

Eighteen-year-olds ought to, and before long will, know if they are physically and educationally unfit for the services, instead of waiting 3 or 4 years to find out.

The benefits are obvious.

It will permit those with deficiencies to go ahead with their plans and possibly start remedial action.

It will let the others know they are going to be drafted eventually, unless they enlist or marry, and let them plan accordingly.

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[From the Christian Science Monitor, May 16, 1964]

LEGISLATORS RESTUDY DRAFT

(By Neal Stanford)

WASHINGTON.—What's wrong with the draft—or UMT as the Universal Military Training Act is known?

Senator RICHARD B. RUSSELL, Democrat, of Georgia, has called it "unfair."

Representative THOMAS B. CURTIS, Republican, of Missouri, says it is "neither universal, military, nor training."

More and more Congressmen are asking for changes in the law, or for doing away with it altogether.

Senator KENNETH B. KEATING, Republican, of New York, has asked for a Presidential commission to study defects in the law and recommend changes.

Mr. CURTIS has a bill before Congress to set up a joint congressional committee to study possible substitutes.

CONSIDERATION ORDERED

President Johnson has ordered Secretary of Defense Robert S. McNamara to consider "alternatives" to the present selective service system.

There seems to be a widespread feeling that there's something wrong with the draft.

What is it?

Here are the major criticisms floating around the Capital:

1. The draft should be, as it was before Pearl Harbor, only used in wartime—there is something un-American about it in peacetime;

2. The only thing universal about it is that everybody has to register; exemptions and deferments make a mockery of universality;

3. It is really a program to spur men to enlist for 4 years, rather than wait to be drafted for 2;

4. It makes a "hardship" case out of marriage, by linking it in deferment with parenthood, which can really be a "hardship";

5. It doesn't provide the increased demands under modern warfare for qualified technicians;

6. It keeps the 18- or 19-year-old in suspense as to his military prospects, making it difficult for him to get a job or go on with his schooling;

7. It discriminates in favor of the rich boy, encouraging him to continue his education and possibly evade military service;

8. Its system of screening and placements is haphazard and inadequate, wasting a lot of manpower.

9. Its physical and mental standards are obviously inadequate when a man like Cassius Clay is turned down;

10. It is providing such an ever-increasing draft pool that escaping the draft will become easier and easier.

While the peacetime draft is something new in American life, most Americans seem to have accepted it as a necessity. The contention of the military, that they need it to get the men required, has so far persuaded, if not pleased, the Congress.

It is true that UMT is far from universal. A third of the men in the draft pool are ruled out for physical or mental defects. Possibly 40 percent avoid it by enlisting. Another 10 percent or so are deferred because married or having dependents.

VOLUNTEERS SOUGHT

Another 10 percent stay out to continue their education or because of specialized talents. It is universal then for less than 10 percent—after exemptions, deferments, and enlistments.

It does spur enlistments, which is what the services want. They want volunteers as opposed to forced-duty inductees. They prefer young men, around 18 and 19—who make up most of the volunteers—to older 25- and 26-year-olds more set in their ways—who make up most of the draftees. And they want men for 4 years (3 for the Army) rather than just 2.

TECHNICIANS REQUIRED

The decision to defer married men, as well as fathers, has caused some young men to rush into marriage to avoid the draft, but not as many as expected. Still the possibility of using marriage to avoid the draft disturbs a lot of Congressmen.

The draft does not consider the dramatic shift in military manpower needs since Korea—particularly for electronics specialists. Actually today the enlisted force requires more electronics technicians than infantrymen, more aircraft mechanics than cooks and drivers. This change in the required force structure of the services, plus the revolutionary changes in military technology have occurred, but with no change in the basic draft system.

While the deferment for education is approved by Congress, Congressmen are disturbed lest college and particularly master of arts and doctor of philosophy work be used to avoid the draft. Deferment has been left to the judgment of local draft boards, but there is considerable variation in the way the rule is applied. Obviously deferment for schooling favors those who can afford it.

COMMENTS DRAWN

The case of Cassius Clay (the heavyweight boxer who lifted the boxing crown from Sonny Liston but who could not pass the Army's mental tests) has caused a lot of talk and some resentment. But surprisingly enough less than a dozen poeple have written to either President Johnson or Mr. McNamara criticizing his exemption from the draft.

He is said to have an intelligence quotient of about 78, below a fifth grade educational level.

It is practically certain that Mr. Clay did not fake his low mental rating. The best psychologists the Army had saw to that. Actually Mr. Clay, "the greatest," would have made a marginal soldier at best. Most of the cries against his deferment came from the press, not the public.

A real danger to the draft system comes from the startling expansion of the draft pool. The military need stays constant, but the size of the pool increases each year.

Deferment of married men was a quick way of reducing the pool.

When it gets too big the possibility of escaping it obviously increases.

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THE DRAFT IS OUTDATED

(A column by James G. Patton, president of the National Farmer's Union, distributed July 7, 1964)

In August 1963, I wrote President Kennedy that I was deeply concerned over the ineffectiveness, inequality, and injustices of our national policy on the procurement of military manpower. I pointed out that the draft no longer meets the needs of our Armed Forces for skilled manpower and that, in addition, it unequally and undemocratically distributes the burden of defending our society. I suggested to President Kennedy that it was time for a thoroughgoing reappraisal of our military manpower policies.

In September, President Kennedy responded that he agreed with the necessity for a careful study of the inequities under the present law and that such a study would be undertaken. He also said that he was planning to issue an Executive order deferring married men. This he did the following week.

In October I wrote President Kennedy expressing my appreciation for his proposed action and raised with him two additional questions:

1. Are our present Reserve, ROTC, and National Guard policies and programs realistic in the nuclear age? My impression is that they are badly outdated and highly wasteful.

2. Shouldn't the Secretary of Defense be give meaningful authority over military assignments, transfers, and promotions? It is difficult for an administrator to function effectively without genuine control over the personnel in his agency.

Finally, I suggested that he appoint a Presidential Commission to look into the whole problem of military manpower purposes and programs and I sent him a detailed memorandum dealing with the proposed responsibilities of such a Commission.

Before further action could be taken, the tragedy at Dallas was upon us and we had a new President in the White House.

In February of this year, I wrote President Johnson telling him of my earlier correspondence with President Kennedy and sent him a copy of my memorandum urging the establishment of a National Military Manpower Commission.

Naturally, I am extremely gratified with the President's announcement of last month that a broad study of the draft is being undertaken and that $1 million is being devoted to these studies designed to explore the feasibility of discontinuing military conscription. I was only disappointed in one aspect of the President's plans. It seems to me that the problem of involuntary military service in peacetime is so fundamental in American life that the study should be undertaken by a Presidential Commission composed of distinguished citizens and reporting directly to the President. I think it would be a mistake to have primary control over the project rest in the Pentagon.

I am confident that a well formulated program can be achieved which will eliminate the draft, modernize reserve programs and achieve huge savings in man-years and budget dollars. Such a program would justifiably generate widespread public support and enthusiasm. Most important, it would bring strengthened civilian control and simple human justice into our huge military manpower structure.

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[From the Washington Post, July 21, 1964]

ELIMINATION OF THE DRAFT SEEN BY 1967

(By John G. Norris)

An exhaustive Government review of military conscription now underway is likely to result in the Nation's shifting to all-volunteer recruitment in the Armed Forces, on a trial basis, by 1967.

At the least, the broad study ordered by President Johnson will bring major changes in the selective service law that has been a key factor in American life for most of the last quarter century.

Should present indications prove wrong and continuation of some type of draft be ruled necessary, an annual lottery for 19-year-olds to determine who serves and who is exempt is probable.

These forecasts can be safely made, even though Pentagon officials in charge of the review are withholding predictions of what they will recommend until their study is completed late next winter. The facts all point toward far-reaching changes in military manpower policies.

The chief factor is the postwar bumper baby crop. By next year or the year after, it is expected that some 1.9 million young men will be reaching military age annually—nearly double the total up until last year.

This key fact is important in two respects: it will multiply existing doubts about the equity of the present draft system; and, with some increase in incentives for voluntary enlistment and other steps, probably make it possible for the armed services to get the numbers of men they need without conscription.

But major questions remain. Can the Armed Forces, without the spur of the draft to encourage voluntary enlistments, get the quality of young men they need? Will enough youths enter the officer procurement programs to provide the required number of young leaders if they have no legal military obligation to fulfill?

HALF MILLION NEEDED

Can today's services, which require more electronics technicians than infantrymen, obtain sufficient recruits with high IQ's if career incentives replace the draft incentive?

The services need nearly a half million men from each class coming of military age to supply their needs. At present, close to 100,000 are drafted into the Army each year, and the remainder enlist in the service of their choice for longer periods than the 24-month required draft service.

It has always been assumed that without the draft law the other services would not get enough volunteers to maintain their required strengths and the Army its specialist needs, with the Armed Forces at their present 2,700,000-man total.

Part of the governmentwide review of the conscription system now in progress under the direction of Deputy Assistant Secretary of Defense William Gorham is to determine what is the prime motivation for enlistment in the Armed Forces today: a military career, specialist training that will qualify for a civilian job, or simply fulfillment of the present legal military service obligation.

Intensive surveys among servicemen and high school students are planned to help answer this question, which, in turn, will help in answering the broader question whether the draft is indeed necessary.

Among the imponderables involved is whether the draft now and in the future will generally be accepted as meeting reasonable standards of equity. Arithmetic will make this question more acute during the next several years.

Until last year, about 1 million young men reached military age annually. Of this total, about one-third were found mentally or physically unfit. Of the remainder, almost all served unless deferred under constantly liberalized criteria, culminating in the virtual exemption of all married men last year. This has kept the manpower pool of 18-to-26-year-old registrants roughly in balance with needs.

But with the big increase in men coming of military age, only about half of those eligible under present standards will be needed to meet Armed Forces needs.

In looking into a substitute volunteer system for the draft, the Pentagon is considering both how to raise the supply of volunteers and how to reduce some military manpower commitments. One method would be to raise military pay and fringe benefits. The entrance pay for both officers and enlisted men now is well below civilian standards.

Another possibility under study is to cut requirements for some skills and leadership posts and rely on longer training for slower learners. This raises the basic question of the advisability of lowering military manpower requirements to achieve an all-volunteer service.

A final answer to what the United States will do about the future of the draft will depend on the results of current studies, including the added cost of a volunteer system. The odds now favor reenacting the selective service law when it expires in 1967, with a number of changes, and a trial period of keeping draft calls on a standby basis.

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[From the Washington Post, Aug. 14, 1964]

ARMY TO ENLIST 60,000 REJECTEES ON 6-MONTH REHABILITATION TRIAL

(By John G. Norris)

The Pentagon announced plans yesterday to enlist 60,000 young draft rejectees over the next 3 years for a 6-month trial rehabilitation and training period in the Army.

The major aim, Pentagon officials said, is to determine whether an expanded program along these lines could provide many more volunteers who could be made acceptable for service and thus help end the draft.

The program, starting in November, also would provide an additional program for rehabilitating high school dropouts and other poor youths who are unable to find work, as a further step under President Johnson's war on poverty.

President Johnson is reported interested in the plan. He has expressed concern about the high rate of draft rejection for mental and physical reasons. A major study of the draft is already in progress.

The Journal of the Armed Forces reported that some in the Army did not like getting the military into "health, education, and welfare functions," and dub the plan the "Military Youth Corps" and "Moron Corps."

But Army officers said the pilot program should provide experience in emergency preparations of men who do not now meet mental and physical standards but who would be called in a mobilization.

Understandably, however, military chiefs would rather take the better qualified recruits and draftees that they have been getting under higher standards set in 1958.

Under the new program, the Army will accept an average training level of 11,000 previously rejected men for 3-year conditional enlistments. They will receive basic training and special educational instruction. Men with minor, correctable, physical defects such as bad teeth or hernias will be accepted and the defects will be remedied.

After 6 to 12 months, those found to be acceptable—either by passing the Armed Force qualification test after educational help or proving they were good soldiers—will be offered regular enlistments. Others will be released to civilian life. Volunteers only will be taken under the plan. The trainees will not count as part of Regular Army strength.

It is expected that training will be conducted at a single, as yet undetermined, camp.

Last year, of 532,000 men who took preinduction examinations, 265,000 qualified and 266,000 were rejected. Of those, 115,000 failed mentally and nearly half were classified 1–Y and 4–F.

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[From the Washington Post, Aug. 20, 1964]

HOPEFUL EXPERIMENT

The Pentagon's plan to enlist 60,000 young men rejected for the draft in a program of training and rehabilitation is conservationist in the best sense of the word. In many instances young men are turned down for military service because of decayed teeth or easily correctable physical defects. In other instances they are turned away because of inadequate education. It is inexcusably wasteful merely to reject these men and do nothing about their disabilities.

Some objection has been raised to getting the Armed Forces into the business of health, education, and rehabilitation. But these are vital elements in the building of any military force. The only difference in the special rehabilitation and training program is that men of somewhat lower qualifications will be taken and the conditioning process will have to be somewhat more extensive. But this would seem to be a wholly proper burden to place upon services that are making large demands upon the country's manpower.

Volunteers for the rehabilitation program will be offered regular enlistments if they qualify at the end of 6 to 12 months. Others will be released with the advantage of improved education and health as a reward for their willingness to seek military service. In either event, there should be a net advantage to the country as a whole. It would be a mistake to belittle this advantage even from the military point of view, for the men who will be helped by this training would inevitably be swept into the military under a general mobilization.

The new experiment will be especially useful if it helps to remove the necessity for the draft. Extra training and health aids for unprepared young men who wish to join the services would be a small price to pay for elimination of compulsory service. We hope that this promising experiment will be carried out with full appreciation of its potential value for the entire country.

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[From the New York Times, Sept. 4, 1964]

THE PENTAGON SAYS IT WELCOMES GOLDWATER IDEA THAT DRAFT END

WASHINGTON, September 3.—The Defense Department said today that the military draft should be ended "as soon as possible," and that it was glad Senator BARRY GOLDWATER, of Arizona, the Republican presidential nominee, agreed.

A Pentagon statement said, however, that it was irresponsible to suggest ending the draft before there were other adequate means

for recruiting manpower for the Armed Forces.

Replying to the speech in which Mr. GOLDWATER formally opened his campaign, the Pentagon cited a quotation from former President Dwight D. Eisenhower about making a political issue of the Selective Service.

The Pentagon said:

"Any suggestion that the draft be ended without providing adequate substitute means to recruit soldiers for our Armed Forces is the kind of irresponsibility that was described by President Eisenhower in 1956 when he said, 'The issue of our military draft is no matter of a technical point to be scored in a political debate.'"

PLEDGED TO END DRAFT

Senator GOLDWATER said in a speech prepared for delivery today at Prescott, Ariz., that a Republican adminstration would "end the draft altogether, and as soon as possible." He also said the Democrats were using the draft, for "social schemes," as well as military needs.

Nils A. Lennartson, Deputy Assistant Defense Secretary for Public Affairs, issued the Pentagon's reply.

"We are glad to know that the Republican candidate agrees with the administration that the draft should be ended as soon as possible," the statement said.

"The fact is that more than 4 months ago President Johnson directed a study to reach this result," Mr. Lennartson said. He said the study would be completed next April.

When he announced the study last April, Mr. Johnson said the Pentagon would search for alternatives to the draft system, including the possibility of going to an all-voluntary basis.

Mr. Johnson said then that the draft was clearly needed at present but that a comprehensive study of the system was required.

SYSTEM WAS HELD INDISPENSABLE

Up to that time, the Defense Department had contended that the draft, although it took few men each month, was an indispensable means not only of meeting Army manpower requirements but also of influencing men to enlist or volunteer for officer programs in all services.

The Pentagon said the draft would be "ended today" if voluntary enlistment could meet all military manpower needs.

Mr. Lennartson's statement said the Defense Department could not understand Senator GOLDWATER'S charge that the draft was used for anything but military purposes.

The statement mentioned two programs of the type that Mr. GOLDWATER'S press secretary, Paul F. Wagner, said the Senator meant when he spoke of the draft being used for social schemes.

One program is the newly announced plan to take in volunteers who fail to meet physical and mental standards of the Army. They would be rehabilitated while taking basic military training. Plans call for taking in 60,000 over a 3-year period.

That program is for volunteers. Another plan, developed by the Pentagon and several other Government agencies, calls for helping draft rejectees to qualify themselves for either voluntary military service or useful civilian employment "so that they can become taxpayers and not taxeaters."

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[From the New York Times Magazine, Sept. 27, 1964]

SHOULD WE END THE DRAFT? OUR WAY OF PROCURING MILITARY MANPOWER, NOW A CAMPAIGN ISSUE, IS REEXAMINED

(By Hanson W. Baldwin)

(Hanson W. Baldwin is military editor of the New York Times. His most recent book is "World War I: An Outline History.")

"Peacetime conscription is repugnant to the spirit of democracy and the soul of republican institutions."

"By handing boys over to the arbitrary and complete domination of the Government, we put it in the power of the Government to indoctrinate them with the political doctrines then popular with the Government. * * * In wartime it is bad enough; in peacetime it would be intolerable."

These comments were made respectively by Senators Arthur Vanderberg and Robert A. Taft, Sr., less than 25 years ago. And the opinion they expressed—that peacetime conscription was intolerable in the United States—reflected at the time the basic attitudes of millions of citizens, many of whose parents had migrated to America to escape what they considered the tyranny of European conscription.

Despite such ingrained feelings, the United States has had a military draft system—except for a brief 17-month interlude—ever since the emergency brought on by World War II in 1940. It was renamed, during the Korean war, the Universal Military Training and Service Act, and has been extended repeatedly for 4-year periods. Last year Congress gave the draft some cursory hearings and debate before voting overwhelmingly to extend it until 1967, but until recently, it appeared that the draft had little opposition today and was here to stay.

Now Senator GOLDWATER—as Adlai Stevenson tried to do in 1956—has made the draft a political issue in the presidential campaign, branding it "outmoded and unfair" and promising, if elected, to end it "as soon as possible." To which the administration has retorted that the Pentagon is already embarked on a study, to be completed next April, which will explore the feasibility of ending the draft, but that it is irresponsible to suggest ending the draft without providing adequate substitutes for recruiting necessary military manpower.

The total strength of the Armed Forces today is approximately 2,700,000 men, and it is expected to remain at about this level in the immediate future. There is a major turnover in personnel, particularly in the lower ranks and grades, which amounts to about 20 percent annually. New replacements come through voluntary enlistment, officer candidate schools, ROTC programs, pilot training programs, the Reserves and, of course, the draft.

