ARKANSAS

Thomas E. Nelms, Brookland.
Ralph W. Blair, Fort Smith.
Betty L. Cochran, Hector.

COLORADO

Wayne F. Wilcoxen, Idalia.

DELAWARE

Clifford W. Truitt, Dagsboro.
Clarence A. Schwatka, Jr., Townsend.

GEORGIA

J. Dwight Todd, Gibson.
Jesse L. Garland, Martin.
James E. Pevey, Pembroke.

IDAHO

Hortense T. Tylor, Ucon.

ILLINOIS

Shirley E. Long, Argenta.
Kathryn E. McLaughlin, Troy Grove.

INDIANA

Chester A. Etchason, Jr., Plainfield.
Carldean Merrifield, Sr., Wolcottville.

IOWA

Dalbert D. Holst, Harris.

KANSAS

Melvin C. Webb, Cimarron.
Virgil J. Hitz, Hudson.
Charles T. Lingo, Wakarusa.

KENTUCKY

Martin W. Wilson, Dixon.
James A. Estill, Mays Lick.

LOUISIANA

Edmund F. Perkins, Clayton.

MAINE

Emilio E. Hary, Owls Head.

MARYLAND

G. Mitchell Boulden, Elkton.

MASSACHUSETTS

Edwin G. Fabian, Hanson.
Francis A. Woodlock, Medfield.

MICHIGAN

Robert C. Clark, Lupton.
Robert E. McMullen, St. Joseph.

MINNESOTA

Elwyn A. Guyer, Taconite.

MISSISSIPPI

John D. Rosamond, Gholson.
Hayden L. Martin, Pittsboro.
Annie R. Lagrone, Steens.
Maude U. Atkinson, Vance.

MISSOURI

Aldace Naughton, Jr., La Plata.
Eugene F. Schaberg, St. Charles.
Gerald A. Robertson, Sullivan.

NEW JERSEY

Leon J. Madden, Millington.

NEW MEXICO

Norman M. Booker, Hobbs.

NEW YORK

Walter W. Rostenberg, White Plains.

NORTH CAROLINA

Robert L. Baysden, Ernul.

NORTH DAKOTA

Sylvester J. Schneider, Hannah.

OHIO

Mauna L. Pullins, Irwin.
Frank Dobrozsi, Middletown.
Arthur E. Rau, Sardinia.

OREGON

Allan B. McVay, Alsea.
June Y. O'Connor, Ione.

PENNSYLVANIA

Eugene D. Mitchell, Beaver Springs.
Paul B. Vandevander, Bellwood.
Joseph D. Murphy, Bryn Mawr.
John Gajdosik, Floreffe.

TENNESSEE

Taskel T. Rich, Byrdstown.
George W. Whaley, Middleton.
William R. Broadway, Ten Mile.

TEXAS

Clarence T. Davis, Jr., Amarillo.
James T. Youngblood, Jr., Burkeville.
Austin Skinner, Ferris.
Dorothy F. Ehrlich, Follett.
Aubra C. Fuqua, Jr., LaPorte.
Oleta B. Coleman, Splendora.
Louis F. Parsons, Thornton.
Ernest L. Ryan, Weslaco.

VIRGINIA

Willie L. Yeatts, Altavista.
Edwin A. Crowder, Boydton.
E. Trigg Harrison, Chesapeake.
Jennie D. Luck, Montvale.

WASHINGTON

Kenneth A. King, Coupeville.

WEST VIRGINIA

Lansing H. Walker, Berwind.
Ova H. Tolley, Dunbar.
William E. White, Newell.

WISCONSIN

Ferne L. Thompson, Wyocena.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 13, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Deuteronomy 16: 20: *That which is altogether just shalt thou follow.*

Eternal God, our Father, as we meet the tasks and responsibilities of this new day, may we accept the challenge to lay hold of those ideals and principles of democracy which invest life with dignity and worth.

Grant that our democracy may not be found wanting or fail in these anxious and troubled days.

We humbly confess that our human life has no standards and stability, no defense against despair and defeat, and no victory against communism and chaos unless we cultivate faith in Thee and in the supremacy of the moral and spiritual values.

May the spirit of mankind be more considerate and compassionate, more gentle and gracious, more magnanimous and unselfish.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS,
CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 9, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
The Capitol, Washington, D.C.

DEAR MR. MCCORMACK: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959 for the construction and alteration of public buildings, and pursuant to the provisions of the Independent Offices Appropriation Act of 1965 for lease construction, the Committee on Public Works of the House of Representatives on April 7, 1965, approved prospectuses for the following projects which were transmitted to this committee from the General Services Administration:

Construction of new buildings:

Alaska: Petersburg, post office, Federal office building.

Arkansas: Conway, post office, Federal office building.

Arkansas: Star City, post office, Federal office building.

Colorado: Fort Collins, post office, Federal office building.

Florida: West Palm Beach, post office, courthouse.

Georgia: Augusta, post office, Federal office building.

Illinois: La Salle, SSA district office.

Maryland: Beltsville, Secret Service training center.

Maryland: Beltsville, Salisbury, SSA district office.

Massachusetts: Fall River, SSA district office.

Massachusetts: Fitchburg, post office, Federal office building.

Minnesota: Minneapolis, SSA district office.

Missouri: Kansas City, Federal office building.

New Hampshire: Keene, post office, Federal office building.

New Hampshire: Littleton, SSA district office.

New Jersey: Hackensack, SSA district office.

North Carolina: Wilkesboro, post office, courthouse.

North Dakota: Grand Forks, SSA district office.

Pennsylvania: Easton, SSA district office.

Pennsylvania: West Chester, SSA district office.

Rhode Island: Barrington, post office, Federal office building.

Tennessee: Nashville, courthouse, Federal office building, annex.

Texas: Brownsville, SSA district office.

Texas: Laredo, Border Patrol State headquarters.

Texas: Lubbock, post office.

Texas: Lubbock, courthouse, Federal office building.

Texas: Rockwall, post office, Federal office building.

Vermont: Essex Junction, post office, Federal office building.

Virginia: Staunton, SSA district office.

Washington: Wenatchee, Federal office building.

West Virginia: Wheeling, SSA district office.

Total: 30 projects.

Alteration projects:

Alabama: Montgomery, post office, courthouse.

California: Los Angeles, post office, courthouse.