About 100,000 men a year are currently being drafted for 2-year terms—a figure which represents some 20 percent of the roughly 500,000 men the services require yearly for replacements. All the rest are volunteers, in name at least. The services—the Army particularly—believe that the "hot breath" of the draft is what persuades many young men to volunteer. Actually, the Army is the only service utilizing draftees at the present time. The other services, because they are smaller or more technical, or have more of a reputation for glamor, sustain their strength solely by volunteers. But many of these volunteers, it is suspected, enlist in the service of their choice in order to make sure they are not drafted into the Army.

There are many other factors which influence men to volunteer for terms varying from 2 years to a lifetime. Among them are the opportunities provided by the services for education and technical training; the security of a Government paycheck; pension rights and other so-called "fringe benefits"; travel and adventure; "escape"; the inability to find a satisfactory civilian job, and so on.

It is this system of procuring military manpower—combining compulsion with inducements, the carrot and the stick—that is now under heavy fire, particularly the compulsory part of it.

Objections to the draft fall into four major categories—military, political, social and economic.

In the military view, Armed Forces composed of long-term professionals are likely to have better morale, to be better trained, more ready and generally more effective than short-term, semitrained conscripts. If one thinks in terms of the kind of combat waged in World War I and II, then mass-drafted armies would still have considerable importance. But today's technological revolution and the nuclear age have reduced the demand for "bodies" and the "Big Battalions" and have accentuated, instead, the need for "brains" and for the "Ready Battalions." The soldiers, sailors, airmen and marines of today must be highly intelligent, highly trained men. For many key specialists the schooling and training required may take longer than the 2-year term of the draftee. And the large turnover annually in personnel—whether of drafted men or volunteers—reduces the readiness of the services and makes them more training schools than combat forces.

The political arguments against the draft center on two basic objections; first, that conscription is inherently incompatible with democracy and freedom, and second, that the so-called universal training and selective service act is in no way universal or even selective, but rather discriminatory, inequitable and unfair.

It is true that the concentration and centralization of military power tends to restrict individual freedom; career planning, for instance, is complicated—sometimes completely distorted—by the draft. The Federal Government has utilized draft deferments, as Gen. Lewis B. Hershey, Director of Selective Service, has testified, as "the carrot * * * to try to get individuals into occupations and professions" considered by Government to be necessary ones. In a free society the draft does, then, serve to promote regimentation.

The personal inequities and hardships caused by the draft as it now operates are legion. Today, only about 48 percent of the approximately 1.1 million men reaching the age of 26 (the de facto cutoff age for the peacetime draft) have ever donned a uniform; by 1965, this may drop to 40 percent. Instead of being inducted at the age of 18 or 19, after high school graduation, men are taken now at about the age of 22 or 23, just when they are trying to finish college or start their careers. The reason they are not drafted earlier is that there is such a large pool of potential draftees—one that is still increasing.

Moreover, young men can now be deferred for so many reasons that the majority can—and do—escape all service. Farming, special occupations, physical deficiencies, educational deferments, marriage, and fatherhood—all these and many others are reasons for draft postponement. Some critics believe that the educational deferments are particularly unfair and dangerous, and are creating a kind of "oligarchy of brains." Educational deferment, it is charged, tends to favor the rich or the well-endowed at the expense of the poor or the less well-endowed. These discriminations, and the fact that one selective service board drafts one man while another man with virtually the same history is deferred or rejected, document in an increasing number of cases the charges of unfairness. And unfairness to constituents is political dynamite on Capitol Hill.

Those who object to the draft on social grounds say that it is disruptive because the uncertainty about deferments and age of induction make planning for a career or family life difficult. And since the late President

Kennedy added marriage (fathers had already been deferred) to the list of deferments, which meant virtual exemption from the draft, there have been reports of youthful marriages contracted or materially hastened in order to make the man draft exempt. Needless to say, many of these hasty marriages end in the divorce courts.

The economic consequences of the draft parallel some of the social liabilities. Employers do not like to hire young men who are uncertain when, if ever, they will be called into uniform. As Representative ROBERT TAFT, JR., of Ohio, has stated: "The draft most certainly contributes to the high unemployment rate found among young men in their late teens and early twenties."

These are some of the criticisms of the draft stressed by those who believe it should be ended. But the debate is by no means all black or white; there are many valid arguments that support continuation of compulsory military service.

First and most important are the requirements of security. Despite the comforts with which most Americans live and the Nation's booming economy, few in Government regard the present era as peacetime. We are still involved with recurrent paramilitary crises, such as Vietnam, Cyprus, and Cuba, and anticipate being so for an indefinite future.

We live, too, in the atomic age—the age of speed and power unlimited—and the Nation cannot possibly afford to drop its guard, or even appear to drop its guard. Elimination of the draft would have international political and psychological effects—some of them adverse to the image we have tried to project of a strong and determined America. In other words, democracy, as usual, must be prepared to give up some of its internal freedoms if necessary to protect itself against external enemies.

The draft is the only way, according to a study by the House Armed Services Committee last year, by which the required size of the Armed Forces can be maintained. Without the compulsion of the draft, voluntary recruitment might slough off, and the size of the services might diminish to a point of danger. The United Kingdom eliminated draft, and the British Army, despite increased emoluments, has never since been of sufficient size to meet adequately all of its commitments.

In addition to its influence upon the size of the Active Forces, the draft is important to the size and quality of the Reserves, particularly the Army's ground units of National Guard and Reserves. Because of the draft, with its requirements for a minimum of 6 months of active training (plus 6 years of Reserve training), some of the ground units of the Reserves are in a higher state of readiness than they have ever been. Elimination of the draft might reduce the readiness and effectiveness of Reserve units and increase their difficulty in recruiting the necessary personnel.

Compulsory military service has also brought many byproducts which have strengthened the political, social, and economic fabric of the Nation.

The services operate the largest and in some ways most advanced technical training and educational institutions in the Nation. Annually scores of thousands of technicians doff their uniforms to form the backbone of trained labor staffs in electronic, aerodynamic, automotive, and other industries. Most of the country's airline pilots were trained by the military. Many of the Nation's best management specialists are ex-military officers. More linguists, though perhaps not the best linguists, have been trained by the services than by our universities. In training aids, in methods of language instruction, and in other areas the services have been preeminent. Assuredly, though the large annual turnover of military personnel hurts the efficiency of the Armed Forces, many of those who graduate from uniform represent a major contribution to the Nation's skills and knowledge.

But behind the immediate debate about the draft is a larger problem, one that goes beyond compulsory military training alone. It is the problem of how best to mesh the requirements of the services with the best interests of a free society.

There is not much doubt that long-term professional services—Active and Reserve—are better suited to the military requirements of the atomic age than large, semitrained rapid-turnover forces drafted or induced to serve by the prospect of the draft.

Whether the young men of America would volunteer in sufficient numbers to maintain forces of the requisite size once Uncle Sam was no longer breathing down their necks depends primarily upon three factors:

1. The size of the military manpower pool. The "baby boom" of the postwar years is now steadily increasing that pool; in 1962, 1,476,000 youths reached the draft age of 18; in 1966, this figure will approximate 1,880,000. Today there are 10.6 million American men between 18½ and 26½; by 1967, this pool will grow to 12.4 million. Some experts believe—and the Pentagon study is plumbing these beliefs—that it will be possible to recruit voluntarily all our military needs from the swollen population of tomorrow.

2. The inducements provided to voluntary recruits and would-be officers. Pay and other incentives are important material considerations which influence men to undertake a service career. So, too, are the psychic inducements—the sense of a job worth doing, of loyalty and tradition, a pride of uniform and a feeling that the Nation is proud of the men who serve it. Certainly the inducements offered today will not be adequate to meet the military manpower needs of tomorrow without compulsion. A sharp improvement in service pay scales, pensions, housing and other benefits, and a revision in the methods of procuring service manpower, in service career patterns, in stability of assignments and in other areas will be essential before sufficient volunteers of high motivation and intelligence eliminate the need for compulsion.

3. The reduction of present service standards. It has been suggested that one way of obtaining volunteers would be to lower the present strict physical and mental standards to a more realistic level. About one-third of all men examined by the services—volunteers and draftees—are now rejected, some for physical defects, some because they are in the lowest mental and intelligence classification, some because of emotional or psychiatric problems. President Johnson, in attempts to help these men, recently ordered the Government to provide those who wished it with educational, physical, or other aid.

The President also ordered the start of a pilot program. The Army, in each of the next 3 years, plans to induct 20,000 below-standard volunteers for experimental training. Some of these may be taught to read and write or will receive other basic education; others, with remediable physical defects, will receive medical care; all of them will be given 6 to 12 months' training to determine their usefulness to the Army. Those who make the grade may be retained in service for a full 3-year enlistment.

Actually, this program is not startlingly new. The Army taught men to read and write, and accepted far lower category recruits in World War II and in the Korean conflict than it does now. A mass Army and a mobilization numbered in millions required the use of all manpower categories.

From the strictly military point of view, the utilization of lower-category personnel no longer appears to be necessary, while past experience with such personnel has been disappointing. As recently as 1957–58, the Army, convinced that its low-category personnel was causing an undue amount of trouble, weeded out, with the approval of Congress, the low performers. Since then, the guardhouse and prison population has materially declined, and overall performance has increased. Any reduction of standards—particularly if it should admit large numbers of low-category personnel—would undoubtedly reduce quality, and hence combat effectiveness, to a dangerous degree. While it may well be desirable, for the sake of society, to educate and train the backward, sickly and depressed, is the Army the place to do it?

Thus the problem of the draft is broad and complex; whether it is retained or eliminated or modified, the effects will be widely felt—in the services, throughout society, around the world.

From this weighing of the pros and cons several clear-cut conclusions emerge.

First, there is absolutely no doubt, in my opinion, that the present system of procuring military manpower, including the draft, must be revised. The annual turnover in the military services is too large and the inducements to professionalism too small. The Navy, for instance, is able to retain as regular, long-term officers only about 15 percent of the graduates from its officer candidate school—a major source of officer procurement. Electronic specialists are no sooner trained than their term of enlistment expires and they doff the uniform. Largely although not entirely because of the turnover there is far too little stability of assignment; men become expert sonar operators aboard a ship one year only to be transferred to new duty the next; a battalion or a company may have a new commanding officer every year or two. To correct this, not only must the annual manpower input be reduced and more officers and enlisted men induced to make military careers their life work, but service career patterns and assignment policies must be modified.

Second, there is no doubt that it would be desirable to end the draft entirely. Military effectiveness—in terms of highly trained professionals instantly ready—would be greatly improved if professional motivation could be substituted for compulsion. Certainly a voluntary system of recruitment is more compatible with past American traditions and with our concept of political freedom than conscription. The younger generation would be able to plan its important beginning years with far greater certainty than is now possible, and the somewhat corrosive effects upon morale of the present system of deferments and exemptions would be ended. Militarily, politically, and socially then, it seems desirable to end the draft.

Third, the first priority of the foreseeable future is still national security. While it may be desirable to end the draft, the price would be too high if it meant enforced reduction in the size of the armed services, or a watering down of quality. If there is no other way to maintain the quantitative and qualitative strength of the Armed Forces at approximately the present plateau, the principle of compulsion for military service must be continued, although its application should be modified.

Fourth, far more intense and detailed studies are needed before any final decision can be made. The study now underway in the Pentagon is an essential beginning. But it is not enough. It should be followed by a

much broader and more comprehensive examination of the entire problem of the effects of the draft upon our society and of the procurement of military manpower. A joint bipartisan congressional committee or a specially appointed Presidential Commission should undertake such a study, calling upon experts from all fields.

Finally, if the facts then clearly indicate that voluntary recruitment and long-term professionalism, encouraged by improved incentives, might supply service needs, the draft should be ended. But if there is doubt, the principle of compulsion might then be suspended, rather than eliminated, for a stated period, in order to test and try a new system, one more compatible with "the soul of republican institutions."

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## THE ECONOMY OF THE MIDWEST

Mr. NELSON. Mr. President, for more than 1 year now I have been conducting a study of the economic problems of the Middle West as related to federally sponsored research and development.

On June 23, 1964, I urged the development of a new national policy on the distribution of Federal funds for research and development.

In 1940, we were spending $74 million for research and development. In the current fiscal year, we will spend $15 billion. During the period when this form of Federal spending has increased so dramatically there has been surprisingly little attention paid to the overall manner in which this money is spent or to the place where it is spent.

Some time ago, I learned that the presidents of our outstanding Midwestern universities were becoming increasingly concerned about the effects of Federal spending for research and development on the future of higher education and on industrial development.

I have been corresponding with some of these educators and with others interested in this subject and I want to report some of their comments to the Senate which I am sure shares my concern about this vast investment which our taxpayers are making in research and development.

Our progress in science and technology is without equal and we must expand and build on our past accomplishments. More than this, however, we need to evaluate the effects of our scientific activities from points of view other than just the scientific. Expenditures for research and development should be viewed as one category of governmental purchase. We need to ask if we are purchasing what we want and if our purchases are having the most constructive effects.

For various reasons Federal support of scientific research has been concentrated on the coasts of our country. This concentration of funds, scholars, equipment, and experience in working with the Government creates great competence which, in turn, begets more governmental support.

Thus cycles are established and it becomes very difficult for regions or industries outside the established cycle to compete. The States of the Middle West have excellent universities and train many of the scientists and engineers who conduct the various scientific activities of the Government. F. E. Mills, associate director of the Midwestern Universities Research Association, has written in a letter to me:

We find, however, that we not only educate our own young and send them to these large federally supported research areas, but that we also pay for the education of the young people from these (out-of-State) areas and then send them back. Viewed this way, one sees that these universities are a major national asset in a region being neglected by the Federal Government. We already have strong evidence that this situation cannot persist but is leading to the deterioration of these very institutions. Any one of a dozen university presidents can testify to the difficulty of maintaining topflight staff in this situation.

The fact is we don't have any definite national policy today on the pattern to be followed in allocating Federal funds for research and development. The pattern which we have followed almost unintentionally is having an unfavorable effect on the Midwest, home of many of our greatest industries and our greatest universities, which are the real strength of America. Federal funds come from all the taxpayers, including 50 million or more people in the Midwest. We cannot pursue a policy, even unintentionally, which has the effect of wasting the industrial and intellectual potential of the American heartland.

This point is expressed well in a letter to me from W. Clarke Wescoe, chancellor of the University of Kansas. He states:

The Nation cannot afford to allow the deterioration of the economic position of any significant sector of the country, but particularly of the Midwest which has shown itself the backbone and sinews of agriculture, military materiel production, vital transportation and communications networks, and broad education at all levels, particularly the training of graduate students in critical manpower areas of science and engineering. The demonstrated potential of our region in these crucial fields must not be ignored and allowed to wither while vast investments of Federal funds are made to build from much more meager foundations new industrial and technical complexes in regions which must import their capabilities, nurse and develop their educational and research institutions, and look to far markets for their products.

The vitality of any region is greatly dependent upon its intellectual resources. When federally suported activities are located preponderantly in one region or another, bright young scientists tend to flock to the attractive and challenging new fields. Mr. Wescoe continues:

The scientific aspect of the problem is simlar and similarly disturbing. The Midwest is far from lacking intellectual capacity and scientific capability, but the current patterns of placement of Federal funds for research and development certainly do little to foster the growth of this capacity; in fact, they operate to drain away much of our newly trained young scientific and technical manpower. Yet the solution is not a simple geographical or population-based allocation of funds. There must be a rigorously applied philosophy and policy of recognizing the Nation's long-term interest in the broad developments of its scientific and technological resources and needs.

Harlan Hatcher, president of the University of Michigan, writes to me:

Your statement pointing out that there must be some consideration given to a reasonable distribution of defense contract work and other Government support in areas besides the two coasts is one to which the University of Michigan heartily subscribes. We believe that this point must be made strongly and repeatedly until a recognition of the seriousness of the situation is aroused in the administration and in Congress, and through them in the Government agencies.

Not all the blame for lack of Federal research and development activity can be attributed to the Government. The industries and universities of the Middle West have not in all cases been as aggressive as they should have been in seeking Federal contracts. In this regard, Marshall W. Keith, associate director of the Midwestern Universities Research Association, has written to me:

To illustrate, in the middle 1950's when I was with the Office of Naval Research, I spent a day at a well-known Racine manufacturing plant begging them to take a research contract that they were well equipped, both personnel- and equipmentwise, to carry out. On another occasion the same year, the Chief of Naval Research and I spent 2 days with a Minneapolis firm begging them to take a contract in a field in which they were specialists. In both instances we were turned down. Can you, by any stretch of imagination, see one of the California companies acting thus?

I am afraid that the pioneering spirit that built the Midwest immigrated to the coasts sometime in the last 50 or 100 years.

The universities of the Middle West and the other neglected regions need assistance in building their competence for training and teaching as well as for conducting research. A National Science Foundation program to begin in 1965 will aim at increasing the number and quality of university science departments. This is but a small first step, although it may prove to be the method best suited to vastly increasing our competence in training scientists in future years. However, the most immediate need is for increasing support for the present excellent universities. J. B. Page, vice president for research and dean, the Graduate College of Iowa State University, writes to me:

We would not oppose the establishment of new centers; what we do propose is that it is clearly in the national interest to support through research and facilities grants existing strong universities to the absolute limit of their ability to take additional students or to train additional numbers without diluting quality. This support should be immediate and adequate so that our present strengths are not eroded away and dissipated for the sake of gaining greater geographical distribution. It takes from 3 to 8 years to train the best qualified student after their bachelor's degree to the Ph. D. level. The training and bringing together of well-qualified, able graduate faculties in the numbers envisaged may well take two to three times that long.

Our first effort must be to maintain and to strengthen our existing graduate faculties to the ultimate of their capabilities. Only when this can be assured should additional efforts be directed toward building up additional centers of excellence.

Long range planning for scientific activities is needed and manpower needs must be evaluated. The very challenging recommendations made by the Committee on Utilization of Scientific and Engineering Manpower is reason alone for us here in the Congress to reconsider the scientific activities which are supported by the Government. The committee states:

Government must assess in advance the effects of its decisions on the deployment of large numbers of scientists and engineers, both in undertaking new projects and in discontinuing old ones.

Further the committee recommends:

Before the Government reaches a decision to undertake a great technological program it should make a careful assessment of the impact of the decision on the deployment and utilization of scientists and engineers.

I cannot urge forcefully enough that we consider our scientific stature carefully. As a Senator from the Middle West, I sincerely hope that, through increased industrial and scientific enterprise, the economy of the Middle West can be improved. Cooperative effort by industries and universities in the Middle West is needed and machinery for cooperation and communication is being set up already in several of the States. This united front in the States is the most important ingredient for increasing the competitive position of the Middle West. Also needed is guidance and leadership from Washington. Here we must see that all the regions of our country are given a chance to develop and contribute on a fair and equal basis.

I ask unanimous consent that some correspondence with officials of universities of the Middle West be printed in the RECORD at this point.

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

MIDWESTERN UNIVERSITIES RESEARCH ASSOCIATION,
*Stoughton, Wis., July 16, 1964.*

Senator GAYLORD NELSON,
*U.S. Senate, Washinton, D.C.*

DEAR SENATOR NELSON: I have had an opportunity to read your "Statement to the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics." I find it to be a most thoughtful and challenging document. I am interested in this problem myself and have come face to face with it several times in the 8 years I have spent at MURA. I hope you will continue your efforts in this subject and can make the problem widely known.

I should like to add several comments about my own thoughts and experiences. You have correctly pointed out that the enormous growth of science-oriented industry in diverse parts of the country is not due to investment in scientific training by citizens of these areas. Rather, this trained cadre of engineers and scientists is largely due to the efforts of Midwestern universities in coping with the problem of maintaining high standards of education while providing education for the great masses of people. Contrast this to the attitude, for example in the East, where little attempt is made to provide this education. This is the source of a problem which is common to all of the Midwestern universities: the enormous influx of out-of-State students. Now we certainly want to make this education available to all who can profitably use it. We find, however, that we not only educate our own young and send them to these large federally supported research areas, but that we also pay for the education of the young people from these areas and then send them back. Viewed this way, one sees that these universities are a major national asset in a region being neglected by the Federal Government. We already have strong evidence that this situation cannot persist but is leading to the deterioration of these very institutions. Any one of a dozen university presidents can testify to the difficulty of maintaining topflight staff in this situation.

Another observation I should like to offer concerns the local attitudes of people essential to the growth of science-oriented industry. In the Madison area, I have seen the attitude of people in general shift to a point where they understand very well the implications of science-oriented industry. Indeed, these implications are apparent in their daily life. These people want to take part in this technological revolution and want their communities to grow with the rest of the country. For example, farming is an industry which has benefited perhaps the most from research. I have discovered in talking to people in small farming communities that they are very aware of the function of research and education in society, and in discussing MURA and its role; they really only need to learn the details, not the overall situation. On the other hand, I find a reticence in some of the larger manufacturers to strike out in these new fields and commit themselves to the future. I have no suggestion about how to overcome this attitude, but it must be done to make progress in the future.

I appreciate the chance to read and comment upon this statement and strongly urge you to continue your efforts.

Sincerely yours,

F. E. MILLS,
*Associate Director.*

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THE UNIVERSITY OF KANSAS,
*Lawrence, July 21, 1964.*

Hon. GAYLORD NELSON,
*U.S. Senator from Wisconsin,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR NELSON: Thank you for your letter of July 9 and the opportunity to comment on the matter of federally sponsored research and development.

The distribution of Federal research and development funds has become a matter of major economic as well as scientific importance to the Nation. Your statement describes well, and documents, the economic aspects of the problem. The Nation cannot afford to allow the deterioration of the economic position of any significant sector of the country, but particularly of the Midwest which has shown itself the backbone and sinews of agriculture, military material production, vital transportation and communications networks, and broad education at all levels, particularly the training of graduate students in critical manpower areas of science and engineering. The demonstrated potential of our region in these crucial fields must not be ignored and allowed to wither while vast investments of Federal funds are made to build from much more meager foundations new industrial and technical complexes in regions which must import their capabilities, nurse and develop their educational and research institutions, and look to far markets for their products.

The scientific aspect of the problem is similar and similarly disturbing. The Midwest is far from lacking in intellectual capacity and scientific capability, but the current patterns of placement of Federal funds for research and development certainly do little to foster the growth of this capacity; in fact, they operate to drain away much of our newly trained young scientific and technical manpower. Yet the solution is not a simple geographical or population-based allocation of funds. There must be a rigorously applied philosophy and policy of recognizing the Nation's long-term interest in the broad development of its scientific and technological resources and needs. There must be a practice of placing Federal funds where past performance, present capability, and future potential guarantee research and development of high quality and when several different regions seem to offer equal promise, then habit, inattention, default, parochialism, or political expedience must not be allowed to sacrifice the Midwest and imperil the Nation's future.

Sincerely yours,

W. CLARKE WESCOE,
*Chancellor.*

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THE UNIVERSITY OF MICHIGAN,
*Ann Arbor, July 28, 1964.*

Hon. GAYLORD NELSON,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR NELSON: The University of Michigan is much concerned about the problem discussed in your letter of July 9 and in your statement to the Subcommittee on Science, Research and Development of the House Committee on Science and Astronautics. The university appreciates the research and effort that you have devoted to this problem and wants to be of help.

When the location of the new NASA Electronics Research Center was being considered, the University of Michigan in cooperation with the other universities in southeastern Michigan and with the government of the State made a determined effort to try to bring this Center to the Midwest and if possible to Michigan. A location proposal was prepared and a presentation was made to the NASA Committee in Washington. I enclose a copy of this proposal. You will see that it brings out a number of the same points that you make with regard to the strong position of the Midwest as a manufacturing center, the recent decline in Defense and Government contracts in this area, and the very strong position of the area in the preparation of Ph. D.'s in science and engineering, most of whom have to leave the area to find employment.

The committee's report justifying its location of this facility in the Boston area took the position that the Center should go to Boston because of the strength of that area in electronics research. The fact that the Midwest had completely adequate and unutilized resources in electronics did not carry sufficient weight. If it continues to be the position both of Government agencies and of industries that it is desirable to congregate in areas where these research-based industries are already strongly represented, the situation can only get worse.

Your statement pointing out that there must be some consideration given to a reasonable distribution of defense contract work and other Government support in areas besides the two coasts is one to which the University of Michigan heartily subscribes. We believe that this point must be made

strongly and repeatedly until a recognition of the seriousness of the situation is aroused in the administration and in Congress, and through them in the Government agencies.

The University of Michigan wishes to help in this problem of industrial strengthening of the Midwest. It has established, with support of the Michigan Legislature in its Institute of Science and Technology, a division of industrial cooperation. This division, with about $1 million in State funds annually, is undertaking to strengthen the cooperation between industry and the university and to make known the advantages of this area for research-based industry. The University of Michigan believes that not only the universities of the State of Michigan but also the universities, governments, and industries throughout the whole Midwest must cooperate in this undertaking and desires to be of any assistance possible. We are assured of support from our Michigan Senators and congressional delegation and will be ready to cooperate in any regional efforts to improve the situation.

Sincerely,

HARLAN HATCHER.

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MIDWESTERN UNIVERSITIES
RESEARCH ASSOCIATION,
*Stoughton, Wis., July 15, 1964.*

Senator GAYLORD NELSON,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR NELSON: Thank you for your letter of July 9, 1964, which enclosed a copy of your statement to the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics.

I have read and reread both your letter and statement and am very much impressed with the thought, research, and analysis that went into the preparation of both. There is, in my mind, absolutely no question as to the veracity and accuracy of your statements, and I am only sorry that every Member of Congress and all citizens and taxpayers cannot be forced to read your statement and made to understand it and its implications, as they involve not only the welfare of the Midwest but of the Nation. I am particularly concerned at what I consider to be the rather stupid attitude of some of our larger State industries who would still be making horsedrawn plows and harnesses if their more progressive competitors in other States had not forced them into the tractor business. I am rather certain that all of the blame for concentration of Federal funds cannot be placed on the Federal Government. To illustrate, in the middle 1950's when I was with the Office of Naval Research, I spent a day at a well-known Racine manufacturing plant begging them to take a research contract that they were well equipped, both personnel and equipment wise, to carry out; on another occasion the same year, the Chief of Naval Research and I spent 2 days with a Minneapolis firm begging them to take a contract in a field in which they were specialists; in both instances we were turned down. Can you, by any stretch of imagination, see one of the California companies acting thus?

I am afraid that the pioneering spirit that built the Midwest immigrated to the coasts sometime in the last 50 or 100 years.

Your presentation covered all of the vital points as to the need for support of research and development work in the Midwest except one that most people don't even like to think about; that is the strategic danger of concentrating all of our top research and development and important defense work in a few areas. I believe that a half dozen well placed nuclear weapons could wipe out our entire defense potential and leave us at the mercy of any potential aggressor.

I have shown your letter to a number of our senior staff and asked that they write to you, giving any comments they have that might be of use to you.

Thank you again for an opportunity to review this material and for your continued interest in MURA.

Sincerely yours,

MARSHALL W. KEITH,
*Associate Director.*

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IOWA STATE UNIVERSITY,
*Ames, Iowa, August 11, 1964.*

Hon. GAYLORD NELSON,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR NELSON: Your recent very welcome letter to President Hilton was received at a time when he was out of the State. It has been handed to me for a reply and comment which I am most happy to give.

We are very pleased with the excellent summary you have prepared for the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics. Your summary is excellent and it presents an unusually lucid analysis of what is an alarming situation and a potentially serious problem both for the region and for the Nation as a whole.

It is clear that there are two ways in which this alarming trend could be halted or reversed: (1) by modifying existing procurement policies to the end that existing industrial and human resources of the Midwest are more adequately recognized and utilized and that a more equitable distribution of procurement is achieved, or (2) recognition that the major educational resource with respect to production of Ph. D. scientists and engineers is in the Midwest region and taking steps to strengthen and protect this vital national resource.

The first of these is receiving attention in many quarters and it is clear that much can and must be done if this region is not to find itself at an even greater disadvantage with respect to the rest of the country. Political considerations will certainly be of great consequence. It is encouraging that the congressional Representatives, the Governors, the educational and business leaders of the Midwest region are joining together to point out the magnitude of the problem and to urge that corrective steps be taken.

The second area in which changes need to be made may be equally, if not more, significant, but I fear that less attention has been directed, and less public concern has been expressed, over what is clearly beginning to happen to our great educational institutions in the Midwest region. You have pointed out in your excellent summary that of the 10 top States in the production of Ph. D.'s, 6 are in the Midwest. The great publicly supported universities, with the addition of a smaller number of privately supported universities in this region, do constitute an educational resource of inestimable value to the Nation as a whole. There has been significant Federal support, but in general the individual States and the region have supported and maintained a unique concentration of great universities presently producing more Ph. D.'s than are being absorbed in the region which supports and provides for their education and training.

Strong pressures are being exerted for the creation of new centers of excellence and for the wider distribution of educational facilities across the country. These are worthy goals with considerable emotional appeal, yet the hard facts are that such centers cannot be created overnight and that if a crash program is undertaken, the needed faculties can only be assembled by raiding the faculties in our universities which have already achieved excellence. Even the President's Science Advisory Committee has pointed out the fallacy and the danger of assuming: that existing first-rate universities are at saturation, that our national capabilities to produce highly qualified scientists and engineers can be doubled or tripled by the simple expedient of large Federal grants to universities newly involved in graduate work, or by failing to recognize that there is a critical mass of high quality professors in related subject areas with associated expensive and extensive facilities which must be brought together in one place if graduate education of quality is to result.

The great universities in the Midwest are faced with a brain drain which could far surpass the exodus which has so alarmed the Government and press in Britain. The announced manpower goals are to more than double our outturn of Ph. D scientists and engineers by 1970. This clearly means that existing faculties and existing facilities will carry the brunt of this effort if the goal is to be reached. It is fallacious to assume that new centers can be staffed at the expense of existing well-qualified and capable universities and get the job done.

We would not oppose the establishment of new centers; what we do propose is that it is clearly in the national interest to support through research and facilities grants, through expanded fellowship programs, and through direct institutional grants existing strong universities to the absolute limit of their ability to take additional students or to train additional numbers without diluting quality. This support should be immediate and adequate so that our present strengths are not eroded away and dissipated for the sake of gaining greater geographical distribution. It takes from 3 to 8 years to train the best qualified students after their bachelor's degree to the Ph. D level. The training and bringing together of well-qualified, able graduate faculties in the numbers envisaged may well take two to three times that long.

Our first effort must be to maintain and to strengthen our existing graduate faculties to the ultimate of their capabilities. Only when this can be assured should additional efforts be directed toward building up additional centers of excellence. If our Midwest universities are kept strong, we will have the strongest possible argument for attracting new science-oriented industries into our region. If we allow our existing strong universities to be weakened or our existing strong faculties to emigrate, there will really be little point to efforts to attract science-oriented industries regardless of what political pressures may be brought to bear.

The rather strong position I have taken above results not just from self-interest, but from a very deep conviction that we have not only an imbalance of industry and Government contracts, but an immediate emergency situation which would clearly be in both the national and the regional interest not to allow it to deteriorate further. Corrective steps would be fairly easy to undertake; the emergency is upon us now and the States do not have it within their own resources to support adequately what we must now recognize as a prime national resource, namely, the combined capabilities of the great universities of the Midwest to train the large numbers of scientists and engineers needed by our Nation.

Very sincerely yours,

J.B. PAGE,
*Vice President for Research and Dean,*
*The Graduate College.*

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UNIVERSITY OF NOTRE DAME,
*Notre Dame, Ind., July 23, 1964.*

Hon. GAYLORD NELSON,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: All of us who have been so closely associated with MURA are heartened

by your continuing interest in the regional problems created by the Federal research and development programs. Your statement to the Subcommittee on Science, Research and Development of the House Committee on Science and Astronautics documents these problems forcefully.

Through membership on the National Science Board, I am a party to the policy established for National Science Foundation under which geographical distribution of funds has been an important, if not the controlling factor, in awards for basic research and science education programs. I am glad to say NSF has effected a distribution of these funds that varies from the general population pattern only to the extent it favors somewhat the less populous and affluent States and regions. Of course, NSF is only a small part of the national $15 billion research and development effort but its experimentation with institutional grants and the science development program just approved by the House for fiscal year 1965 may chart new paths to the effective accomplishment of the objectives you have so well stated.

On the local scene, the demise of automobile production by Studebaker has sharpened the sensitivity of our business community to the increasingly dominant role of science and technology in economic growth. To strengthen our position to compete effectively in the Federal research and development programs, the university is continuing to expand the capability of its faculty in science and engineering, is establishing a program of continuing education to serve both the university and the local community and is studying the feasibility of an industrial research program including, possibly, joint sponsorship with the local community of an industrial research park.

In the long run, however, I concur in your judgment that more rational and coordinated planning is needed at the Federal level to insure that the great economic benefits flowing from the national research and development effort are realized in every region of the Nation.

If there is any particular constructive action you think I can now take in furthering the development of our Midwest region through increasingly effective participation in the national research and development effort, please do not hesitate to advise me of it. Meanwhile, you have my very best wishes for your personal happiness in serving our country so devotedly.

Cordially yours,

Rev. THEODORE M. HESBURGH, C.S.C.,
*President.*

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INDIANA UNIVERSITY,
*Bloomington, Ind., July 24, 1964.*

Senator GAYLORD NELSON,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR NELSON: It is heartening to know that you are continuing to press for more attention to the research and development problems of the Midwest. I was most interested in reading your statement to the Subcommittee on Science, Research, and Development of the House Committee on Science and Mathematics.

Attaining a fairer geographical distribution of Federal research and development funds is surely a good cause. I have, for some time, wondered at the Midwest's meeting its educational obligations to the Nation in producing scientists and engineers and the lower rate of scientists produced elsewhere in the country. Yet, most research funds, which are certainly needed to keep this educational process alive, seem to go elsewhere than the Midwest. It seems that the production of scientists and engineers on the coasts does not keep pace with the volume of research funds and the educational obligations that implies.

The equally important problem of the distribution of development funds is of concern to the Midwest. A much closer cooperation and support by midwestern industries for its universities may be a solution to this geographical inequity.

I hope you will continue to devote your energies in calling the attention of the Nation to these problems and the far-reaching consequences of this trend.

Sincerely yours,

HERMAN B. WELLS,
*Chancellor.*

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## CORRECTION OF CERTAIN ERRORS IN THE TARIFF SCHEDULES OF THE UNITED STATES

The Senate resumed the consideration of the bill (H.R. 12253) to correct certain errors in the tariff schedules of the United States.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, H.R. 12253, the Tariff Technical Amendments Act of 1964, contains 74 sections making technical, clarifying and other changes in the Tariff Schedules of the United States, which became effective on August 31, 1963. Largely, these changes correct errors and omissions, reaverage certain rates and conform the schedules to recent court decisions and customs rulings.

The amendments provided for in H.R. 12253 in some instances increase the rates of duty on imported articles and, in other instances, decrease the rates of duty. A number of the amendments are merely clarifying in nature and involve no changes in rates of duty on imported products. Generally speaking, the rate changes provided for are for the purpose of restoring to the particular imported articles involved the actual or approximate tariff rate levels that had previously applied under the old tariff provisions in effect prior to August 31, 1963. In some cases this involved arriving at a weighted average of several different rates. I ask unanimous consent that a table illustrating the purpose of the provisions of the bill as reported by the committee be printed at the conclusion of my statement.

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

(See exhibit 1.)

Mr. LONG of Louisiana. Mr. President, this bill as it came from the House was not regarded as controversial. Its passage by the House on August 17, under suspension of the rules testifies to this. However, after the Senate received the bill, considerable objection was received with respect to three or four provisions. For instance, the treatment of V-belts by the House bill has caused considerable concern among domestic manufacturers of this product. And the classification of zipper tapes as provided by the House bill was seriously questioned.

These objections and others were carefully reviewed by the Committee on Finance. As the result of this study, five provisions of the House bill were deleted and three were amended. The provisions deleted are those relating to V-belts, wood particleboard, certain ball bearings, sausage casings, and round wire. The provisions amended by the committee relate to commutators, fabrics of manmade fiber, and zipper parts. The amendment to the zipper parts provision assures that the American zipper industry will continue to receive the full benefit of a recent customs ruling classifying zipper tape without teeth as "zipper parts" rather than as "narrow fabrics."

In addition to these provisions of the House bill which were deleted or amended, the Committee on Finance added several provisions to the House bill. Two of these, the first relating to certain wool fabrics and the other relating to button blanks, eliminate tariff avoidance devices. In the case of the wool fabrics, it developed that under the new tariff structure a small quantity of high value vegetable fiber, such as flax or ramie, could be combined with a large quantity of low-value reclaimed wool with the result that the completed fabric, although a woolen product for all practical purposes, would be treated for duty purposes as a vegetable fabric thereby avoiding the higher woolen duties. This was not possible under the old tariff structure. The committee amendment deals with this situation by largely restoring the rates which would have applied to this product prior to August 31, 1963.