California: Oakland, 1515 Clay Street, building.

Florida: Tampa, post office, courthouse, customhouse.

Georgia: Augusta, post office, courthouse.

Idaho: Boise, post office, courthouse.

Illinois: Chicago, customhouse.

Illinois: Chicago, railroad retirement board building.

Iowa: Davenport, post office, courthouse.

Maryland: Middle River, Federal depot.

Minnesota: Duluth, post office, courthouse.

New Jersey: Trenton, post office, courthouse.

New York: Buffalo, courthouse.

New York: New York, Federal office building (641 Washington Street).

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

North Carolina: Greensboro, Federal office building.
North Carolina: Wilmington, courthouse, customhouse.
Ohio: Columbus, post office, courthouse.
Oklahoma: Guthrie, post office, courthouse.
Oklahoma: Muskogee, post office, courthouse.
Oklahoma: Tulsa, post office, courthouse.
Oregon: Portland, Federal office building (701 Glisan Street).
Pennsylvania: Philadelphia, post office (main).
Pennsylvania: Pittsburgh, post office, courthouse.
Pennsylvania: Scranton, post office, courthouse.
Texas: Austin, courthouse.
Vermont: Burlington, Federal office building, post office, courthouse.
Washington: Auburn, GSA Center.
Washington: Spokane, post office, courthouse, customhouse.
Washington, D.C.: Agricultural Southern Building.
Washington, D.C.: Commerce Building.
Washington, D.C.: Weather Bureau (Bureau of Standards site).
Total: 31 projects.
Lease construction:
Kansas: Manhattan.
Montana: Missoula.
New York: Queens.
Total: 3 projects.

Sincerely yours,

GEORGE H. FALLON,
Chairman, Member of Congress.

THE LATE HONORABLE SHERMAN A. MINTON

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. DENTON].

Mr. DENTON. Mr. Speaker, I rise today to bring to my colleagues' attention the passing of that great American, Sherman A. "Shay" Minton, former U.S. Senator from Indiana and former Justice of the Supreme Court. I have the honor of representing the district from which he came and in which he chose to spend his last years. I also had the honor of knowing him well. I choose to remember him simply as a great man and a good friend.

Shay Minton was born in Georgetown, Ind., in 1890. He was always an active man. Coming from humble surroundings he worked his way through high school and with the help of a scholarship, through college. While in school he participated in athletics as much as time would allow. Justice Minton received the bachelor of laws degree from Indiana University in 1915 and the master of laws degree from Yale University the following year.

He spent the war years of 1917–18 as an infantry captain, seeing action in France. When he returned to this country he entered the practice of law and in 1933 was appointed counselor for the Indiana Public Service Commission. In this position, during those bleak depression days, he fought for the welfare of the common citizen and was rewarded in his efforts with election to the U.S. Senate in 1934.

As a Senator, Shay Minton supported the New Deal policies of Franklin Delano Roosevelt and was termed a liberal Senator. He was defeated for reelection in a rather close vote in 1940 and then was appointed as administrative assistant to President Roosevelt. Justice Minton told me that that was the greatest experience and the most interesting period of his life.

In 1941 President Roosevelt appointed Shay Minton to a judgeship on the Seventh Circuit Court of Appeals. He served in that capacity until October 1949 when he was appointed to the Supreme Court by President Truman, an old friend from his Senate days.

Justice Minton worked hard—he was a student of the law. And though he had been classed as a liberal Senator he was termed a conservative Justice. I think this was not caused by any change of political philosophy but because of his opinion of the judicial attitude a judge should take. He had gone through the Supreme Court expansion fight during the Roosevelt administration and felt there was a danger of the judiciary assuming or usurping some of the authority of the legislative branch of the Government. He had a great respect for the acts of Congress and, while he might not agree with certain legislation, he felt the Court should be extremely reluctant to overrule and act of a legislative body on the ground that it was unconstitutional.

Shay Minton retired from the Bench in 1956 because of poor health. But he remained actively interested in his two main loves, sports and politics. I recall only last October while campaigning in New Albany, Ind., where he lived, I went to the hospital to see Justice Minton. Although he was in an oxygen tent I found him listening to a ballgame and when I entered his room he immediately roused to discuss politics and the campaign. Such an indomitable spirit is not often found.

As I said, it was my honor to call Sherman Minton my friend, for although he reached the highest office of any Hoosier I have had the fortune to know he never lost his common heritage. He was always "at home" among the people with whom he lived and worked and in whose service he spent his life.

Today I feel that the Nation is a little poorer because of his passing, but infinitely richer because he came.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. DENTON. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I, too, want to express my great regret at the passing of former Justice Sherman Minton.

He was a distinguished alumnus of my alma mater, Indiana University, where both of us studied the law.

Shay Minton and I came to the Congress of the United States in 1935, he to the Senate, I to the House of Representatives.

While we were on opposite sides of the political aisle, I always found him to be a fair adversary, and I counted him among my good personal friends.

Justice Minton spent a major share of his career in public service and his contributions to making laws in the Congress and later interpreting statutes as a member of the Supreme Court, were considerable.

As a son of Indiana, Sherman Minton brought credit to his native State through his accomplishments on the national scene.

I want to extend to his bereaved family my deepest sympathies.

Mr. HAMILTON. Mr. Speaker, Mr. Justice Minton is dead.

An excellent life and a brilliant career has come to a close and I join others across this land who pause to pay their respects to this great public servant.

Sherman Minton was a lawyer, soldier, politician, a stanch ally and one-time White House aid to President Franklin D. Roosevelt, a U.S. Senator, a Justice of the U.S. Supreme Court, and for the past several years a Hoosier elder statesman. At 74, he has died in New Albany, Ind.

When illness forced Mr. Justice Minton to step down from the Highest Bench in this Nation in 1956, he spoke sadly to newsmen and said:

> There will be more interest in who will succeed me than in my passing. I'm an echo.

If Sherman Minton was, indeed, an echo, he has generated the reverberations with his own powerful voice in Indiana politics and government and later in this great Capitol and in the White House itself before he moved to the Supreme Court where he served with great distinction.

In Indiana, he was called "Shay" Minton, a name tagged on him by his brother, Roscoe when they were boys.