The button blank problem is similar. The duty on blanks is 36 percent while the duty on finished polester buttons ranges up to about 140 percent. Because of this disparity, the practice has developed of importing buttons which are finished in every material respect, except that no holes have been drilled in them. The only commercial value of this is to avoid the button rate. Under the committee bill, these almost-finished buttons will be subject to the appropriate button rates.

Other amendments added to the bill by the committee eliminate the duty on limestone chips and spalls, certain agricultural machinery and implements, polyethylene imine, and mass spectrometers imported for the use of Pomona College in California and the University of New Hampshire.

The committee bill also includes an amendment dealing with the treatment of continuous cast aluminum. Under the present tariff structure this continuous cast product is treated as unwrought aluminum, dutiable at 1.25 cents per pound, although it may be competitive in many respects with aluminum which has been processed into rods, plates, and shapes which are dutiable at a higher 2.5 cents per pound rate. The committee has adopted a use-test approach as a solution to the problem. Under this amendment continuous cast aluminum imported to be used for unwrought purposes—that is, for melting, ruling, forging, drawing, or extruding—would continue to be dutiable at the unwrought rate of 1.25 cents per pound, while continuous cast aluminum imported for other uses competitive with wrought aluminum would be dutiable at the higher rate of 2.5 cents per pound.

The committee also added the text of H.R. 5986 to this bill. This amendment, which passed the House unanimously, imposes a specific duty of 24 cents on brooms made of broomcorn valued at not over 96 cents, and a duty of 8 cents on each whiskbroom not valued over 32 cents. This amendment largely carries out the recommendations of the Tariff Commission in its 1962 report on the differences in cost of production of brooms in this country and in the principal supplying foreign country, Mexico. I might add that a somewhat similar amendment was adopted by the Senate in 1962 as an amendment to a House-passed bill. However, Congress adjourned then before the House could act on the Senate amendment.

Mr. President, the administration is quite anxious that the Congress act on this bill before adjournment, since the correction of the errors and omissions in the tariff schedules, which this bill accomplishes, will improve our bargaining stature in the forthcoming trade talks at Geneva by making our law more certain.

I urge that the bill as reported by the committee be approved.

EXHIBIT 1

*H.R. 12253—Tariff Schedules Technical Amendments Act of 1964—Outline of provisions*

| Section | Article | Purpose |
|---|---|---|
| 7 | Agricultural bins and sprayers | Rate decrease to free. |
| 37 | Agricultural and horticultural machinery and implements | Clarify. |
| 25 | Aluminum, unwrought | Clarify (rate increase). |
| 46 | Anesthetic apparatus | Court ruling (rate decrease). |
| 69 | Articles assembled abroad | Clarify. |
| 68 | Articles of hair | Clarify (increase or decrease). |
| 28 | Automobile, etc., parts | Generally clarifying. |
| | Automatic voltage-current regulators | New provision (rate decrease). |
| | Electrical articles, parts of | Clarify (rate increase or decrease). |
| | Furniture designed for motor vehicle use | New provision (rate decrease). |
| | Hairsprings | Do. |
| | Hinges and fittings, etc | Do. |
| | Ignition wiring sets, etc | Do. |
| | Lighting equipment | Do. |
| | Permanent magnets | Re-averaging (rate decrease). |
| | Pumps for liquids | New provision; re-averaging (rate decrease). |
| | Repair kits | New provision; ease administration (rate decrease). |
| | Speedometers and tachometers | New provision (rate decrease). |
| 8 | Boxes and cases, certain covered or lined with textile fabrics | Simplification (rate increase and decrease). |
| 43 | Brake regulators | Rate decrease. |
| 63 | Brooms of broomcorn | Tariff Commission investigation (rate increase). |
| 58 | Buckles and buckle slides | Court ruling (rate decrease). |
| 57 | Button blanks | Correct avoidance (rate increase). |
| 32 | Camping and picnic sets, certain | Clarify (rate decrease). |
| 18 | Cellulose compounds; lignin | Clarify (rate increase). |
| 34 | Chain and chains | Clarify. |
| 71 | Coconut, palm oils | Rate decrease. |
| 66 | Colostomy bags | Do. |
| 39 | Commutators | Do. |
| 48 | Comparators | Clarify. |
| 20 | Concrete | Do. |
| 42 | Conductors, copper insulated | New provision (rate increase). |
| 4 | Containers not imported empty | Clarify. |
| 40 | Dictation machines | Rate decrease. |
| 32 | Dissecting tools fitted into cases containing microscopes | Clarify (rate decrease). |
| 50 | Editors and combination editor splicers for motion-picture films | Customs ruling (rate increase). |
| 17 | Esters of monohydric alcohols | Clarify. |
| 13 | Fabrics, ornamented or with tucks | Correct potential avoidance (rate increase). |
| 30 | Files and rasps | Clarify (rate decrease). |
| 64 | Fireworks | Rate decrease. |
| 6 | Florist articles | Clarify. |
| 67 | Fly ribbons | New provision (rate decrease). |
| 9 | Gasketing materials of ground or pulverized cork | Do. |
| 23 | Glass, colored or special | Conforming (rate decrease). |
| 5 | Grape juice | Rate increase. |
| 51 | Halftone screens made photographically on plastics material | New provision (rate decrease). |
| 73 | Handbags and luggage, certain | Temporary retroactive rate decrease. |
| 33 | Handtool, parts of | Clarify. |
| 45 | Headwear of fur not on the skin | Do. |
| 44 | Headwear of pandan | New provision (rate decrease). |
| 35 | Horseshoes | New provision (rate increase). |
| 72 | Import restrictions (sec. 22, Agricultural Adjustment Act) | Eliminates administrative burden. |
| 38 | Jacquard cards; parts of taps, valves, etc | Clarify (rate increase). |
| 59 | Jewelry clasps | New provision (rate decrease). |
| 56 | Jewelry, costume | Rate increase. |
| 21 | Limestone spalls, etc | Rate decrease to free. |
| 15 | Labels of manmade fibers | Court decision (rate decrease). |
| 16 | Lactic acid | Re-averaging of rates (increase). |
| 53 | Magnetic tape, recordings on, etc | Re-averaging of rates (decrease). |
| 12 | Manmade fabrics, certain | Correct avoidance (rate increase). |
| 74 | Mass spectrometer for certain universities | Rate decrease to free. |
| 36 | Metal products, enameled, miscellaneous | Clarify. |
| 54 | Musical instruments, electronic | New provision (rate increase). |
| 52 | Papers, heat-sensitive | Re-averaging of rates (decrease). |
| 31 | Pencil sharpeners and lead and crayon pointers | Clarify. |
| 29 | Picks and mattocks | Re-averaging of rates (decrease). |
| 24 | Platinum, certain semimanufactured | Rate decrease to free. |
| 55 | Playing cards | Rate decrease. |
| 70 | Polyethylene imine | Rate decrease to free. |
| 65 | Rubber and plastic film, strips, sheets, and plates | Redefinition of sizes (increase and decrease). |
| 10 | Shoeboard | Rate increase. |
| 60 | Slide-fastener parts | Clarify (rate decrease). |
| 46 | Stethoscopes | Court ruling (rate decrease). |
| 22 | Subporcelain refractory articles | Clarify (rate increase). |
| 47 | Surveying compasses | Rate increase. |
| 39 | Synchronous motors | Rate decrease. |
| 19 | Synthetic resins and plastic materials | Clarify (rate decrease). |
| 14 | Swiss-type curtains and drapes | Do. |
| 26 | Tableware and household utensils | Court ruling (rate increase or decrease). |
| 11 | Textile fabrics, coated, filled, or laminated with rubber or plastics; articles made from such fabrics | Clarify (rate decrease). |
| 41 | Television picture tubes | New provision (rate increase). |
| 62 | Toothbrushes, electric | Rate increase. |
| 49 | Watch or clock movements, combination articles containing | Correct potential avoidance (rate increase). |
| 27 | Wire fencing, certain galvanized | Court ruling (rate decrease). |
| 12 | Wool fabrics, certain | Correct avoidance (rate increase). |
| 61 | Wreaths, etc., dried | Rate decrease. |
| 12 | Yarns, measure of certain | Clerical. |

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as amended be considered as original text for purposes of amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, reserving the right to object, I think we had better have the RECORD show what the amendments are.

Mr. LONG of Louisiana. I have done so already. All I am asking is that the committee amendments be agreed to en bloc and that the bill as amended be considered as original text for purposes of amendment.

Mr. DIRKSEN. I have no objection.

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

The amendments agreed to en bloc are as follow:

On page 2, line 12, after "(a)", to strike out "The" and insert "Except as provided in sections 21(c), 63(b), and 70(b), the"; in line 25, after the word "amendments", to insert "(other than the amendments made by sections 21(a) and 70(a))"; on page 4, at the beginning of line 3, to strike out "69" and insert "72"; on page 6, after the chart following line 4, to strike out:

"SEC. 10. WOOD PARTICLE BOARD.

"Item 245.50 (p. 98) is amended by striking out '12% ad val,' and inserting in lieu thereof '20% ad val.'."

At the beginning of line 8, to change the section number from "11" to "10"; at the beginning of line 11, to change the section number from "12" to "11"; on page 9, at the beginning of line 12, to change the section number from "13" to "12"; in the heading at the beginning of line 14, to strike out "Fibers" and insert "Fibers or Wool"; on page 10, in the heading in line 4, after the word "Made", to strike out "Fibers" and insert "Fibers or Wool"; after line 6, to strike out:

| | | | |
|---|---|---|---|
| 335.60 | Over 50 percent by weight of yarns which yarns are composed of fibers not exceeding 5 inches in length and contain not less than 50 percent by weight of manmade fibers | 25¢ per lb. + 22.5% ad val. | 45¢ per lb. + 70% ad val. |

And, in lieu thereof, to insert:

| | | | |
|---|---|---|---|
| 335.55 | Containing over 17 percent of wool by weight | 30¢ per lb. +45% ad val. | 40¢ per lb. +55% ad val. |
| 335.60 | Fabrics, other than the foregoing, containing over 50 percent by weight of yarns which yarns are composed wholly of fibers not exceeding 5 inches in length and contain not less than 50 percent by weight of manmade fibers | 25¢ per lb. +22.5% ad val. | 45¢ per lb. +70% ad val. |

At the beginning of line 7, to change the section number from "14" to "13"; on page 11, after line 11, to strike out:

"SEC. 15 BELTING AND BELTS FOR MACHINERY.

"(a) IN GENERAL.—Items 358.05 and 358.10 (p. 147) and the article descriptions preceding such items are repealed and there is inserted in lieu thereof the following:

| | | | |
|---|---|---|---|
| | Belting and belts, for machinery, of textile fibers or of such fibers and rubber or plastics: | | |
| 358.02 | V-belts | 8.5% ad val. | 25% ad val. |
| | Other: | | |
| | Of vegetable fibers, or of such fibers and rubber or plastics: | | |
| 358.05 | Not in part of rubber or plastics | 12% ad val. | 30% ad val. |
| 358.06 | In part of rubber or plastics | 16% ad val. | 30% ad val. |
| | Of wool: | | |
| 358.08 | Woven | 37.5¢ per lb. + 15% ad val. | 50¢ per lb. + 60% ad val. |
| 358.09 | Other | 32% ad val. | 50% ad val. |
| 358.11 | Of silk | 27.5% ad val. | 65% ad val. |
| 358.14 | Of man-made fibers | 25¢ per lb. + 30% ad val. | 45¢ per lb. + 65% ad val. |
| 358.16 | Other | 12.5% ad val. | 25% ad val. |

"(b) MACHINERY BELTS NOT CONTAINING TEXTILE FIBERS.—Item 773.35 (p. 395) is amended by striking out 'vegetable fibers' and inserting in lieu thereof 'textile fibers'."

On page 12, at the beginning of line 5, to change the section number from "16" to "14"; at the beginning of line 13, to change the section number from "17" to "15"; at the beginning of line 16, to change the section number from "18" to "16"; on page 13, at the beginning of line 3, to change the section number from "19" to "17"; at the beginning of line 8, to change the section number from "20" to "18"; on page 14, at the beginning of line 6, to change the section number from "21" to "19"; at the beginning of line 17, to change the section number from "22" to "20"; at the top of page 15, to insert a new section, as follows:

"SEC. 21. LIMESTONE CHIPS AND SPALLS, ETC.

"(a) FREE ENTRY.—Item 513.34 (p. 226) and item 514.11 (p. 227) are each amended—

"(1) by striking out '20¢ per short ton' and inserting in lieu thereof 'Free', and

"(2) by striking out '$1 per short ton' and inserting in lieu thereof 'Free'.

"(b) CONFORMING AMENDMENTS.—

"(1) Item 480.05 (p. 215) is repealed.

"(2) Schedule 5, part 1, subpart C, headnote 1 (p. 226) is amended by striking out subparagraph (i), and by redesignating subparagraphs (ii) through (vi) as subparagraphs (i) through (v), respectively.

"(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act."

At the beginning of line 18, to change the section number from "23" to "22"; on page 16, at the beginning of line 1, to change the section number from "24" to "23"; at the beginning of line 6, to change the section number from "25" to "24"; after line 10, to strike out:

"SEC. 26. ROUND WIRE.

"Schedule 6, part 2 is amended by striking out items 609.40 and 609.42 and the article descriptions preceding item 609.40 (p. 271) and inserting in lieu thereof the following:

| | | | |
|---|---|---|---|
| | Round wire: | | |
| | Other than alloy iron or steel: | | |
| 609.40 | Under 0.060 inch in diameter | 8.5% ad val. | 25% ad val. |
| | 0.060 inch or more in diameter: | | |
| 609.41 | Containing not over 0.25 percent by weight of carbon | 0.3¢ per lb. | 1.25¢ per lb. |
| 609.43 | Containing over 0.25 percent by weight of carbon | 8.5% ad val. | 25% ad val. |

And, in lieu thereof, to insert:

"SEC. 25. UNWROUGHT ALUMINUM.

"Schedule 6, part 2 is amended by striking out item 618.01 and the article description preceding such item, item 618.02 and the article description preceding such item, item 618.04 and the article description preceding such item, and item 618.06 (p. 279) and inserting in lieu thereof the following:

| | | | |
|---|---|---|---|
| | Unwrought aluminum: | | |
| 618.03 | Aluminum silicon | 2.125¢ per lb. | 5¢ per lb. |
| 618.05 | Other: Products of uniform cross-section throughout their length (except any such product the least cross-sectional dimension of which is not greater than 0.375 inch, in coils) imported to be melted, rolled, forged, drawn, or extruded; and products other than those of uniform cross-section throughout their length | 1.25¢ per lb. | 4¢ per lb. |
| 618.07 | Other | 2.5¢ per lb. | 7¢ per lb. |

On page 17, at the beginning of line 1, where it appears the second time, to change the section number from "27" to "26"; on page 18, at the beginning of line 1, to change the section number from "28" to "27"; at the beginning of line 13, to change the section number from "29" to "28"; on page 19, after the table following line 5, to strike out:

"(e) BALL BEARINGS WITH INTEGRAL SHAFTS.—Item 680.35 (p. 319) is repealed and there is inserted in lieu thereof the following:

| | | | |
|---|---|---|---|
| | Ball or roller bearings, including such bearings with integral shafts, and parts thereof: | | |
| 680.34 | Ball bearings with integral shafts | 12% ad val. | 35% ad val. |
| 680.35 | Other | 3.4¢ per lb. +15% ad val. | 10¢ per lb. +45% ad val. |

At the beginning of line 9, to strike out "(f)" and insert "(e)"; on page 20, at the beginning of line 1, to strike out "(g)" and insert "(f)"; at the beginning of line 12, to strike out "(h)" and insert "(g)"; at the

beginning of line 15, to strike out "(i)" and insert "(h)"; at the beginning of line 18, to strike out "(j)" and insert "(i)"; on page 21, at the beginning of line 3, to strike out "(k)" and insert "(j)"; on page 22, at the beginning of line 4, to strike out "(l)" and insert "(k)"; at the beginning of line 7, to change the section number from "30" to "29"; at the beginning of line 10, to change the section number from "31" to "30"; at the beginning of line 14, to change the section number from "32" to "31"; on page 23, at the beginning of line 1, to change the section number from "33" to "32"; on page 24, at the beginning of line 3, to change the section number from "34" to "33"; at the beginning of line 7, to change the section number from "35" to "34"; at the beginning of line 21, to change the section number from "36" to "35"; on page 25, at the beginning of line 1, to change the section number from "37" to "36"; after line 7, to insert:

"SEC. 37. AGRICULTURAL AND HORTICULTURAL MACHINERY AND IMPLEMENTS, AND PARTS THEREOF.

"The article description for item 666.00 (p. 313) is amended by inserting after 'farm wagons and carts,' the following: 'milking machines, on-farm equipment for the handling or drying of agricultural or horticultural products,'."

On page 26, to strike out the table after line 8, as follows:

| | | | |
|---|---|---|---|
| "682.52 | Commutators | 12.5% ad val. | 35% ad val. ' |

And insert in lieu thereof:

| | | | |
|---|---|---|---|
| "682.52 | Commutators: | | |
| | With diameter of brush surface not over 1½ inches | 8½% ad val. | 35% ad val. |
| 682.53 | With diameter of brush surface over 1½ inches | 12½% ad val. | 35% ad val. " |

After the amendment just above stated, to insert a new section, as follows:

"SEC. 40. DICTATION RECORDING AND TRANSCRIBING MACHINES.

"Schedule 6, part 5, is amended by striking out items 685.40 and 685.42 and the article description preceding item 685.40 (p. 323) and inserting in lieu thereof the following:

| | | | |
|---|---|---|---|
| "' 685.40 | Tape recorders and dictation recording and transcribing machines, and parts thereof | 11.5% ad val. | 35% ad val. ' " |

At the beginning of line 14, to change the section number from "40" to "41"; on page 27, at the beginning of line 1, to change the section number from "41" to "42"; at the beginning of line 4, to change the section number from "42" to "43"; at the beginning of line 8, to change the section number from "43" to "44"; at the beginning of line 11, to change the section number from "44" to "45"; at the beginning of line 15, to change the section number from "45" to "46"; on page 28, at the beginning of line 6, to change the section number from "46" to "47"; at the beginning of line 10, to change the section number from "47" to "48"; at the beginning of line 14, to change the section number from "48" to "49"; on page 29, at the beginning of line 17, to change the section number from "49" to "50"; on page 30, at the beginning of line 1, to change the section number from "50" to "51"; at the beginning of line 6, to change the section number from "51" to "52"; at the beginning of line 9, to change the section number from "51" to "52"; at the beginning of line 9, to change the section number from "52" to "53"; at the beginning of line 15, to change the section number from "53" to "54"; on page 31, at the beginning of line 1, to change the section number from "54" to "55"; at the beginning of line 4, to change the section number from "55" to "56"; after line 10, to insert a new section, as follows:

"SEC. 57. BUTTON BLANKS.

"The article description for item 745.40 (p. 380) is amended by striking out 'Button blanks and molds,' and inserting in lieu thereof 'Button molds,'."

At the beginning of line 15, to change the section number from "56" to "58"; on page 32, at the beginning of line 1, to change the section number from "57" to "59"; at the beginning of line 4, to change the section number from "58" to "60"; in line 8, after the word "lengths", to strike out "but not including tapes wholly of textile fibers"; at the beginning of line 10, to change the section number from "59" to "61"; at the beginning of line 14, to change the section number from "60" to "62"; on page 33, after line 3, to insert a new section, as follows:

"SEC. 63. BROOMS MADE OF BROOM CORN.

"(a) IN GENERAL.—Schedule 7, part 8, subpart A is amended by striking out items 750.30 and 750.31 (p. 383) and inserting in lieu thereof the following:

| | | | |
|---|---|---|---|
| " ' | Brooms and brushes consisting of vegetable materials bound together but not mounted or set in a block or head, with or without handles: | | |
| | Brooms wholly or in part of broom corn: | | |
| | Whiskbrooms: | | |
| 750.28 | Valued not over 32¢ each | 8¢ each | 8¢ each |
| 750.29 | Valued over 32¢ each | 25% ad val. | 25% ad val. |
| | Other brooms: | | |
| 750.30 | Valued not over 96¢ each | 24¢ each | 24¢ each |
| 750.31 | Valued over 96¢ each | 25% ad val. | 25% ad val. |
| 750.32 | Other | 25% ad val. | 25% ad val. |
| 750.33 | If product of Cuba | 20% ad val.(s) | ' |

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 30th day after the date of the enactment of this Act."

At the beginning of line 12, to change the section number from "61" to "64"; on page 34, at the beginning of line 1, to change the section number from "62" to "65"; at the beginning of line 10, to change the section number from "63" to "66"; at the beginning of line 13, to change the section number from "64" to "67"; after the table following line 15, to strike out:

"SEC. 65. SAUSAGE CASINGS.

"Item 790.45 (p. 397) is amended by striking out '16% ad val.' and inserting in lieu thereof '12.5% ad val.'."

At the beginning of line 19, to change the section number from "66" to "68"; on page 35, at the beginning of line 1, to change the section number from "67" to "69"; after line 12, to insert a new section, as follows:

"SEC. 70. POLYETHYLENE IMINE.

"(a) IN GENERAL.—Part 1, subpart B of the appendix is amended by inserting immediately below item 907.30 (p. 432) the following new item:

| | | | | | |
|---|---|---|---|---|---|
| " ' | 907.40 | Polyethylene imine (provided for in item 445.50, item 493.50, or item 425.52) | Free | Free | On or before 6/30/67 ' |

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act."

On page 36, at the beginning of line 1, to change the section number from "68" to "71"; at the beginning of line 6, to change the section number from "68" to "72"; after line 21, to insert a new section, as follows:

"SEC. 73. CERTAIN LUGGAGE AND HANDBAGS.

"In the case of an article (other than flat goods) provided for in item 706.24 of the Tariff Schedules of the United States, if—

"(1) the textile materials of chief value in such article are fabrics coated or filled, or laminated, with rubber or plastics,

"(2) such article was imported before September 1, 1964, and

"(3) such article was entered, or withdrawn from warehouse, for consumption after August 30, 1963, and before December 31, 1964,

such article shall be treated as if it were provided for in item 706.60 of such schedules. This section shall apply in the case of any such article entered or withdrawn before the date of the enactment of this Act only upon request filed with the collector of customs concerned on or before the 120th day after the date of enactment of this Act, and upon such request the entry or withdrawal of such article shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of this section."

And, on page 37, after line 18, to insert a new section, as follows:

"SEC. 74. MASS SPECTROMETERS IMPORTED FOR USE OF CERTAIN COLLEGES.

"(a) The Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer for the use of Pomona College, Claremont, California.

"(b) The Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer for the use of the University of New Hampshire.

"(c) Subsections (a) and (b) shall apply to the articles described therein whether such articles were entered before the date of the enactment of this Act or are entered on or after such date. If any such article was entered before such date, the entry involved shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of this section."

Mr. LONG of Louisiana. Mr. President, I offer an amendment, which I send to the desk, which would make two clerical changes in the bill. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. KUCHEL. Mr. President, may we have an explanation of the proposed changes?

Mr. LONG of Louisiana. They are clerical changes.

Mr. KUCHEL. I am sure that is all the amendment embraces, but my attention was distracted for a moment.

All I wish to know is—and I am sure that my able friend will confirm that that is the situation—that any of us who desire to direct ourselves by way of an amendment to any provision of the bill as it has come from the committee will have the right to do so.

Mr. LONG of Louisiana. Of course.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The amendment is as follows:

On page 37, line 7, after "and" insert "on or".

On page 37, line 14, after "date of" insert "the".

Mr. SMATHERS and Mr. JAVITS addressed the Chair.

Mr. LONG of Louisiana. Mr. President, I had agreed to yield first to the Senator from Florida [Mr. SMATHERS]. Then I shall be happy to yield to the Senator from New York.

Mr. SMATHERS. Mr. President, with respect to section 25 of the bill, which deals with aluminum, I have received a number of telegrams from people who are in the business of making window sills and using molding aluminum. That industry provides many jobs for many people in my State and elsewhere throughout the United States. It is their contention that the particular section to which I have referred, which the Senate Finance Committee adopted, as I understand, would raise the tariff considerably on imported aluminum, the basic quality of aluminum which those people use, and the increase would be very detrimental to their particular business. I did not hear the Senator's full remarks, but I did hear him make some reference to aluminum. I wonder if he has any view on this particular section.

Mr. LONG of Louisiana. What we have in the bill involves a problem that arises from changing over from a "product" concept to a "process" concept of classification, and that is a subject with which we shall have to deal in conference. It will be in conference between the Senate and the House. The domestic aluminum industry feels that it has been victimized by the practice that is being used, which I discussed in my speech, of bringing in large amounts of aluminum which should be taxed at the higher rate and instead is taxed at the lower rate. If the Senator would care to have me do so, I should be happy to repeat that portion of my speech.

Mr. SMATHERS. I wonder if I may first make a brief statement and then have the Senator's comment on it, because he may be able to answer the question.

As I understand, section 25 should be deleted because, first, it proposes to increase the duty on continuous cast aluminum, which proposal was fully reviewed and rejected by the Tariff Commission and by the Committee on Ways and Means.

Second, a Bureau of Customs ruling of September 28, 1962, relating to continuous cast aluminum does not reflect any existing or past customs practice, and was reviewed and found by the Tariff Commission to provide no basis for modifying its findings.

I am informed that actual importations of continuous cast aluminum have for many years been uniformly assessed for duty as crude, that is, unwrought aluminum.

I am further informed that continuous cast aluminum is not commercially interchangeable in use with "comparable" shapes that are "wrought".

I am further informed that the proposed "use" tests would double the existing duty on some crude products and create difficult administrative problems and long delays in final settlement of the duty liability.

Finally, I am informed that existing tariff schedules are clear and provide adequate tests for classification of aluminum.

Therefore, if this amendment which was added in the Finance Committee should now be dropped——

Mr. LONG of Louisiana. The reason why the Ways and Means Committee did nothing about this was that its members studied the problem and did not have time to find an answer to it. What we are recommending is not what the domestic industry really wanted. What we are recommending is a solution which represents what the Finance Committee felt was what the appropriate answer should be.

Mr. SMATHERS. Will the Senator yield at that point?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. It is my understanding that the Tariff Commission rejected the proposal to increase the duty on continuous cast aluminum.

Mr. LONG of Louisiana. The Commission did not reject what is in the bill. This provision is in the bill with the technical advice of the Tariff Commission staff. What the industry was asking for, and what was declined in the House, was far more favorable to the domestic industry than what we are proposing. As I understand, this amendment is necessary in order to clarify the law. Its necessity arises because we are changing from one method of classification to another. It used to be classified on a product basis. Now we are to classify it on a process basis, depending on the particular use of the imported aluminum.

As I understand, the reason for the amendment and the reason why it is necessary is that continuous cast aluminum is not distinguishable from rolled aluminum, and rolled aluminum is clearly dutiable at the higher rate. Since the two are not distinguishable the rate of duty on them should be the same and that is what the committee amendment proposes.

Mr. SMATHERS. Many businesses have as their basic product continuous cast aluminum. If they have to pay an 8.5 percent duty on this aluminum, which they now import, and which goes into all kinds of kitchen utensils, windows, louvers, and products of that kind, they will be forced out of business. When this problem was brought up with the Tariff Commission, the Tariff Commission rejected the recommendation for a higher tariff on continuous cast aluminum.

Mr. LONG of Louisiana. The problem is that if companies are using the product as a raw material, they pay the raw material rate, which is the lower rate. If they are using it as a manufactured or semimanufactured product, they will have to pay the rate that is applicable to a manufactured or semimanufactured product. That is what they should pay. The Tariff Commission declined to do what the domestic industry was asking for initially. It still does. That is the kind of proposal that was declined by the Ways and Means Committee of the House. The Ways and Means Committee did not have the advice possessed by the Senate Finance Committee. We had an opportunity to study the problem. A former majority leader used to say to me, "Don't bring me any more problems. Bring me the answers; I have all the problems I want now." We have the problem. This is the solution we offer.

Mr. SMATHERS. I agree with the Senator when he says, "Do not bring me any more problems." The reason I am bringing him this problem is that the problem was brought to me by small manufacturers of windows, louvers, and products of that character, not only in my State but in other States. The difficulty is in distinguishing between continuous cast aluminum and rolled aluminum. Therefore the Finance Committee has decided against the little businessman, it seems to me, and decided in favor of the big corporations—unintentionally, I believe.

Mr. LONG of Louisiana. The manufacturers of whom the Senator from Florida is speaking should be protected. The Senator is going to be a conferee, if the bill ever goes to conference, and he will be in a position to look after their interests. The little manufacturer should be able to get the raw material at the raw material rate, if he wants to get it to manufacture into a finished product. If what the manufacturer is getting is in effect the manufactured or semimanufactured product rather than the raw material, he should pay on the manufactured product basis.

The Senator will be one of the conferees. He will be able to devise some protection for those who are affected and who should not be adversely affected by the provision. But if the manufacturers who use the material are obtaining that material as a manufactured or semimanufactured product, they should pay the rate in effect for manufactured or semimanufactured products. The existing problem arises because of the change made from a product basis to a process basis.

That change advantages our Canadian friends to the detriment of American producers. We want to clarify the law to the extent that those entitled to the

lower rate will get it, and those who should be paying the rate for a finished commodity will pay that rate for it.

This question will be in conference. The House considered a similar problem. It did not have the answer. The House may reject this amendment, but the Senator will be able to try to help adjust the matter. We do not want to hurt anyone who has a proper, reasonable basis to be given favorable consideration.

Mr. SMATHERS. I thank the Senator. I know from his past record that he is always endeavoring to help the small manufacturer and the small businessman. If we can obtain a clarification in the interest of the small manufacturer—and, therefore, the employees of that manufacturer will likewise be served—we shall be performing the task which we are trying to do.

Mr. LONG of Louisiana. It is my honor to occupy a seat beside the Senator on the Small Business Committee. The Senator from Florida is sitting next to the chairman of that committee, who has been on that committee since its institution. I have been on the committee since that time. I am interested in seeing that small business is not in any way injured, and in giving it the consideration to which it is entitled.

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

Mr. LONG of Louisiana. I yield to the Senator from Washington.

Mr. MAGNUSON. I thank the committee for putting in the bill section 21, which relates to limestone. I hope it will be sustained in conference. Once before, near the end of a session, we lost it in conference. I hope this section will be sustained in conference. I do not want the provision to be lost, because it involves a peculiar problem in my State, where the crude stone is alongside the border and the plant is on the other side of the border. A negligible amount moves, but the difference of 20 cents a short ton means the difference between whether or not two or three companies on the border can remain in business.

I thank the Senator for including this provision. I hope the conference will sustain it.

Mr. LONG of Louisiana. I thank the Senator. This provision was agreed to by the Senate 2 years ago. Unfortunately the House adjourned before we could obtain action on it. I hope that does not happen again.

Mr. MAGNUSON. I hope not.

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

Mr. LONG of Louisiana. I yield to the Senator from Kansas.

Mr. CARLSON. I wish to return to the discussion of aluminum which was carried on by the Senator from Louisiana and the Senator from Florida.

Some concern has been expressed to me about this section of the bill. The Senator from Louisiana has expressed the thought very well, indeed. The subject will be in conference. As a matter of usual procedure I shall probably be a conferee. I shall try to be helpful in meeting this problem if some changes must be made. There are some who are concerned about the situation which might develop.

Mr. LONG of Louisiana. I note the presence in the Chamber of a distinguished Member of the House of Representatives who is observing the proceedings. In view of the fact that the House has declined to do anything on this subject, we can be pretty sure that no violence will be done, because the House is not easy to persuade on some matters.

Mr. CARLSON. Having served as a conferee on matters in conference with the House I can readily appreciate the remarks of the Senator from Louisiana.

Mr. KUCHEL. Mr. President, I wish to say to the acting chairman of the Committee on Finance, my able friend from Louisiana, that there are in the bill some items which are not noncontroversial, but concerning which there is vigorous dispute as to whether they should be included in the bill.

In a moment I shall call up an amendment, on behalf of my able friend the senior Senator from New York [Mr. JAVITS], and myself, to strike from the bill certain language on page 33 of the bill, dealing with brooms.

I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 33 it is proposed to strike out lines 4 through 11—section 63—of the bill, as follows:

SEC. 63. BROOMS MADE OF BROOM CORN.

(a) IN GENERAL.—Schedule 7, part 8, subpart A is amended by striking out items 750.30 and 750.31 (p. 383) and inserting in lieu thereof the following:

"

| | | | |
|---|---|---|---|
| | Brooms and brushes consisting of vegetable materials bound together but not mounted or set in a block or head, with or without handles: | | |
| | Brooms wholly or in part of broom corn: | | |
| | Whiskbrooms: | | |
| 750.28 | Valued not over 32¢ each | 8¢ each | 8¢ each |
| 750.29 | Valued over 32¢ each | 25% ad val. | 25% ad val. |
| | Other brooms: | | |
| 750.30 | Valued not over 96¢ each | 24¢ each | 24¢ each |
| 750.31 | Valued over 96¢ each | 25% ad val. | 25% ad val. |
| 750.32 | Other | 25% ad val. | 25% ad val. |
| 750.33 | If product of Cuba | 25% ad val.(s) | |

"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 30th day after the date of the enactment of this Act.

And to renumber the succeeding sections.

Mr. KUCHEL. It is my understanding that this language, which the Senator from New York and I seek to have stricken from the bill, was not the subject of any testimony in either the House committee or in the Senate committee. Is that correct?

Mr. LONG of Louisiana. A discussion was held in executive session in the Ways and Means Committee, at which representatives of the executive branch of the Government appeared and explained the views of the executive branch with regard to this problem. No public hearing was held, however.

Mr. KUCHEL. No testimony was taken and printed?

Mr. LONG of Louisiana. I do not believe any public testimony was taken.

Mr. KUCHEL. Neither was any testimony taken in the Senate Finance Committee. Is that correct?

Mr. LONG of Louisiana. Not in the Finance Committee; no.

Mr. KUCHEL. Mr. President, it is most regrettable that a problem that is controversial does not come to the Senate in a form in which Members of the Senate have an opportunity to read for themselves the testimony, pro and con, on that subject.

What we talk about in this part of the bill is a situation that deals with the importation into the American economy of brooms. The American market today is controlled by the American producers of brooms to the extent of 98 percent of the market. About 2 percent of the market is occupied by foreign importation of brooms.

Our neighbor to the south of us, Mexico, is responsible for about half of the amount of the importation.

With respect to what is sought to be done in the bill, a few years ago the Tariff Commission held a hearing. It did not find that the American producer of brooms was damaged. It did say that, with respect to the problem of equalizing the costs, the tariff on brooms ought to be increased if we measure the difference in terms of the American selling price.

The late President of the United States, John F. Kennedy, overruled the determination of the Tariff Commission.

This year, the Senate has received from the House of Representatives a bill to do that which was overruled by the late President, and it is sought to be done without benefit of any testimony pro or con.

Statements were filed with the Committee on Finance by the Treasury, the Department of Commerce, the Department of Agriculture, and the Department of State. All of them objected to the enactment of the bill.

Representatives of the State Department asked for an opportunity to testify, but were not called. American producers occupy 98 percent of the American market. Some are located in the State which I represent. Some of them have asked me to oppose the proposal which would increase the duty on the importation of 2 percent of the brooms sold in this country on a sliding scale basis, which would vary from 120 to 125 percent.

With respect to the pending amendment, the Senate should strike from the provisions of this "noncontroversial and technical bill" provisions which are neither noncontroversial nor technical, and give an opportunity to the people who are interested to come forward and testify before the Senate and Congress makes its decision up or down on a controversial issue.

In all that I have said I have made no statement with respect to our neighbor. I devotedly believe in strengthening the

ties which exist between the Government and the people of the United States and the Government and people of Mexico and Canada. I believe in hemispheric solidarity. I wish to see the Alliance for Progress work. I voted for the Trade Expansion Act, which is now the law of the land. I did so having clearly in mind the policy set forth in the legislation, to expand trade.

With respect to trade between the United States and the Republic of Mexico, the United States, in 1963, the last year for which figures are available, sold to Mexico $830 million worth of U.S. goods, and Mexico sold to the United States $595 million worth of goods. The favorable balance on our side is almost a quarter of a billion dollars; $235 million, to be precise.

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

Mr. KUCHEL. I yield.

Mr. LAUSCHE. Which are the nations that are mainly interested in selling brooms to our country?

Mr. KUCHEL. Mexico occupies about one-half of the 2-percent market.

Mr. LAUSCHE. What other countries?

Mr. KUCHEL. Italy is one of them. There are a number of others which occupy the 2-percent market.

Mr. LAUSCHE. It is proposed to increase the tariff on this 2 percent of broom imports, and this is objected to by our broom manufacturers?