"Shay" Minton was not a shy man. Once during his Senate career he introduced a bill that would have made it a crime for any newspaper to publish as fact "anything known to be false by the publisher." That caused quite a stir up here on the Hill. And, one of his first senatorial acts was the breaking of a Huey Long filibuster—no mean trick in those days.

The future Senator and Justice, a native of Georgetown, Ind., headed his class when he received the LL.B. degree in 1915. A year later, he won his LL.M. at Yale University. After World War I service with the infantry on the Belgian, Soissons, and Verdun fronts, he started active practice of law in New Albany, and subsequently became associated with Paul V. McNutt in the formulation of the Indiana American Legion.

When Mr. McNutt became Governor of Indiana in 1933, he appointed Mr. Minton public counselor for the Public Service Commission; in this post Mr. Minton received credit for writing many of the "little New Deal" measures of the McNutt administration.

He was credited with reducing Indiana's public utility rates by $3,200,000 in little more than a year, which stood him in good stead when he ran for the Senate in 1934. He defeated the incumbent Republican by a majority of almost 60,000.

In the Senate, he was assigned a desk beside that of another freshman, Harry S. Truman, of Missouri. The close friendship formed then was to have a sequel 15 years later when President Truman named him to the U.S. Supreme Court.

Senator Minton was noted for his willingness to argue for the legislative programs of President Roosevelt. A conservative by nature and training, he nonetheless championed many New Deal causes.

In the election of 1940, Senator Minton was defeated for reelection. Ironically, it was the Hoosier sweep of Indiana's own Wendell L. Willkie that ended "Shay" Minton's senatorial career. Even more ironic is the fact that the two men were classmates at Indiana University.

In 1941, President Roosevelt took Mr. Minton to the White House as a staff aid, to act as the President's "eyes, ears, and legs." Mr. Minton later called this job the "richest period" in his life, although it was of short duration, for that same year the President appointed him to the U.S. Court of Appeals for the Seventh Circuit. It was from that seat that President Truman raised his old friend to the U.S. Supreme Court 8 years later.

In 1956, painfully crippled by pernicious anemia, he retired and went back to Indiana where it all began, where he had met and married Gertrude Gurtz in 1917, a union that brought them three children, including Sherman, John, and Mrs. J. H. Callahan, who survive this great American.

Mr. MADDEN. Mr. Speaker, I wish to join with Congressman DENTON and other Members in paying a tribute to a great Hoosier statesman and longtime friend of mine who passed away last week, former Associate Justice of the Supreme Court, Sherman Minton.

"Shay" Minton, as he was known to all of his friends in Indiana, was truly a self-made lawyer, statesman, and judge. Born and raised in southern Indiana, as a youth he worked his way through high school, college, and the university.

By reason of his outstanding ability as a public official and his capacity to make and retain friends, he was elected to the U.S. Senate in 1934. He made an outstanding record in fighting for the Franklin D. Roosevelt New Deal program during his term as U.S. Senator. He was afterward appointed a Federal appellate judge and later to the Supreme Court by former President Harry S. Truman. He resigned from the Supreme Court due to illness. He has been living at his boyhood home, New Albany, Ind., since his retirement.

Indiana and the Nation has profited by reason of his great public service, as a State officer, U.S. Senator, Federal judge, and Associate Justice of the Supreme Court.

He is mourned by thousands in his home State of Indiana, and many throughout the Nation regret his passing.

He was truly an example of what a young man in this great land of ours can accomplish through work, application, a sense of duty, and constantly striving for advancement and progress of the Nation he loved so much.

I extend to Mrs. Minton and the family my deepest sympathy in their bereavement.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DENTON. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE LATE HONORABLE JAMES A. SHANLEY

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, it is with deep sadness that I stand here—in the Halls of the House which he served so faithfully and well—to mourn the passing of former Representative James A. Shanley. From the articles which have appeared in the paper, which I ask permission to insert after my remarks, those of you who did not have the extreme privilege and pleasure to know Jim Shanley will learn of his many accomplishments and of his great contribution to his city, his State, his Nation, and his world.

I would like, however, to speak of Jim Shanley as a man, to tell you of those wonderfully warm characteristics which he possessed and which cannot be projected through newsprint.

Jim Shanley was a keenly intelligent, alert, insightful, and incisive man. As a teacher, he brought his students an understanding born of wisdom and love. His effect was inspirational, and those whom I have heard speak of him regarded him as one of the best.

As a Congressman, he brought his knowledge of international affairs into the perfect setting for such debate.

As a judge, he brought the full force of his intellect and his crusading spirit into play, reforming the policies and the spirit of the probate court. During his last terms, he won the endorsement of both parties.

But Jim Shanley was not only a man of intelligence. He was also a man of charm, a man of grace. His wit was legendary, his courtesy unfailing.

It was a true privilege to know this man. He was a sound political adviser, a loyal ally, a good friend. To his charming wife and to his family, I extend my deep sympathies as well as those of the district which he served and which I am also proud to represent.

The articles follow:

JAMES A. SHANLEY

Teacher, statesman, judge.

So, in capsule form, might be written the career of Probate Judge James A. Shanley.

But it would take chapters, if not volumes, to fully write the Jim Shanley story.

To his friends, and their number was legion, the Jim Shanley story does not need to be put into print. It is written in words, in deeds of kindness, in actions, accomplishments and in accolades which came his way in profusion because of what he was and what he did. These things, one may be sure, will never fade from the minds and hearts of those who knew him, those that he helped, those that he entertained with his flashing yet kindly wit as a toastmaster, his gentlemanly conduct and charm which he wore not as an occasional cloak but as his everyday garment.

Judge Shanley was a product of New Haven, in every sense of that word. Through its local schools, through Yale University and through the honors and offices it bestowed upon him, New Haven gave Jim Shanley much. In return he gave the city and its people much more.

These things will be remembered now as the city he knew and loved so well gives him its last farewell at funeral services tomorrow.

Some of those who attend these rites will remember him best as a teacher—and as an inspirational one.

Others will recall the services he rendered his city, his State and his Nation as a member of Congress and an outstanding scholar and statesmen in the field of international law.

Even larger numbers will recall his years as New Haven's judge of probate, his reforms in that office; his kindly, considerate handling of those who came before him; the excellence of his administration which resulted in his being nominated by Democrats, endorsed by Republicans, respected by all.

But, after thinking of all these things all who know him will think most of him as Jim Shanley, friend and fellow citizen, a man among men.