Mr. KUCHEL. By some of our broom manufacturers; but, for the purpose of the record, by the Senator from California. Also, it was objected to by the late President of the United States, John Fitzgerald Kennedy, and is now objected to by the Department of Commerce, the Department of Agriculture, the Treasury Department, and the State Department.

Mr. LAUSCHE. Is it the position of the Senator from California that the increase on this 2 percent of imports ought not to stand in the way of maintaining our good relations around the world?

Mr. KUCHEL. The position of the Senator from California is that if Congress deals with tariff schedules, there ought to be a public hearing at which the pros and cons can be heard, and the committee—the Senator from Ohio and I not being members of the Committee on Finance—can determine whether they believe a case has been made for a change in the schedule.

Mr. LAUSCHE. Is the Senator from California for or against the change?

Mr. KUCHEL. I favor taking this controversial item out of this generally noncontroversial bill, so that a hearing might be held and witnesses may come forward to testify.

Mr. LAUSCHE. If we settle the broom question and settle the button question, will that button up the tariff argument?

Mr. KUCHEL. Only God knows; I do not.

Mr. LAUSCHE. Can I feel that this bill will be buttoned up if we settle the button question?

Mr. KUCHEL. I cannot answer the question: I do not know.

Mr. LAUSCHE. Does not the Senator have any belief that further complications might be involved in the consideration of the bill? Is there any talk about throwing the medicare bill into the tariff bill?

Mr. KUCHEL. Into this bill?

Mr. LAUSCHE. Yes.

Mr. KUCHEL. I had never heard of that until the Senator asked me the question.

Mr. LAUSCHE. If we button up the button aspect of the bill, will that mean that the tariff bill has been buttoned up? That is a peculiar question, but it sounds all right to me.

Mr. BENNETT. Mr. President, will the Senator yield, so that I may reply?

Mr. KUCHEL. The Senator from California has the floor; I am delighted to yield to the Senator from Utah.

Mr. BENNETT. I should like to inform my friend from Ohio that I have an amendment to try to solve the sugar problem, and I shall offer it to this bill.

Mr. LAUSCHE. The solution of the button controversy will not button up the tariff bill. How long will we stay here with these various problems, trying to get them through the Senate, not letting Senators return home to duly and fully consider issues, without pressure of time?

Mr. DIRKSEN. Until Christmas.

Mr. KUCHEL. Would the Senator prefer that I button up my mouth and not raise in the Senate what I believe to be an issue that the Senate ought to pass on?

Mr. LAUSCHE. I have been intrigued by the button and broom aspects of the bill. Are we going to use the broom to sweep everything into the bill, and the button to button everything up?

Mr. KUCHEL. I thank my able friend for his contribution.

Mr. President, I have received a letter from Assistant Secretary of State Thomas Mann, an able career officer in the Foreign Service of the country. He formerly was U.S. Ambassador to Mexico. I have high respect for him. I shall read what he has written to me; then I shall conclude:

ASSISTANT SECRETARY OF STATE,
*Washington, D.C., September 28, 1964.*

Hon. THOMAS H. KUCHEL,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR KUCHEL: May I call your attention to the facts surrounding H.R. 5986, a bill to increase by 500 percent the duty applying to import of brooms made of broomcorn which has now been added to the provisions of H.R. 12253.

As you know, the Department has opposed the increased tariff on brooms since it would adversely affect U.S. efforts to maintain and enlarge foreign markets for U.S. products under the Trade Expansion Act and would have particularly adverse effects on our neighbor, Mexico. Almost all the brooms which Mexico (the principal supplying country) ships to us are made in Cadereyta, a small town of 10,000 people in northeastern Mexico. Since the majority of the population of Cadereyta is employed either in growing broomcorn or in making brooms, the passage of the broom tariff would therefore have a serious effect on this small community. I should also like to point out that the value of broom imports from Mexico is negligible, equivalent to only 1 percent of U.S. broom production.

On the other hand, trade is vital to the success of the Alliance for Progress. I therefore do not believe the passage of this tariff on brooms to be in our own national interest.

Sincerely yours,

THOMAS C. MANN.

Mr. President, I can only add that the importation from Mexico amounts to less than half a million dollars a year. The American production of brooms has increased each year to the point where it occupies 98 percent of the American market, running now into some $33 million or more.

If the bill were passed as it is before us, it would destroy a community in Mexico. It would not destroy the Mexican economy; that is true. Nevertheless, it would smack the good-neighbor policy in the face. I do not believe we ought to do that kind of legislating in the U.S. Senate.

Therefore, I hope that the amendment that the able Senator from New York [Mr. JAVITS] and I have offered together may be approved by the Senate, so that this controversy can be scrutinized and a decision made as the result of a complete hearing, when the pros and the cons may come forward, through representatives, and there will be a confrontation with cross-examination. Then let Congress work its will, rather than in this fashion summarily overruling the executive branch and many other people in this country, and register an affront to a good neighbor.

Mr. JAVITS. Mr. President, I support the amendment, of which I am a cosponsor. The amendment does not involve a large sum of money. It does not involve a monumental product. However, the Senate Finance Committee's action on brooms seems to typify within itself everything that is happening to erode the foreign policy of the United States and to destroy the Trade Expansion Act of 1962. That act, which was considered a landmark of heroic action by Congress in the national interest, apparently is an illustration of our thinking upon the great foreign policy problem of trade. We seem to be well able to take some great initiative across the board by enacting an extensive law to rationalize the trade relationships of the United States with the whole world in order to expand trade, which is absolutely indispensable to America's strength in the world, as I shall illustrate in a moment.

Having done that, having taken that broad point of view illustrating the majesty and power of our country, we promptly proceed to nibble away at it, to backtrack, to get down to cases, and destroy it.

We are well in the process of doing that now. All of a sudden, the Kennedy round will fail, our trade policy will blow up in our faces, the European Common Market will go protectionist, and we shall have great difficulty in Latin America of a kind we have not yet experienced—notwithstanding that we have had some trouble there already. Then we shall say to ourselves, "Why did not someone tell us that all these little acts would cause all this trouble?"

We are telling ourselves now, so that there can be no mistake about it. The cumulative effects of the restriction

on beef imports, notwithstanding they are standbys, or the buy American amendment to the mass transit bill, or a nettling little thing like the tariff increase on brooms and other matters of the same general character, will torpedo American foreign policy unless we put a stop to it.

The Senator from California is rendering a signal service in giving us an opportunity to put a stop to the Finance Committee's broom amendment on a basis which is certainly not harmful, in terms of money and quantity, and in terms of its effects on our own interests.

There is always someone—including me—or there is always some State which is adversely affected by a protective device of this character, or by the denial of it. We cannot depend upon the vote of a Senator from that State because of what needs to be done. The way the Senate is organized, we cannot expect him to do anything but try to protect the interests of his State. We have to depend upon the good sense of the rest of the Senators who kindly, graciously, understandingly, but nonetheless firmly, will do what must be done in the national interest. If the rest of us abdicate our duty, the country is in great trouble. That is exactly what is happening in the minor amendments, such as those we are discussing at the present moment. They are meaningful to the policy of our Nation. Let me point out why.

A new President of Mexico, Gustavo Diaz Ordaz, will be sworn in as President on December 1. He ran on a platform of great friendship for the United States.

The present President of Mexico, Lopez Mateos, is a great friend of the United States. Diaz Ordaz is supposed to be an even greater friend of the United States.

Mr. President, what are we going to greet him with when he comes into office? Are we going to greet him with an act against which he must—because he is a politician, too—retaliate? Retaliation can be expensive in matters of this kind. It will be far more expensive to us than to Mexico, because the whole foreign policy of this Nation is pinioned upon the fact that it has an export surplus—approximately $6.5 billion a year, notwithstanding our difficulties in the international balance of payments, which at maximum runs to an adverse balance of $3 billion a year.

If we did not have this big export surplus, we would be literally unable to maintain our Armed Forces, the diplomatic establishments, the aid programs, and the exchange programs which represent the essence of American foreign policy. This policy is built upon a practical and realistic base. That base is a $6.5 billion minimum trade surplus. It should be $9 billion in terms of the viability of the American financial system and American standing in the world. These little mouthfuls, this chipping away, will destroy that system and our standing, and will destroy the whole economic base upon which our country stands.

Mr. MORSE. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. MORSE. I should like to reinforce the arguments of the Senator from New York by reading a letter which I have received from the vice president of New York Merchandise Co., Inc. Let me inquire of the Chair whether the Senate is under any time limitation. It will take me only a minute to read it.

The PRESIDING OFFICER. There is no time limitation.

Mr. MORSE. Mr. President, Mr. J. M. Constantine, of the New York Merchandise Co., Inc., of Portland, Oreg., expressed his concern over the amendment relative to the rate of duty applicable to imports of certain brooms made of broom corn. Mr. Constantine's wire of the 24th reads as follows:

Urgently request your assistance in eliminating corn broom amendment from Tariff classification bill, H.R. 12253. Bill itself is desirable, as essential and noncontroversial corrective measure, but corn broom rider which triples existing duties and will force stopping importations of corn brooms is highly controversial and does not pertain to the classification bill. Corn broom rider was originally a separate bill and was attached to the classification bill as a rider without hearings of importers. It would hurt the essential U.S. trade goals and since no urgency exists, it should be considered in public hearings next session. Respectfully yours.

Mr. Constantine's wire was supplemented by a letter dated September 25, addressed to me by Mr. Posner, vice president of New York Merchandise Co., Inc. I ask unanimous consent to have Mr. Posner's letter printed in the RECORD.

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

NEW YORK MERCHANDISE CO., INC.,
*New York, N.Y., September 25, 1964.*

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

DEAR SENATOR MORSE: Our branch office in Portland, Oreg., 1900 NW 22d Avenue, has taken the liberty of sending you a wire, addressed to your Washington office regarding H.R. 12253, and in particular, regarding the attached rider, H.R. 5986, concerning duties on corn house brooms and corn whiskbrooms.

We are importers, with our head office in New York City, and branch offices also in Los Angeles, Calif., and Dallas, Tex. Among the important commodities which we handle are corn brooms and whiskbrooms made of corn, from Poland, Mexico, and Hungary.

We are concerned about the H.R. 5986, which increases duties on our type of brooms and whiskbrooms by three times or more. For all practical purposes, such duty increase will result in discontinuing importations of our type of brooms.

Technically, my greatest worry is that this particular H.R. 5986 has now been attached as a rider to the very desirable, corrective H.R. 12253.

It is our feeling, and the feeling of all importers of this commodity, that H.R. 5986, increasing the duty on brooms has been passed by the House, and approved by the Committee on Finance, in the Senate, without giving a hearing to the importers. We believe that if we receive such a hearing we will be able to convince the Senate that the suggested duty increase should not be passed, for various reasons. For example; we believe that we can prove that the import of this type of price range of broom actually did not injure the domestic industry.

Also, we believe that statements made by the domestic manufacturers regarding the comparable cost of production are not in accordance with the facts. For example; the domestic producers have stated that the cost of production of a corn broom in the United States is somewhere around an average of $11. This statement was made without comparing this particular domestic corn broom with the imported broom. At the same time, they stated that the cost of the production of the imported broom is somewhere between $5 and $6.

We claim that different types of brooms have been compared. Furthermore, we will prove that the domestic brooms are being sold to U.S. retailers at a price of $7.20 per dozen, which is far below the stated cost of production.

We also would like to have the opportunity to state our opinion that such an increase of duties, resulting in the stopping of importation, is contrary to the goal of our foreign trade policy, and also contrary to the principles of Alliance for Progress.

Since H.R. 5986 most certainly does not represent an urgent measure, we think that importers should be given a proper committee hearing.

Your kind assistance in this matter will be immensely appreciated.

Respectfully yours,

GEORGE POSNER,
*Vice President.*

Mr. MORSE. Mr. President, I should like to inquire of the Senator from New York whether he is planning to seek to remove the corn broom provision from the bill.

Mr. JAVITS. The pending amendment is one proposed by the Senator from California [Mr. KUCHEL] and me.

Mr. MORSE. I should like to join in that amendment, if I may.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the name of the Senator from Oregon [Mr. MORSE] be added as a cosponsor of my amendment.

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

Mr. MORSE. The argument which my constituent makes is in support of the position of the Senator from California and the Senator from New York.

Mr. JAVITS. I am grateful to the Senator from Oregon for his comments.

Mr. President, the present situation is a classic illustration of almost every facet of this whole trap. These small but meaningful moves toward protectionism and away from international trade are of the greatest importance to us. The U.S. export surplus indicated for the first several months of 1964 is $6 billion—$24 billion in exports and over $18 billion in imports.

If we wish to sell, we must buy. If we buy from abroad and thereby create competition for domestic industry—which is of critical importance, incidentally, to the consumer who should have that, too, in terms of a better price and quality—someone, somewhere, somehow, will be hurt.

Although it has been stated time and time again, it is still a fact that the automobile forced those manufacturers of horse carriages out of business who were not smart enough to turn to manufacturing automobile bodies.

It is also a fact that the advent of radio had an effect upon the phonograph industry. I remember, when I was a boy, that the long-horned phonograph was

a big seller. Yet there were many manufacturers of long-horns for phonographs who went broke, because they did not realize what was happening to their business, so that they could then turn to the manufacture of radio loudspeakers, or go into some other line of business.

If the United States is in fact a private enterprise society, should it give a guarantee to everyone in business in this country, regardless of the effects of competition, that it will keep him in business and protect him against foreign competition?

The committee's amendment illustrates a classic defect in policy. The amendment will not work because, as the Senator from California has pointed out, imports of the commodity in question—brooms of broom corn—are—let us say, 3 percent—of domestic production. If, in fact, our broom manufacturers are being hurt, they are not hurt by imports. What is hurting them perhaps is synthetic brooms.

There is also the compassionate element to consider. I do not know whether it has been mentioned as yet in debate, because I was not in the Chamber to listen to all of the speech by the Senator from California [Mr. KUCHEL]. However, there are workshops for the blind in this country where brooms are made, with approximately 1,000 persons engaged in that activity.

Certainly, it is extremely vital and important in terms of our hearts and our spirits that these people should be encouraged to put their hands to some use. A heavy proportion of their output is sold to institutions, housewives, to State and Federal agencies and are protected by various preferences in respect to such sales. It is doubtful that imports play an important part in the level of their sales.

We shall hear those arguments, nevertheless without any question. It illustrates the classic technique in respect to protectionism: "Because it is a special circumstance and affects people to whom our hearts go out, let us not be cruel Senators. Let us let this one ride."

We are missing completely that what is at stake is the interest of the country, without which nothing in the Nation can stand up—workshops for the blind, or anything else.

In every case involved in this protectionist problem, we can muster evidence of this character. If that is going to be the determination we sweep the whole reciprocal trade problem out of the window.

What about the workers in the export industry? What about the millions of workers who create the $24 billion in exports that the United States has? Are they to be discriminated against? Are we to forget about those workers in our concern for the infinitely smaller number?

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

Mr. JAVITS. I yield.

Mr. MORSE. Mr. President, the point that the Senator from New York has just made is very telling. I do not know what the figures are specifically. But, I believe we ought to know more than we do about the number of American workers who are working in industries which are dependent upon exports. And with the balance in trade in our favor, I believe it would be interesting to have a counting of noses to see whether those who sometimes seem to talk about going back to Smoot Hawley are really advocating something that is to the long-time best interest of the wage workers of this country. I believe that the point that the Senator from New York has made is very powerful.

Mr. JAVITS. There was a general debate on the Trade Expansion Act of 1962. Contrary to the ideas of so many, it was overwhelmingly approved in the House and Senate. The facts of economic life impress themselves upon us in terms of the basic products involved. There is grave danger that the policies which would best serve our national interest will be laid aside. When we make such exceptions, as we have begun to make them in Congress since the Trade Expansion Act of 1962 was enacted, we run into the grave danger of experiencing serious trouble.

Mr. President, I conclude upon this note. Lest we think that we can hide our heads in the sand and that no one will pay any real attention to what we do about these matters, let me point out our experience with respect to raising the tariffs on velour carpets and rolled glass in June 1962, as they affected the major exporters to us of those commodities—notably Belgium. What happened is that they immediately retaliated. Indeed, they retaliated in an amount that was about equal the amount of the imports that we inhibited by our increase in tariff, except that they retaliated in another area. They retaliated in the chemical field.

As I pointed out, we do not save domestic producers by these measures. But whatever we may have gained for the workers in the velour carpet and the glass industry—and it is highly dubious as to whether we gained anything—we know that we lost work for the workers in the chemical business. In that industry, they were disadvantaged. I think the relative figure was $55 million which we inhibited or curtailed in imports, as compared with the $44 million in U.S. exports in the chemical field which they promptly retaliated against us for.

If the relations between us and the Mexicans are materially disturbed by a thing like this, we would regret the day that we ever thought of it.

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

Mr. JAVITS. I yield.

Mr. COOPER. Can the Senator indicate how many brooms are manufactured from broom corn and what section of the country or what States are affected? From what source does the amendment come?

Years ago, as people know who live in the rural areas, every farmer raised a little broom corn to make brooms for his own use. There was broom corn production for the manufacture of brooms. I did not realize that it was so important now.

Mr. JAVITS. I call attention to the U.S. Tariff Commission's 1962 report on broom corn, which indicates a production in this country of approximately 2.5 million dozens in 1960, valued at $26¼ million. The greatest concentration of broom factories, according to the Tariff Commission, is in Illinois, North Carolina, Pennsylvania, California, and Texas.

These are, generally speaking, the orders of magnitude which are involved. That is about the ambit of the situation. It is the basis for the figure of around 2 to 3 percent in imports, which figure has been referred to by the Senator from California.

I deeply feel that we are now dealing with a process which has a serious effect on the economic policy of the United States. I appreciate the very heart appealing program of the workshops for the blind. I deeply feel that the same ingenuity and the same generosity—I myself, and many others are great supporters of these workshops—that have brought about the particular type of work for the workshops will see to it that the workshops continue their effectiveness in terms of work for the individuals concerned.

As I said before, a substantial proportion of broom making by the blind and those made by prisoners can in any case continue because it would involve State and Federal institution purchases. I make that statement again because I yield to no one in my deep-hearted concern for that particular situation. I feel that in our general appreciation of what is at stake, we must understand that the proposal is a step in a process, and we must not accept the argument that only a small sum of money is involved, a small order of magnitude, and one country, substantially, is involved, namely, Mexico; therefore, why cavil or argue; let it ride and go on to the next order of business.

I believe that the Senate ought to decide to let the question go to a considered hearing so at least we may have the benefit of all the aspects of the problem which can be presented in a hearing, including, incidentally, the problem of workshops for the blind. We should not proceed to erode away the trade expansion structure, which we erected with such painstaking care, by small but very meaningful exceptions.

I yield the floor.

Mr. LONG of Louisiana. Mr. President, if there is one amendment that does not need any further study it is the amendment before the Senate. We can decide, if we wish to do so, to let the small businesses in America continue to manufacture brooms, or to run them out of business. If Senators wish to run them out of business, go ahead and accept the amendment. If Senators wish to permit 345 small businesses manufacturing brooms to remain in business, then vote against the proposal offered by the Senator from California to strike out the committee amendment.

The facts show that between 1953 and 1958 there were 450 broom manufacturers in America who went out of business because down in Mexico, and in other foreign countries, brooms can be

manufactured much cheaper than they can be manufactured in this country. Mexico can do so because of its low labor cost. We cannot compete with brooms manufactured in Mexico. We have remaining, 345 small businesses engaged in that production. What could those small businesses do?

They went to the Tariff Commission and asked for help. They explained their plight. The Tariff Commission recommended that we give them a tariff based upon the American selling price, which would have permitted them to continue in business.

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

Mr. LONG of Louisiana. I shall yield in a few moments. Other Senators have been discussing the subject for an hour or so, and I should like to say a few words at this time.

The Tariff Commission recommended that the domestic manufacturers obtain appropriate relief. Unfortunately, the State Department felt that the proposal might conflict with trade negotiations. What we have here would not in anywise conflict with GATT. The State Department has taken the Mexican side; the Tariff Commission has taken the side of the domestic industry.

Mr. President, we can leave the domestic industries in business or we can put them out of business. It is that simple.

These people are being run out in large numbers. A few are left. There are about 19 factories left in Illinois, which is so ably represented by the junior Senator from Illinois [Mr. DIRKSEN], the minority leader. Sixteen broom factories are left in North Carolina; about 12 factories are left in Pennsylvania; California and Texas have about 9 factories each. So a few are left.

But the disparity is so great between the Mexican cost of manufacture and the American cost that the American producers cannot survive if we do not give them the proposed protection.

We have heard a great deal of crying on the floor of the Senate about how we must not discriminate against Mexico. We have heard that we must not raise the tariff against an industry in Mexico if Mexico wishes to ship us some commodity.

What has Mexico done to our broom manufacturers? Mexico has a tariff of $4.50 a dozen on brooms and her price is half of ours. What do we charge Mexico? $1.01 a dozen.

Mr. President, no country on earth, except ours, is ashamed to say, "We have a legitimate and respected industry which is being driven out by foreign competition and we have a duty to protect and look after our own. Charity begins at home."

How long did it take the Common Market in Europe to decide to do what it did to us in respect to chickens? They took the chicken market away from us, which was a direct violation of their pledged word given to our country.

The proposal would not be in violation of an agreement.

Mexico made an agreement with us in relation to oil on a most-favored-nation basis. She made a trade compact with us, and she agreed that she would live up to certain obligations in respect to oil. One of them was not to confiscate or to nationalize American investments down there. She proceeded to break her word with us and nationalized our investments and discriminated against our imports. Notwithstanding that action, we made a trade agreement with Venezuela to reduce the tariff on oil and gave Mexico the benefit of it, although Mexico is in violation of her pledged word in other respects on trade agreements.

What we have proposed is something which any other nation under the sun would do if it had a similar problem.

Representatives of the industry went to the Tariff Commission. The Tariff Commission studied the problem and recommended relief. Two years ago we passed a bill which would have given the people in the industry the kind of relief that the Tariff Commission recommended, but it was in a form that was more objectionable to the State Department than the language we now propose, because then the action was based upon the American selling price.

The State Department very much objected to that. But when we impose a tariff of a specific amount on an item in order to more nearly equalize the costs of manufacturing brooms in the two countries than the present duty, we are told that it is wrong, even though it is not as much as we did 2 years ago.

More people are involved than the manufacturers of brooms. There are thousands of blind people in this country. One of the few things that blind people can do to make a few dollars is to make brooms. Blind people make brooms and make a few dollars out of the work. Do Senators wish to let them make a few dollars or do they wish to put those blind people out of business?

One of the few things that a prisoner can be taught to do so that he can learn an occupation and find work on the outside is to put brooms together, sitting in a prison cell. Here is a letter from a prisoner who desires parole. He must say that he can make a living, and he must demonstrate that he is not likely to return to theft or committing some kind of robbery in order to make a living when he gets out of the penitentiary. He is looking for an opportunity to make a few brooms. That is one skill that a person can learn while he is still a prisoner in a prison cell. He is urging us to let the broom industry stay in business because he had an opportunity to learn how to manufacture brooms in prison and wants to follow that work when he gets out.

We can put all those people out of business if we wish to do so. We can turn down our blind people. We can say that Mexico is more important, even though it has broken its word, and we can give it every advantage. We are afraid to give our people the same protection that Mexico gives hers. We can do that. We can turn our backs on the domestic industry. We can turn our backs on our blind people. We can turn our backs on the prisoners who are trying to rehabilitate themselves, and we can say, "Mexico must come first. It can do anything it wishes. It can break its word, but we would not think of breaking ours." If Senators wish to take that view, they are entitled to do so.

Furthermore, I point out that the Mexicans are not the only people in the broom business. Communist countries are in the business. Hungary is in the broom business; Poland is in the broom business. While we would be attempting to protect Mexico, we would be looking after those communistic countries. Why are Senators turning their backs on their own?

The amendment has been considered by the Senate previously. It has been agreed to by the Senate before. It has been recommended by the Tariff Commission. It is the kind of consideration that American people who elect us are entitled to receive. They are entitled to some kind of representation.

Mr. President, I could be a statesman on the question. So far as I know, every broom manufacturer in Louisiana has been driven out of business. I am speaking only about the other industries that might follow. We have a chart which indicates that there might be two left in Louisiana, but I do not think that there are any left, for I have not heard from any in my State. They have all been run out.

There are a few broom industries left in Illinois. The Senator from Illinois has a good case. The Tariff Commission has a good case. The Senate has a good case. I would say that if we cannot provide this little protection to 345 small businesses in America, if we cannot provide for this minimal amount of help, to give the people in that industry a tariff so as to more nearly equalize the cost between American-made and Mexican-made brooms—if we cannot give them that kind of protection when Mexico has had more than a $4 tariff on our brooms, and their cost is half of ours—why are we so ashamed to vote some kind of protection for our own industry?

We can go to conference, if this is voted, and see if the House will not agree, after the conferees consider it, to some reasonable sort of protection.

I hope the amendment will be rejected.

Mr. DIRKSEN. Mr. President, on one occasion or another I have bled as I have heard the great concepts of national interest expounded on this floor. It is always done so eloquently that I fairly weep and my heart murmurs in a deep concordance of sympathy. Then I see a little fellow in the water, and he is foundering. He is about to go down. He has been operating a little broom shop in a pineboard factory, and he shouts "Help!"

We are asked to stand there and say, "Save yourself. Think of the national interest. Think of all the great relationships we have across the world. Hold your peace. Do you not know that this is in the national interest? Do you not know that we are trying to do something for a town in Mexico? Do you not know that we are trying to do something for an importer in California? Yes, I know you have $50,000 in capital investment. You have 25 people employed in your plant. You are just reaching out

to touch bottom. You are afraid you are going to sink in a minute. But you ought to remember, as you go down for the third time, it is in the national interest."

Mr. President, do Senators think that is overdoing? Some 450 small broom plants have gone out of business since 1953.

Like my distinguished friend from Louisiana, I shall bleed for them a little, and I shall forget all the great, overriding concepts. There is a broom plant in Virginia, the State of the distinguished chairman of the Finance Committee, where Seventh Day Adventist students manage to get enough together to go to school. There are 2,000 such students working in broom plants throughout the country. They make enough to get a college education.

My friend from Louisiana has pointed out the number of blind people who work in broom factories. That is one thing they can do. They can, by feel, run a stitching machine and form the brooms. Something was said about synthetic material. I point out that these brooms are all made from broom corn.

It is rather interesting that only a few days ago the Senate passed the Appalachia bill. One billion dollars was involved. I fairly fell to the floor of the Senate Chamber when I heard my distinguished friend from West Virginia [Mr. RANDOLPH] round out that amount. I thought, "Is there that much money in the world?" There must be, because we are going to spend $850 million for highways in Appalachia and $150 million for sewage disposal plants, hospitals, schools, and nurseries. I wondered somewhat where we are going to find a market for the coal, for the durable jobs, after the highways are built. It is perfectly good to have a fine highway, so that a 10-ton truck can operate over it, but the question is, Is there a buyer for the coal?

I was about to say that there are 30 broom companies in Appalachia. That word has a wonderful sound. I suppose I shall be using it a good deal in many sections of the country. Perhaps I shall give it a "Latin twist" and say "Ahppalahchia."

Why did we pass the Appalachia bill? To make jobs, so it was said. This I have to see. But while we are making jobs with $1 billion for Appalachia, we may be putting 30 plants out of the broom business in Appalachia—and they will not like it.

I remember one time when I went to Wyoming to campaign against our old friend Joe O'Mahoney. When I got to the airport I called him up. I said, "Joe, I am in town." He said, "Yes, Everett. I read the papers. I knew you were coming." I said, "I am going to talk at the rodeo." He said, "I wish you well on any mission you have in life except the one that brings you here." I said, "Joe, you know I had an awful time finding a text for this speech, and it was not until I left Omaha that, with my disagreeably evil mind I suddenly remembered the first line of an article Senator O'Mahoney wrote for the Reader's Digest. That line was, 'They are remaking America, and you won't like it.' "

Perhaps it is all right, but I wonder if it is all right to find some jobs for carpet workers and let the broom workers go down the drain. There they are. I do not know how many have been put out of business, but they are told, "Hush your mouth. It is in the national interest. So go down for the third time. Let us have it over with. We cannot be concerned about you."

Mr. President, I am concerned about them. Congress has provided a small business investment organization through which small business loans can be obtained. We want to help small business enterprise. Then we come along and, by this strange device, undertake to put them out of business because they cannot make the grade.

Mr. President, I have been in several lines of business. It is not always the quantity that comes into this country that counts. There can be a small amount of merchandise from abroad, but if it is put in the finest department store window, with signs around it saying it is from Hungary or Czechoslovakia or Mexico, or some other place, it has a great lure, and the price is always lower. The price of the domestic merchandise must be reduced in price to compete. It may be only 1 percent of the volume of business in that town, but that is the effect of it. I have seen it and experienced it.

What are we trying to do? We are trying to equalize a little. It has been said there have been no hearings on this proposal. Let me show my colleagues the tome of the U.S. Tariff Commission, entitled "Report to the President on the Differences in the Cost of the Manufacture of Brooms Made of Broom Corn in the United States and the Principal Competing Countries."

Mr. President, what do Senators think the difference is? The Mexican brooms, for which there has been lamentation this afternoon, are delivered in this country for $5.73 a dozen. What does it cost to deliver the equivalent American brooms? Does it cost $5.73? No. It costs $11.15. That is almost twice as much. When the manufacturers went before the Tariff Commission, the Commission unanimously reported that the price ought to be equalized and that the American selling cost should be used to do that.

The President rejected the unanimous report of the Tariff Commission, after all the pages of testimony that had been taken.

It is said that no hearing has been held. Is it necessary to have a hearing before a Senate committee? A hearing was held before an executive agency. It went into the subject very thoroughly. How are we to equalize, and how are we to carry out what the Tariff Commission thinks ought to be done in order to give the little fellows a chance to survive? That is the reason why this provision is in the bill. We are told that it is a tariff revision and that it does not belong here. Mr. President, there are quite a number of tariff revisions in the bill. There is a list of them in the Tariff Classification Act. The list is as long as your arm, Mr. President.

We had quite a time wrestling with this problem. Very properly it is entitled to be here. It involves relief for a small American industry.

They have no great superlobby. They cannot come down here and fairly overwhelm committees of Congress and executive agencies. They have a fellow out in the cornfields of Douglas County in Illinois. He is a county chairman on occasion. But he also helps to operate the Broom Corn Association. He knows what is going on. He comes down here and says, "Please, sirs; 450 of my boys have been put out of business since 1953. Can't you stop it? Can't you give us a break? Isn't it possible that you can equalize this in line with what the Tariff Commission said to the President of the United States, or are you going to say to them, as they begin to flounder, and cannot pick up their loans at the bank, 'Hush your mouth; it is in the national interest; just go down for the third time and then we won't have to bother about you.' "

It is about time that we bleed a little for some of our own little people.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. This has not been pointed out by me or by my friend from Illinois, but it should be said that many farmers in Colorado, Texas, and Oklahoma look upon the broom corn as a very material crop. They would lose that crop. Naturally, if more broom industries go out of business, there will be no purchasers for the broom corn. Furthermore, in the manufacture of the brooms, handles are used. The people who manufacture handles will go out of business. Wire is also used. That means that wire manufacturers will lose business.

Mr. DIRKSEN. The operation involves packing boxes, and many other things.

Mr. LONG of Louisiana. Yes.

Mr. DIRKSEN. There is more involved than merely broom corn. I appeal to the Senate to give thought for a moment to a little industry. This is not General Motors. This is not Henry Ford III. This is not Chrysler. This is not International Harvester. This is a little industry, where youngsters who obtain an education and who are affiliated with the Seventh-day Adventist faith can put themselves through school. It is an industry in which people whose sight has been destroyed and who can do only limited things, with subtle fingers, can find work and make a livelihood.

When, on top of all that, the Tariff Commission itself says these people have a case, and the Commission makes a unanimous report, I do not know what else can be said to the Senate, unless we want them to sink. They will sink under competition when brooms are brought in from abroad and delivered at one-half the price that it costs to deliver domestic brooms.

That is all we ask. I cannot be beguiled by the distinguished arguments of

my friend from New York and my beloved and affable friend from California. I know he bleeds for that little town in Mexico. So do I. Some day, if I have a great deal of time, I shall go down there. I shall take the Senator along. Let us hope it will not be too hot a day, so we will not have to wear coats and ties. We shall walk in on Mr. Lopez Mateos and tell him the whole story.

We will tell him, "Your country bleeds for you because you have a tariff much higher than ours. Do you think we did anything wrong when we bled a little for our little guys who are just like you, except that they do not speak Spanish?"

Mr. President, that is the story. I hope the amendment will be rejected. I have nothing more to add. If I do I shall think of the 450 little proprietors who are swimming around in the deep sea, ready to go down. I am afraid I shall weaken. I am afraid that all these things I have heard will suddenly salve my conscience and my consciousness, and I shall say, "It is in the national interest."

Mr. President, this is for the interest of the people, including blind people. May it never be said that the Senate is insensible to their problem, because of some broad concept with which we might be at variance.

Therefore, may the amendment of my friend from California be rejected by a resounding vote. I would not like to ask for the yeas and nays.

Mr. EASTLAND. Let us ask for them.

Mr. DIRKSEN. I shall not ask for them. If we can have enough lusty voices to boom out a resounding "No," I shall be satisfied.

Mr. KUCHEL. "Leader, you are great." I would like to associate myself with my leader with respect to my desire to take care of my fellow Americans. "Leader, you are wiser than I am."

Mr. DIRKSEN. The Senator flatters me.

Mr. KUCHEL. I am not even the equivalent of 20 or 10 percent of the able legislator that the Senator from Illinois is. "Leader, you are acquainted with the facts, but I want to give you these facts, too." The facts are that in 1954 the American industry sold $25 million worth of brooms made in the United States. Last year, $33 million worth of brooms manufactured in the United States were sold in the United States.

I do not know how my friend from Louisiana can talk about the damage that is being caused, when less than 2 percent out of 100 percent of the brooms are coming into the country.

Do we want to build a wall around the United States and say, "Get out of here. We don't want to have anything to do with you"? Of course not. I say most sincerely that if the American industry were damaged, it would be our joint responsibility to do something about it. But I ask my beloved leader and senior colleague: In this instance, who in the Senate can say, when the United States has 98 percent of the market, that the American industry will be damaged by 2 percent?

I add one more fact that is important to me. Last year $830 million worth of American goods were sold to Mexico. Mexico sold $595 million worth of her goods to the United States. So we have a balance of trade with Mexico of almost $250 million. Now it is proposed to spank Mexico and say that the $400,000 worth of brooms that Mexico is selling in this country must be kept out of the United States; that we are not going to let Mexico send brooms into this country.

I have a recommendation to make, because I know when the giants in this Chamber are on the march. I should like to propose an alternative amendment as an appeal to Senators, especially to the leader of my party and to the acting chairman of the Committee on Finance. I should like to modify my amendment. I should like to offer to the Senate an amendment which would provide that the present duties or levies shall continue on the amount of brooms which came into this country in 1963; but that if anyone abroad wanted to send in another broom, the new schedule, which has been written into the big bill before us, shall be applied.

I should like to add a second section to the modified amendment, and give the President discretion to allocate the quantity of brooms, but never above the amount imported in 1963, which I shall spell out.

Finally, the modified amendment would provide that the revised schedule would become effective on January 1, 1965. On behalf of the Senator from New York [Mr. JAVITS] and myself, I should like to offer that as a good-faith attempt to reach an agreement, and my Republican leader knows I am trying to make a good-faith amendment.

Mr. DIRKSEN. I believe the amendment provides for 340,000 dozen brooms to be imported duty free.

Mr. KUCHEL. Not duty free.

Mr. DIRKSEN. At the present duty—340,000 dozen brooms.

Mr. KUCHEL. That is correct; 140,000 dozen whiskbrooms and 210,000 dozen brooms above that size.

Mr. DIRKSEN. Our best information is that in 1963, the last year for which we have information, 310,340 dozen brooms came into the country. If the Senator wishes to propose an amendment, I suggest that he use the 1963 figure, which is a total of 310,340 dozen.

Mr. KUCHEL. I was giving figures representing the importation in 1963, but I would not quibble on a question of arithmetic. If the Senator from Louisiana and the Senate were to adopt our proposal, the precise figures could be supplied to coincide with the facts.

Mr. DIRKSEN. I am afraid my distinguished friend from California offers me a horse-and-rabbit deal. By that I refer to the barbecue man who was called upon by the health commissioner to explain how he made rabbit sandwiches. He said, "50–50, one horse to one rabbit." I do not think that is quite the kind of deal I would like to see; but I will make the Senator a counterdeal. Before I do so, I shall have to straighten him out as to his figures.

In 1952, 7,300 dozen brooms were imported from Mexico. In 1953, the number had risen to 14,000 dozen brooms. That was 11 years ago. In 1963, the importation had risen to 140,000 dozen. The Senator says we cannot build a wall around those people.