PROBATE COURT TO BE CLOSED FOR SHANLEY RITES WEDNESDAY

To mourn his death, Probate Court will be closed Wednesday during the funeral of Probate Court Judge James A. Shanley, 69, who died Sunday in Grace-New Haven Hospital.

The court will not open until 2 that afternoon. Also, city hall is draped in black and city flags are flying at half-staff.

The funeral will be held at 9 a.m. from M. F. Walker and Sons Funeral Home, 1201 Chapel Street. A solemn requiem high mass will be celebrated at 10 in Assumption Church, Woodbridge. Burial will be in St. Lawrence Cemetery, West Haven.

Mayor Richard C. Lee, Monday announced the official honorary delegation for the funeral as follows:

Harold M. Mulvey, State attorney general; George W. Crawford, former city corporation counsel; Democratic town chairman Arthur T. Barbieri; Tax Collector Vincent R. Marenna; City Sheriff Gabriel Kasprzcycki; Town Clerk Joseph A. Gianelli; Masella; City Clerk Leon Medvedow; City Treasurer Ella B. Scantlebury; Registrars of Voters Paul R. North and Victor E. Rosien; Norton Levine, former assistant corporation counsel.

Controller Kennedy Mitchell; Director of Administration Dennis Rezendes; mayor's executive secretary Anthony E. Bove.

Corporation Counsel A. Frederick Mignone and members of his staff, Thomas F. Keyes, Jr., Joseph E. Bove, Roger J. Frechette, William B. Ramsey and Frank S. Meadow.

Development Administrator L. Thomas Appleby, Aldermaniac President William T. O'Connell, aldermanic majority leader Edward M. Reynolds, aldermanic minority leader Michael DePalma.

Purchasing Agent Frederick L. Cronan, Acting City Assessor Thomas F. King, Public Works Director Clifford E. McGrail, City Engineer Albert A. Landino, Personnel Director Peter H. Feriola, Building Inspector Peter Rowley, City Plan Director Sherman Hasbrouck, Community Relations Director James L. Mitchell.

Police Chief Francis V. McManus, Fire Chief Thomas J. Collins, Traffic and Parking

Director Harry B. Skinner, Welfare Director Daniel J. Dunn, School Superintendent Laurence Paquin, Park Director James E. Coogan, Librarian Meredith Bloss, Health Director Dr. John F. Sayers, Legal Aid Director Francis X. Dineen and Tweed-New Haven Airport Manager James E. Malarky.

Among the many organizations which claimed Judge Shanley as a distinguished member is the Second Company, Governor's Foot Guard in which Judge Shanley held the rank of captain and served as assistant chief of staff and judge advocate.

J. A. SHANLEY FUNERAL SET WEDNESDAY

Funeral services will be held Wednesday for Probate Judge James A. Shanley, 69, of Ansonia Road, Woodbridge, who died Sunday morning at Grace-New Haven Hospital.

The funeral will be held at 9 a.m. from the parlors of M. F. Walker & Sons, 1201 Chapel Street. A solemn requiem high mass will be sung at 10 in Assumption Church, Woodbridge. Burial will be in St. Lawrence Cemetery, West Haven.

Judge Shanley, after more than 40 years of public service, was to have stepped down from his post in April 1966, because of a constitutional requirement that State judges retire at 70.

Gov. John Dempsey said today that "Judge Shanley served with honor and distinction. He was an outstanding public servant. He will be missed."

The Governor extended his condolences to the judge's family.

Mayor Richard C. Lee said of his longtime friend:

"Judge Shanley's death is a grievous and personal loss to me and to everyone in New Haven. Soldier, teacher, legislator, jurist—Jim Shanley was dedicated to his city, his Nation, and his fellow man.

"He was my close political associate—and more than that—a warm and intimate friend. Early in my career, it was my privilege to nominate Jim for judge of probate. In turn, I was honored to have him offer my name in nomination for the office of mayor. For my last several terms it has been Judge Shanley who administered the oath of office at my inauguration.

"Jim Shanley has served his city well and we mourn his passing."

FLAGS AT HALF STAFF

Mayor Lee ordered that flags on all city buildings be flown at half-staff until noon on the day of his burial. City hall, seat of the probate court, will also be draped in black for 1 month.

John M. Golden, Democratic National Committeeman, said of the judge, "the passing of Judge Shanley leaves a void in this community which will be difficult to fill. Few men have occupied the place in the hearts of so many people as did this kindly, scholarly gentleman. Perhaps the greatest tribute to him is the continuing lifetime affection of the thousands of students he taught in his earlier years. I am proud to have had him as my loyal and devoted friend. Ever sympathetic and kindly, he was a friend of all people. A patriotic American, loyal to his country, his church and his friends, he achieved a position hard to equal. I join the many thousands who grieve in his removal from our midst and give my sincere respects to his family."

From his home in West Hartford, Judge J. Joseph Smith, of the U.S. court of appeals for the second circuit spoke of his deep friendship with Judge Shanley with whom he served on the staff of the late Gov. Wilbur L. Cross and in Congress.

Robert Taylor, Jr., president of the New Haven County Bar Association, called Judge Shanley, "the most wonderful kind of judge," Sunday night.

Taylor announced the following honorary pallbearers for the funeral; U.S. Commissioner Robert Alcorn; Judge Herbert Fischer, West Haven Judge of Probate who has been sitting in for Judge Shanley during the latter's illness; Judge Raymond Devlin; Judge John Thim, and the following attorneys; Harold Alprovis, Frank Bergin, I. Gordon Golby, Walton Cronan, B. Fred Damiani, David E. FitzGerald, Herman Levine, John McNerney, Thomas O'Sullivan, George M. Peck, Albert T. Sheppard and John Wynne.

ACTIVE BEARERS

The active bearers will be Nicholas Mona, John Golden, Frank Cronin, William Cronin, John Clark, and Daniel Weinstein.

Judge Shanley, a Democrat, served 4 terms in Congress as Representative from the Third District, 1935–42. He was elected probate judge in New Haven in 1948 and in his last two campaigns for reelection enjoyed the support of the Republican Party as well as his own.

Judge Shanley was born on Asylum Street, April 1, 1896, the son of the late Bernard and Rose Kelly Shanley.

YALE GRADUATE

He received his early education in local schools and received his B.A. degree in 1919 from Yale College and in 1923 his LL.B. degree from the Yale Law School.

In 1920–21, he taught mathematics at Carlton Academy in Summit, N.J., and at Hillhouse High School from 1921 to 1934 where he also served as athletic coach.

During World War I, he was graduated from the Battery Commander's School at Fort Sill, Okla., and served as a lieutenant in field artillery. He was a captain in the Artillery Reserve; an adjutant in the 1st Battalion and subsequently Company Commander, Battalion Headquarters, 102d Infantry, Connecticut National Guard from 1929 to 1935 when he resigned on being elected to Congress. He served as a major on the staff of Gov. Wilbur Cross from 1931 to 1933.

During his service as probate judge he won the respect and support of both political parties through a tight policy on probate court expenditures. He reduced the judge's salary from an average of $38,000 a year in the 1940's to less than $19,000 during his tenure. He also instituted other economies in the operation of the court.

As a member of the House Foreign Affairs Committee, he was praised by the late Sol Bloom, committee chairman, for his "keen intelligence, thorough grasp of international law and his outstanding character."

Judge Shanley always like to be called a liberal and always insisted that he was one. He had supported labor legislation and had generally supported President Roosevelt's domestic policies, but had broken with the President on his foreign policy.

He was the recipient of many local and State honors. In 1952 Father McKeon Division No. 7, Ancient Order of Hibernians, presented him with the Distinguished Friendship Award, noting that Judge Shanley always went "beyond the call of duty in any position he occupied—with benefit to all concerned."

In 1953 he was elected chairman of the New Haven Human Relations Council succeeding the retiring chairman, Dr. David N. Beach, pastor of Center Church.

The New Haven Advertising Club's Gold Medal Award was given Judge Shanley in 1958, with James P. Richards, former Congressman from South Carolina, making the presentation and referring to Judge Shanley as "our greatest international scholar" in Congress in the midthirties.

At that same dinner Mayor Lee spoke of Judge Shanley's "charm and grace," saying that the judge's warmheartedness and wit had made many a "long and dreary banquet easy to endure" for Judge Shanley was also well known and much sought after as a toastmaster. This year for the first time in over 30 years he was not toastmaster of the St. Patrick's Day dinner of the Knights of St. Patrick because of his illness.

A former member of the boys club, he also had served as toastmaster for that group's annual awards dinner for many years.

A prolific reader, Judge Shanley had a library of over a thousand books and had contributed many to the New Haven Library as well. Some 5 years ago he served as general chairman of library week here.

Judge Shanley was a director of the New Haven Boys Club, a member of the American Society of International Law, American-Irish Historical Society, Knights of Columbus, Elks, Eagles, Knights of St. Patrick, Union League, American Society of International Lawyers, and the County and State Bar Associations.

He leaves his wife, the former Hilda Murphy Fleming Shanley; a daughter, Mary Louise (Nancy), now with the Peace Corps in Tanzania (Tanganyika); a son, James A. Shanley, Jr., a lawyer with the State Department in Washington, D.C.; two sisters, Mrs. Raymond Campbell and Miss Claire Shanley, both of Orange; five grandchildren and eight stepchildren. His first wife, the former Mildred Fleming, died in 1956.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman.

Mr. KUNKEL. Mr. Speaker, I probably had the pleasure of knowing Jim Shanley longer than anyone else in this Chamber. He and I were classmates in the class of 1919 at Yale University. Jim was a fine student; even at that time he showed the characteristics of diligence and leadership which later led him up the ladder of a long and outstanding public career, both as a Member of Congress and as a probate judge.

We served together in the House for some years. At that time Jim was one of the most informed and solid people on foreign affairs. His speeches and his work at that time did a great deal to enable this country to come through the perilous war period in the way we did.

It was a shock to me to learn that Jim Shanley had passed away, because only last year we were at a reunion together, and 5 years before that we were together at another reunion. I do not know when anything has saddened me so much as when I learned of his passing. He was a friend for whom I had affection and great admiration. His wit and knowledge made him sparkle in any gathering.

I wish to join in all the fine comments the gentleman from Connecticut [Mr. GIAIMO] has made about him. To his family, my deepest sympathy.

Mr. GIAIMO. I thank the gentleman.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Speaker, I join the gentleman in paying tribute to the memory of Jim Shanley. It has been truly and justly said that he was a great teacher, a great statesman, and a great judge.

I believe that no one in the modern history of New Haven has left behind a more pleasant and a more lasting memory.

An editorial which appeared in the New Haven Register said:

> Through its local schools, through Yale University, and through the honors and offices it bestowed upon him, New Haven gave Jim Shanley much. In return he gave the city and its people much more.

Would that all of us could receive such a wonderful epitaph.

The gentleman in the well has truly pointed out that it was his personality, his friendliness, his charm, and his grace which will remain in the memories of those of us who knew him well and for whom he served as an outstanding example.

I wish to point out also that he was a distinguished member of the great House Committee on Foreign Affairs, on which I have the privilege of serving, and he was one of the outstanding of many outstanding Representatives from Connecticut on that committee, to such an extent that he became known as an authority on international law and on the foreign affairs of this country.

I am saddened to know of his passing. I wish to express my appreciation for his contribution and also my sympathy to the members of his bereaved family.

Mr. GIAIMO. I thank the gentleman.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Speaker, I should like to join my colleague the gentleman from Connecticut [Mr. GIAIMO] in expressing my sympathy to the family of Jim Shanley on his untimely passing.

Congressman Shanley served in this body from the 74th to the 77th Congresses, during those tumultuous and epochmaking years from 1935 to 1943 when the Nation was troubled by economic difficulties and then fought its way through a world war. These were strenuous years, and Jim Shanley served his Nation well. He was one of the outstanding men who represented our State and gave wise counsel and assistance to the Nation in the reponsibilities which he bore.

He was a man of gentle charm and courtesy, of flashing wit and inspirational ability. His service was marked by honor and distinction. He participated actively in many community programs, from libraries to friendly societies, and he served on many occasions to brighten a banquet table with his wit as toastmaster. He had graduated from Yale University with a fine training in the law, taught school in New Haven and served responsibly in World War I and in the military reserve forces thereafter. His practice in the international law, and his work in Congress led the late Sol Bloom to pay tribute to him for his work.