Mr. KUCHEL. Is not the American share of the market 98 percent today?

Mr. DIRKSEN. No. I do not want to build a wall around those people. I am reaching down by the hand to get them out of the water, so that they will not founder. I have to have something to offer them, so I will tell the Senator what I will do. Suppose we take an average of the importations of 1958, 1959, 1960, 1961, and 1963, omitting 1962, because the importations for 1962 jumped away up. But if we will take the average, that will be 277,000 dozen on which the present tariff will apply. On everything above that, the new duty, suggested in the pending bill, would apply.

Mr. KUCHEL. Mr. President, will the Senator from Illinois yield, so that the absence of a quorum may be suggested and I might commune with him a moment?

Mr. CLARK. Mr. President, will the Senator withhold his suggestion of the absence of a quorum, so that I may make a brief statement?

Mr. DIRKSEN. Does the Senator propose to discuss brooms?

Mr. CLARK. Yes.

Mr. DIRKSEN. Does the Senator know something about brooms?

Mr. CLARK. I think I know enough about them, although perhaps not too much.

Mr. DIRKSEN. So long as we are sweeping up the place, we might as well talk about brooms.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. DIRKSEN. Certainly.

Mr. CLARK. I hope that the Senators in charge of the bill, who I take it to be my friend from Louisiana [Mr. LONG] and the learned minority leader [Mr. DIRKSEN], will accept the substance of the amendment offered by the Senator from New York [Mr. JAVITS] and the Senator from California [Mr. KUCHEL].

It so happens that in the Commonwealth of Pennsylvania brooms are both made by local manufacturers and imported from Mexico and elsewhere in substantial amounts. This means that so far as the economy of Pennsylvania is concerned, it is a difficult task for a U.S. Senator to make up his mind where the economic interests of the manufacturers and the businessmen of his State lie.

It occurs to me that the compromise suggested by the Senator from California and the Senator from New York is a happy one. It would place a ceiling on the importation of brooms from abroad, except under a penalty of paying a substantially higher tariff. Thus, to that extent, supporting the position of the domestic broom manufacturers. On the other hand, it would permit the importations to continue at the rate that has prevailed for the last several years.

It is my understanding that the imported brooms, which would be subject

to the increased tariff if the committee proposal were adopted, constitute no more than 5 percent of the total number of brooms sold in the country.

(At this point Mr. HART took the chair as Presiding Officer.)

Mr. CLARK. Mr. President, as some Senators no doubt know, these are cheap brooms, many of them selling for less than a dollar. I believe that if we were to place a ceiling on the importation of brooms equal to the amount of imports in the last year, and permit them to come in under the present tariff, and then impose the additional tariff on all importations over and above the so-established quota, we would arrive at a compromise which should be satisfactory both to the domestic producers and to the importers.

Therefore, I hope that the compromise suggestion will be acceptable to the Senator in charge of the bill.

If, however, the Senator is insistent that the tariff go across the board, as presently proposed, I shall vote against the proposal and in favor of any amendment which may be offered to strike it. In my opinion, what we are beginning to do in the bill—which I very much deplore—is to get back to the old, discredited days of Smoot-Hawley, and all the other tariffs which went before it when Congress, by the theory of log-rolling deals between the economic interests in the various States, undertook to fix tariff rates.

I believe that the reciprocal trade agreements provisions, initiated under Cordell Hull, moved us away from that rather discreditable chapter in the history of Congress. I should dislike to see Congress returning to that, through the mechanism called a technical adjustment of the tariff schedule. The bill is entitled "An act to correct certain errors in the tariff schedules of the United States." I believe, in fact, that this is, rather, a junior tariff bill.

I see that I have the rapt attention of the Senator from Louisiana [Mr. LONG]. I urge upon him, once more, acceptance of the compromise presented by the two Republican Senators across the aisle. I should like the Senator from Louisiana to know that a compromise also has Democratic support. It will also have some effect on the economy of the Commonwealth of Pennsylvania, so far as the manufacturing and importation of brooms are concerned.

Mr. LONG of Louisiana. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIRKSEN], has the floor.

Mr. DIRKSEN. Mr. President, is there anything to be swept under the rug here?

Mr. LONG of Louisiana. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KUCHEL. 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. KUCHEL. Mr. President, I send to the desk, on behalf of the distinguished senior Senator from New York [Mr. JAVITS], the distinguished minority leader, the junior Senator from Illinois [Mr. DIRKSEN], and me, a proposal in lieu of the amendment now pending.

I ask that the reading of the amendment be waived.

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

The amendment, ordered to be printed in the RECORD, is as follows:

On page 33, strike out lines 4 through 11, and insert the following:

"SEC. 63. BROOMS.

"(a) IN GENERAL.—Schedule 7, part 8, subpart A is amended by striking out items 750.30 and 750.31 and inserting in lieu thereof the following:

| | | | |
|---|---|---|---|
| "' | Brooms and brushes consisting of vegetable materials bound together but not mounted or set in a block or head, with or without handles: | | |
| | Brooms wholly or in part of broom corn: | | |
| | Whiskbrooms: | | |
| | Valued not over 32¢ each: | | |
| 750.26 | In any calendar year prior to the entry, or withdrawal from warehouse, for consumption of 112,000 dozen whiskbrooms classifiable under items 750.26 to 750.28 | 25% ad val. | 25% ad val. |
| 750.27 | Other | 8¢ each. | 8¢ each. |
| 750.28 | Valued over 32¢ each | 25% ad val. | 25% ad val. |
| | Other brooms: | | |
| | Valued not over 96¢ each: | | |
| 750.29 | In any calendar year prior to the entry, or withdrawal from warehouse, for consumption of 168,000 dozen brooms classifiable under items 750.29 to 750.31 | 25% ad val. | 25% ad val. |
| 750.30 | Other | 24¢ each. | 24¢ each. |
| 750.31 | Valued over 96¢ each | 25% ad val. | 25% ad val. |
| 750.32 | Other | 25% ad val. | 25% ad val. |
| 750.33 | If product of Cuba | 20% ad val. (s) | ' |

"(b) ALLOCATION.—The headnotes for schedule 7, part 8, subpart A are amended by adding at the end thereof the following headnote:

"'3. The President may, if he determines such action to be in the national interest, allocate the quantity provided for in item 750.26 and 750.29 among supplying countries on the basis of exports during a previous representative period.'

"(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1965."

Mr. KUCHEL. Mr. President, the amendment would provide that the present rates shall apply in the future on the first 112,000 dozen whiskbrooms, and the first 168,000 dozens of other brooms. Thereafter, it would provide that the rates proposed in the bill as it came from the committee shall apply.

It is a matter of regret to me that quite apparently the Senate was not disposed to look with favor on the original proposal which the senior Senator from New York and I offered. But the action just taken is prior to a conference—and I have spoken to the distinguished leader of my party—is indicative of the fact that the Senate desires to operate on the theory of a quota with respect to this item, by reason of the national interest.

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

Mr. KUCHEL. I yield.

Mr. JAVITS. Mr. President, I believe that two things have been accomplished.

First. The principles of imports have been sustained. The legislative history should show a rounded-off figure roughly between the imports for 1960 and 1961, in the same proportions as the two types of products are at present generally approved by the Tariff Commission, based upon generally existing experience.

Second. Notwithstanding my strong feelings on the question of trade, I have been somewhat moved myself by the problem of the blind who work upon these things, although, I do not believe that has made any difference.

The record should show that the domestic industry has increased roughly by $1.5 million a year in the last few years in its own production, notwithstanding the fact that these tariffs have been allegedly too low.

Finally, the Senate has expressed itself as not excluding exports from a friendly neighboring country. That, I believe, is very important in terms of the principal workers involved here.

So like my colleague, the Senator from California, and without trying to go into a detailed reply to the Senator from Illinois—and we may have other occasions to do so—his statement was so delicious and charming that I do not think hardly anyone would wish to debate the subject.

Mr. DIRKSEN. Are we agreed?

Mr. JAVITS. I stand with my colleague, the Senator from California.

Mr. DIRKSEN. Then, if we are agreed, let me throw a rope around the flounderers on the floor.

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

Mr. KUCHEL. I yield to my able friend from Vermont.

Mr. AIKEN. I know that the Senator is interested in his whiskbrooms. I know that the amendment is important to the people who are employed in making whiskbrooms. But the clothespin industry is equally important to the people who make clothespins, particularly the people in the States of Maine and Vermont, where most of them are made.

I wonder if the Senator would object to having the same conditions apply to the importation of clothespins that he is requesting for the whiskbroom industry and other broom industries?

Mr. KUCHEL. My friend from Vermont makes a powerful speech. I am moved by it. I would want to treat the industries located in his State with the greatest compassion and sympathy. But I suggest to my able friend that perhaps we could do that tomorrow morning.

Mr. AIKEN. Clothespins are still very important.

Mr. KUCHEL. Indeed, they are.

Mr. AIKEN. In view of the population explosion, we still must have clothespins.

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

Mr. KUCHEL. The Senator's point is a very pregnant one.

Mr. DIRKSEN. So long as the crop of three-cornered-pants wearers grows, there will be need for clothespins.

Mr. AIKEN. But we wish the American producers of clothespins to maintain at least their present position in the marketing field, and it is only with difficulty that they have been holding that position during the last few years.

Mr. DIRKSEN. The bill will be before the Senate all day tomorrow, I am sure.

Mr. AIKEN. We still use clothespins. We are not like the fellow who went into the store and bought some diapers. The salesgirl said, "That will be $2 for the diapers and 10 cents for the tax."

The fellow replied, "I don't want the 'tacks.' We use safety pins." [Laughter.]

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. AIKEN. Possibly tomorrow we shall consider that subject.

Mr. FULBRIGHT. Mr. President, I wish to say only a word or two. I opposed the amendment in the committee. I am not in favor of it now. I am not in favor of even the substitute, although I recognize that it is better than the language of the bill as reported. I favor the original proposal of the Senator from California. It is regrettable that we should pick up a small item like this and do serious harm to our relations with a friendly country and no particular good to our own citizens.

The argument about the blind, I believe, is wholly irrelevant, because the total output of the blind, I am informed, is taken up by charitable organizations, which make special arrangements for the brooms made by the blind and by Government agencies.

Furthermore, there was no really serious testimony taken in the committee. This is another example of improvident and imprudent action in the last days of a Congress. I regret that the subject has come up in this fashion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. KUCHEL].

The amendment was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SMATHERS. Mr. President, on behalf of the majority leader, I submit a unanimous-consent request and ask that it be stated.

The PRESIDING OFFICER. The request will be stated.

The Chief Clerk read as follows:

*Ordered,* That, effective on September 30, 1964, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 12253) to correct certain errors in the Tariff Schedules of the United States, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

*Ordered further,* That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. LAUSCHE. Mr. President, reserving the right to object, is there any expectation that there will be offered to the tariff bill an amendment which would attach to the bill the medicare bill?

Mr. KUCHEL. Where did the Senator get that information?

Mr. SMATHERS. Mr. President, the Senator from Louisiana might have more information than I have, but I had heard earlier today that there might be some prospects of that, but I have heard subsequently—in fact, only a few moments ago—that it would not be done.

Mr. LAUSCHE. If there are prospects of such amendments being offered, because of the very great importance of that subject, I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SMATHERS. Mr. President, I wish to amend the unanimous-consent request.

Mr. LAUSCHE. It is time that we close the present session of Congress. It is folly to try to hurry through important proposed legislation without adequate consideration. Many items of great importance will come before this body which have been inadequately considered, and they will be passed upon. I have heard the argument in relation to the folly of attaching the reapportionment amendment to the foreign aid authorization bill. Now we would attach a medicare bill to a tariff bill.

Mr. LONG of Louisiana. Mr. President, may I speak to the question?

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. LONG of Louisiana. The Senator wishes the Congress to wind up its work. So does the junior Senator from Louisiana. I am not sure that we shall be able to adjourn this Congress unless we do something about national health insurance. This Senator did not vote for it. But I am on notice that other Senators will not let us vote on a social security bill to help the aged, or public welfare amendments to help the needy and to help the old folks, the orphaned children and everyone else unless we obtain from the House its answer on health insurance. We might be confronted with a situation in which we shall have raised our own pay by $7,500 and raised everyone else's pay in varying amounts with a big tax cut for everyone who is doing well. We would have taken good care of ourselves and everyone else except the needy.

That would be a very unfortunate vote for the Congress to adjourn upon.

We are in conference on medicare. The Senate voted on medicare. There are Senators who are thinking about not permitting that conference report to come to a vote unless the House tells us what it is willing to do on that subject.

This is where we stand in conference. The House has been willing to talk about an approach to medicare completely at variance with the Senate amendment. It will be easy enough to explain to the Senator the difference between what we voted and what the House might consider. I think I could explain it to him simply enough if we could sit down and discuss it. What we are talking about in conference, which perhaps could be considered, and which the House conferees might be willing to consider, would be subject to a point of order if it went back to the House, so that a single House Member could then kill the proposed compromise on the medicare problem. The problem could be bypassed by a Senate amendment to the tariff bill proposing the kind of compromise which the House might be willing to consider. We could then go to conference with an amendment on the tariff bill, which would not then be subject to a point of order, in the event the House agreed to go to conference.

As one Senator who did not vote for medicare—I fought against it to the best of my ability—if my vote on this floor is required in order to get the medicare proposition on this bill, or anything in the field of national health insurance, I do not expect to vote for it; but, on the other hand, so far as this Congress is concerned, I doubt very much that those who are for health insurance are going to let us go home until we give them a good faith answer on the health insurance feature.

If the amendment were to be offered and considered, it would be one of the few possible ways in which we might be able to arrive at some kind of compromise between the House and Senate in this difficult field. I am frank to say I do not think we are going to be able to go home unless we work out something on that score.

Mr. LAUSCHE. Mr. President, I have the floor——

Mr. DIRKSEN. I object.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request.

Mr. LAUSCHE. Mr. President, I think I have the floor. I should like to finish my statement.

The Senator from Louisiana bases his argument on the fact that we raised our salaries from $22,500 to $30,000 and therefore we cannot deny petitions of others for similar treatment.

Mr. LONG of Louisiana. That is one good reason.

Mr. LAUSCHE. I did not vote for the increase to $30,000, and when I voted against the increase to $30,000 I stated that we would never be able to reject inordinate demands as a result of our giving ourselves a 33-percent increase in salary.

I am on sound ground on this item. If the Senator from Illinois had not objected, I would have objected.

Mr. LONG of Louisiana. If Senators wish to keep the Senate from voting on an amendment, Senators should be prepared to speak at length on the matter. So far as I am concerned, if any Senator wishes to offer an amendment, he has a right to offer it, and if he thinks he has the votes to have it adopted, I hope he has a chance to have it voted on.

So far as the salary matter is concerned, Senators who voted for it will have considerable difficulty going home and explaining to their people why they insisted on adjourning when the Congress had taken care of everybody but the needy, everybody but the blind, everybody but the aged. This Congress has a magnificent record of taking care of everybody except those who need help the most.

I do not believe Congress will go home on that note. My guess is that Members of Congress who are advocating health insurance—and I am not for it—are going to keep us here until we do something about health care insurance.

Senators can do as they wish, but I am desirous of achieving the same result the Senator from Ohio is. I wish to achieve results and go home. That was the object in asking unanimous consent. The Senator's objection is all right with me. We can debate the question from now until kingdom come, so far as this Senator is concerned.

Mr. LAUSCHE. Mr. President, by trying, in an election year, to give everybody everything he demands, we exhibited a lack of character which in my opinion was astounding. I refused to do it. I will not listen to this type of argument based upon the proposition that we have given to everybody everything they have asked, though they may not have been entitled to it, and now we must pick up the others who have been left out and give them what they ask. Members of Congress may as well stew and boil and roast in the fire which they created.

## ADJOURNMENT

Mr. SMATHERS. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 30, 1964, at 12 o'clock meridian.

## NOMINATION

Executive nomination received by the Senate September 29, 1964:

IN THE MARINE CORPS

Lt. Col. John H. Glenn, Jr., U.S. Marine Corps, for appointment to the grade of colonel.

## CONFIRMATION

Executive nomination confirmed by the Senate, September 29, 1964:

DEPARTMENT OF JUSTICE

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

# HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 29, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 118: 24: *This is the day which the Lord hath made; we will rejoice and be glad in it.*

Almighty God, we thank Thee for the gift of this new day, affording us many opportunities for growth in nobility of character and service.

Help us to believe that the crowning glory and joy of life is one that is characterized by inward goodness and outgoing service.

Show us how we may undergird the moral and spiritual well-being of our beloved country.

Give us the courage to drive out those vicious influences which corrupt the youth of our cities and communities.

Grant that we may encourage all those cooperative organizations of State and church which are striving to unify their efforts to build a social order which has in it the spirit of brotherhood and good will.

Inspire us to break through and break down the barriers of prejudice and selfishness.

May we have a clear understanding and appreciation of the worth and dignity of mankind.

Enable us to awaken within our own hearts the contagion and capacity for a joyous and victorious spirit.

Hear us in Christ's name. Amen.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1851. An act for the relief of Chester A. Brothers and Anna Brothers, his wife.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1927. An act 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 message further announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House upon the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. DOUGLAS, Mr. WILLIAMS of Delaware, Mr. CARLSON, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8050. An act to amend the Internal Revenue Code of 1954 to provide tax-exempt status for nonprofit nurses' professional registries operated by nurses' professional associations.

The message further announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House upon the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9124. An act 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 message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 653. An act to provide an adequate basis for administration of the Lake Mead National Recreation Area, Arizona and Nevada, and for other purposes; and

S. 1024. An act 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.

The message also announced that the President pro tempore, pursuant to Public Law 88–606, had appointed Mr. JACKSON, Mr. ANDERSON, Mr. BIBLE, Mr. KUCHEL, Mr. ALLOTT, and Mr. JORDAN of Idaho to be members, on the part of the Senate, of the Public Land Law Review Commission.

## LEGISLATION NEEDED TO MAKE IT FEDERAL OFFENSE TO ASSAULT OR ASSASSINATE THE PRESIDENT OR VICE PRESIDENT

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, immediately following the tragic events of last November 22 I called to the attention of my colleagues the fact that assassination of the President of the United States is not a Federal crime. A number of my colleagues on both sides of the aisle joined me in introducing legislation making it a Federal offense to assault or assassinate the President or Vice President.

Today, 10 months later, we have made no progress toward enacting this legislation. The Warren Commission has included in its recommendations announced yesterday a plea for passage of legislation such as that for which my colleagues and I have been pressing.

Assaults on many lesser officials are now specifically covered by Federal