I campaigned with him when he made his first unsuccessful try for the position of judge of probate in New Haven after World War II, and when he was elected in 1948. In his last two campaigns for reelection he had earned the support of the Republican Party.

He was a wonderful fellow to know and to work with. He had been a great athlete at Yale, an outstanding player in hockey and baseball, and he had set a mark for the young people of Connecticut to look up to and to emulate through his patriotism and his integrity. His two children are carrying on his tradition of public service, one in the Peace Corps and the other in the State Department, and to them, as well as to Mrs. Shanley, I extend my deepest condolences. I am deeply saddened by his passing. I share with Mr. GIAIMO a sense of sadness at the loss of a close and beloved friend.

Mr. GIAIMO. Mr. Speaker, I thank the gentleman and I now yield to the gentleman from Maryland [Mr. SICKLES].

Mr. SICKLES. Mr. Speaker, I, too, was greatly saddened to hear of the untimely passing of Judge James A. Shanley, of New Haven, Conn.

Judge Shanley, a dedicated public servant, was also a treasured family friend for many, many years. Among our many associations, he once served as toastmaster at a testimonial for my father, Carl W. Sickles, an occasion remembered by my family with great warmth.

A man of discerning intelligence and great dedication, he pursued during his lifetime at least four careers—as soldier, teacher, lawyer, and public servant, giving to each distinguished service.

As a soldier, he served as a lieutenant in World War I, later as a captain in the Artillery Guards from 1923 to 1935, adjutant in the Connecticut National Guard from 1929 to 1935, and as major on the staff of Gov. Wilbur L. Cross from 1931 to 1935.

His great love of youngsters and his dedication to their growth brought him to teaching. After graduation from Yale University in 1920, he taught mathematics at Carlton Academy in Summit, N.J., and later at Hill House High School in New Haven. Though his attention turned to law and politics, he still managed to devote much of his time to youngsters, being educational and athletic adviser to the New Haven Boys Club, an organization in which I held membership, and later, after coming to Washington, lecturing on parliamentary government and legislation at the Catholic University of America.

A 1928 graduate of the Yale University Law School, he practiced law in the city of New Haven. In 1935, he was elected to Congress from the Third Congressional District of Connecticut. Here, he served his constituents and his nation well as a member of the Committee on Foreign Affairs until 1942. After returning to Connecticut he distinguished himself in private practice and then as judge of probate, until his passing.

Throughout his life, whether as soldier or lawyer, teacher or public servant, Judge Shanley was admired and respected by all who came to know his discerning mind, his steadfast dedication to service, and his constant loyalty. He will be missed by all who knew him, all whose lives were touched by his presence.

Mr. GRABOWSKI. Mr. Speaker, I was deeply saddened when I learned of the death of Probate Judge James A. Shanley, of New Haven.

Judge Shanley, one of the finest men I have ever known, served in the U.S. Congress as Representative from the Third District of Connecticut from 1935 until 1942. During this time he was noted as one of the scholars of Congress, a man who lived up to the ideals of statesmanship and who contributed much to the field of international law.

In 1948 he was elected probate judge in New Haven. It is in this role that the majority of people will probably remember him. He was kindly and yet firm, with the highest integrity. He introduced reforms into the probate court. Perhaps the greatest testimony to his contributions to the court came during his last two campaigns for the post of probate judge—he was nominated by Democrats and endorsed by the Republicans—indeed a high tribute to a man running under a political party banner for elective office.

His keen mind ranged into many fields—not only international law, but also into affairs of state, history, and to the modern problem of aiding youths who were underprivileged.

It would serve all of us to model our lives as nearly as possible after the life led by James Shanley. In every action he exemplified the gentleman and the scholar.

In words written immediately after the death of Judge Shanley was announced, another fitting tribute was paid to this great man:

> To his friends, and their number was legion, the Jim Shanley story does not need to be put into print. It was written in words, in deeds of kindness, in actions, accomplishments, and in accolades which came his way in profusion because of what he was and what he did. These things * * * will never fade from the minds and hearts of those who knew him, those that he helped.

New Haven, Conn., and the United States have lost a wonderful man.

Mr. KEOGH. Mr. Speaker, I rise in special tribute to one of our distinguished former colleagues, an eminent judge, and my good friend, the Honorable James A. Shanley, of Connecticut.

Last week at the age of 69, Judge Shanley passed away in New Haven. He was a man who had given a lifetime of service and vision to his State and his country. My sympathy and sorrow go out to his wife and family, and though it is for them a time of sadness, it is sadness which can be mixed with pride in the legacy which he has left to them. A man of great warmth, wit, and integrity, Judge Shanley had earned the respect and support of both Democrats and Republicans in his community and Nation.

During his last several terms as judge of the New Haven probate court, a position he had held since 1948, he was unopposed for reelection and enjoyed the esteem of both parties. Through his efforts many archaic practices were eliminated from the probate system of Connecticut and its operation made more effective.

During his term of office as the U.S. Representative from the Third Congressional District of Connecticut, from 1934 to 1942, he was closely identified with much of the New Deal program. And as a careful student of world affairs and

member of the House Foreign Affairs Committee, he was a valuable and prophetic voice during the dark days of the late thirties when the world moved toward war and this country remained divided on foreign policy.

He fought ardently for the repeal of the Neutrality Acts of 1935 and 1937 when many Americans still felt they could and would dodge the coming issue abroad by remaining aloof, resorting if need be to the construction of a "Fortress America."

And though he knew that war would come, he was an equally stanch advocate of international law, envisioning means to bring it about. In 1939, he asked President Roosevelt to convoke a world conference for the maintenance of peace. He believed strongly that the United States could make such an invitation timely and powerful.

He was well aware also, during those prewar years, of the menace that Stalin and communism—as well as Hitler—would come to pose for the nations of the free world. He urged great care and caution in our world diplomacy and warned often that "One day's friends may be tomorrow's enemies."

When war came and tyranny began its march toward world domination, he joined with younger men in the defense of our country. He had served as a young lieutenant in the field artillery of World War I, and now, two decades later, he served again the cause of freedom.

I have known James Shanley for many years. When I came here as freshman Congressman in 1936, his first tenure in the House had begun only 2 years earlier. We served together until the year following Pearl Harbor. He was a man of vision, a scholar, and devoted servant to the welfare of this country.

It is with a deep sense of sorrow that I offer this tribute and my deepest sympathies to his good family.

Mr. ST. ONGE. Mr. Speaker, I wish to join with my colleagues in paying tribute to the memory of Judge James A. Shanley, an eminent jurist and former Member of Congress from Connecticut.

Judge Shanley served in this House for a period of four terms, from 1934 to 1942. Those were the years of the first two terms of the Franklin D. Roosevelt administration, and during this period Shanley identified himself strongly with the New Deal program and was a stanch supporter of much of the reform legislation enacted by Congress at that time. He was a scholar in the field of foreign affairs and an outstanding exponent of effective international law during his service in Congress.

I was privileged to know him intimately and to discuss often with him various matters of mutual interest. He was a man of great intellect, charm, and wit. He was noted throughout Connecticut as a public speaker and toastmaster. He was also highly regarded as a judge and in recent years had the endorsement of both political parties in New Haven.

Connecticut has lost an outstanding citizen. We are all saddened by his passing. I wish to extend my profoundest sympathy to his wife and children in their hour of bereavement.

GENERAL LEAVE TO EXTEND

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the passing of Jim Shanley.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DEVELOPMENT OF THE NATION'S NATURAL RESOURCES

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 21) to provide for the optimum development of the Nation's natural resources through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, ROGERS of Texas, O'BRIEN, SAYLOR, and SKUBITZ.

AMENDING THE ARMS CONTROL AND DISARMAMENT ACT, AS AMENDED

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 233)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: ", and for the three fiscal years 1966 through 1968, the sum of $30,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
E. ROSS ADAIR,
W. S. MAILLIARD,
E. Y. BERRY,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
MIKE MANSFIELD,
By J. W. FULBRIGHT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill authorized appropriations of $40 million for the expenses of the Arms Control and Disarmament Agency for the 3 fiscal years 1966, 1967, and 1968.

The amendment of the Senate to the text of the House bill reduced the amount of the authorization from $40 million to $20 million, and reduced the period of authorization from 3 fiscal years to the 2 fiscal years 1966 and 1967.

The compromise agreed to by the conferees provides an authorization of $30 million for the 3 fiscal years 1966, 1967, and 1968.

The title of the House bill recited that the amendment to existing law was "to increase the authorization for appropriations". The amendment of the Senate to the title of the House bill changed the word "increase" to "continue". The House recedes.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
E. ROSS ADAIR,
W. S. MAILLIARD,
E. Y. BERRY,
Managers on the Part of the House.

Mr. MORGAN. Mr. Speaker, the House conferees have secured a good compromise on this legislation.

The bill as passed by the House authorized $40 million for a 3-year period. The Senate cut this to $20 million for a 2-year period.

In the conference agreement $30 million was authorized for the next 3 years. In addition, there will be available about $1.7 million from a previous authorization. So almost $32 million will be available to carry out the work in the Arms Control and Disarmament Agency during the next 3 years.

Mr. Speaker, this bill was very short and it passed the House by a large majority.

Mr. Speaker, I urge the adoption of the conference report.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Speaker, I would join the gentleman from Pennsylvania in his statement that the conferees have

come back to the House with the best possible conference report, having in mind the limitation within which we were required to work.

Mr. Speaker, for those who are economy minded, who thought that the House bill was a little too large, we have reduced it in the aggregate from an authorization carried in the House bill of $40 million for a 3-year period to an authorization in the conference version of $30 million over a 3-year period. This is substantially less than the Agency requested. Of course, the figure has yet to go through the appropriations process. The question in the conference was as to the period of time involved. As the gentleman from Pennsylvania, the chairman of our committee, has stated, the Senate had authorized an appropriation for a period of 2 years and the House had authorized an appropriation for a period of 3 years. We did agree to the longer period of time, but at a much smaller sum.

On balance, therefore, Mr. Speaker, it is my feeling that the conferees have performed well and have brought back an adequate and proper conference report within the limits of our authority.

Mr. Speaker, I would urge that the House adopt the report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I cannot agree with the chairman of the Committee on Foreign Affairs in his statement that this is a good bill.

I want to say to the gentleman that I opposed the original bill and I oppose this bill on the grounds that there is no disarmament in the foreseeable future.

Mr. Speaker, we could spend $1 million a year or less and accomplish just as much by way of disarmament as is going to be accomplished by the expenditure of $10 million a year or $30 million for 3 years as this conference report provides. The expenditure of $1 million to year to maintain a few people capable of discussing disarmament with anyone who wanted to talk about it would save the taxpayers $27 million on the basis of this bill. And this program has been put on a 3-year basis because no one wants to attempt to justify it each year.

Mr. Speaker, the United States today is in the business of peddling arms all over the world. Only 2 or 3 months ago, we entered into a contract with the British to sell them $1 billion worth of arms. Now they are talking about buying $1 billion worth of our new warplanes.

We are selling and distributing arms all over the world. Yet we are here today asked to expend $10 million a year for 3 years on disarmament.

How utterly contradictory and ridiculous can we get? This Agency, with its extravagant payroll, is a wanton waste of the taxpayers' money and I am opposed to the conference report.

Mr. MORGAN. The gentleman has offered that argument before; we went through it during the hearings. Many other people in this country and in this body have different ideas on arms control. If we can spend $50 billion for defense I think we ought to be able to spend $10 million for studies and research to protect our interests in future negotiations on arms control or disarmament.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I join the distinguished chairman of the committee in the remarks he has made on this conference report. I think the conferees have brought back to the House an equitable and fair solution to the disarmament legislation.

Mr. Speaker, I wish to announce that the Subcommittee on the Far East and the Pacific of the Committee on Foreign Affairs will show a documentary film on Vietnam in room 2172 of the Rayburn Building at 3 o'clock this afternoon. I wish to take this opportunity to say that all Members of the House are welcome to attend and see this film.

Mr. MORGAN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 316, nays 65, not voting 52, as follows:

[Roll No. 72]

YEAS—316

Abbitt
Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Bandstra
Barrett
Bates
Beckworth
Bell
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Celler
Chamberlain
Chelf
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Derwinski
Diggs
Dingell
Donohue
Dow
Downing
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Fascell
Feighan
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Hagen, Calif.
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Herlong
Hicks
Holifield
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Okla.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Utah
Kirwan
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lindsay
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Mathias
Matsunaga
Matthews
May
Meeds
Miller
Mills
Minish
Mink
Mize
Moeller
Monagan
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Poff
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schneebeli
Schweiker
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stanton
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Todd
Trimble
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watkins
Watts
Whalley
White, Idaho
Whitener
Widnall
Willis
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Young
Zablocki

NAYS—65

Abernethy
Andrews, George W.
Ashbrook
Baring
Battin
Bray
Broyhill, N.C.
Buchanan
Callaway
Clancy
Clawson, Del
Collier
Cramer
Devine
Dickinson
Dole
Dorn
Dowdy
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Findley
Flynt
Fuqua
Gathings
Gross
Gurney
Haley
Hall
Harris
Harsha
Hosmer
King, N.Y.
Lennon
Lipscomb
Long, La.
McMillan
Marsh
Martin, Ala.
Martin, Nebr.
Minshall
Moore
O'Konski
O'Neal, Ga.
Pool
Quillen
Reid, Ill.
Rhodes, Ariz.
Rivers, S.C.
Roberts
Rogers, Tex.
Satterfield
Sikes
Smith, Calif.
Talcott
Teague, Tex.
Thomson, Wis.
Tuck
Utt
Waggonner
Walker, Miss.
White, Tex.
Whitten
Williams
Younger

NOT VOTING—52

Anderson, Ill.
Andrews, Glenn
Ashmore
Baldwin
Belcher
Blatnik
Bonner
Casey
Cederberg
Clausen, Don H.
Colmer
Dawson
Evins, Tenn.
Farnum
Fino
Fisher
Fulton, Tenn.
Gray
Gubser
Hagan, Ga.
Harvey, Ind.
Henderson
Holland
Irwin
Jennings
Joelson
Johnson, Pa.
Jones, Ala.

King, Calif.	Powell	Scott
Kluczynski	Purcell	Stalbaum
Martin, Mass.	Reifel	Steed
Michel	Reinecke	Thompson, Tex.
Moorhead	Resnick	Toll
Nix	Roosevelt	Weltner
Passman	Rostenkowski	Wilson, Bob
Pirnie	Schmidhauser	Yates

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts for, with Mr. Glenn Andrews against.

Mr. King of California for, with Mr. Michel against.

Mr. Evins of Tennessee for, with Mr. Bob Wilson against.

Mr. Stalbaum for, with Mr. Casey against.

Mr. Pirnie for, with Mr. Fisher against.

Mr. Toll for, with Mr. Scott against.

Mr. Roosevelt for, with Mr. Passman against.

Mr. Rostenkowski for, with Mr. Ashmore against.

Mr. Fulton of Tennessee for, with Mr. Colmer against.

Mr. Reifel for, with Mr. Reinecke against.

Mr. Anderson of Illinois for, with Mr. Don H. Clausen against.

Mr. Jennings for, with Mr. Weltner against.

For this day:

Mr. Kluczynski with Mr. Fino.

Mr. Yates with Mr. Belcher.

Mr. Nix with Mr. Holland.

Mr. Powell with Mr. Dawson.

Mr. Resnick with Mr. Gray.

Mr. Hagan of Georgia with Mr. Irwin.

Mr. Purcell with Mr. Schmidhauser.

Mr. Moorhead with Mr. Cederberg.

Mr. Steed with Mr. Johnson of Pennsylvania.

Mr. Henderson with Mr. Harvey of Indiana.

Mr. Joelson with Mr. Gubser.

Mr. Bonner with Mr. Farnum.

Mr. RIVERS of South Carolina and Mr. MINSHALL changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have permission to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MANPOWER ACT OF 1965

Mr. O'HARA of Michigan. Mr. Speaker, I call up the conference report on the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 231)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Manpower Act of 1965'.

"SEC. 2. Section 101 of the Manpower Development and Training Act of 1962, as amended (hereinafter referred to as the 'Act'), is amended by inserting before the last sentence thereof the following new sentence: 'The Congress further finds that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions, where such training would further the purposes of this Act.'

"SEC. 3. (a) Section 102(5) of the Act is amended by adding a comma after the word 'arrange' and inserting 'through grants or contracts,' immediately following the comma.

"(b) Section 102 of the Act is further amended by striking out 'and' at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu of such period '; and', and by adding at the end of such section the following new paragraph:

"'(6) establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems of worker groups such as the long-term unemployed, disadvantaged youth, displaced older workers, the handicapped, members of minority groups, and other similar groups. In carrying out this subsection the Secretary of Labor shall, where appropriate, consult with the Secretaries of Health, Education, and Welfare, and Commerce, and the Director of the Office of Economic Opportunity. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare. He shall also seek the advice of consultants with respect to the standards governing the adequacy and design of proposals, the ability of applicants, and the priority of projects in meeting the objectives of this Act.'

"SEC. 4. (a) Title I of the Act is amended by renumbering sections 103 and 104 as sections 106 and 107, respectively, and by inserting immediately after section 102 the following new sections:

"'Job development programs

"'SEC. 103. The Secretary of Labor shall stimulate and assist, in cooperation with interested agencies both public and private, job development programs, through on-the-job training and other suitable methods, that will serve to expand employment by the filling of those service and related needs which are not now being met because of lack of trained workers or other reasons affecting employment or opportunities for employment.

"'Labor mobility demonstration projects

"'SEC. 104. (a) During the period ending June 30, 1967, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness in reducing unemployment of programs to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment) and are deemed qualified to perform the work for which they are being employed.

"'(b) Loans or grants provided under this section shall be subject to such terms and conditions as the Secretary shall prescribe, with loans subject to the following limitations:

"'(1) there is reasonable assurance of repayment of the loan;

"'(2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

"'(3) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

"'(4) the loan bears interest at a rate not less than (A) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (B) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes; and

"'(5) the loan is repayable within not more than ten years.

"'(c) Of the funds appropriated for a fiscal year to carry out this Act, not more than $5,000,000 may be used for the purposes of this section.

"'Trainee placement assistance demonstration projects

"'SEC. 105. During the period ending June 30, 1967, the Secretary of Labor shall develop and carry out experimental and demonstration projects to assist in the placement of persons seeking employment through a public employment office who have successfully completed or participated in a federally assisted or financed training, counseling, work training, or work experience program and who, after appropriate counseling, have been found by the Secretary to be qualified and suitable for the employment in question, but to whom employment is or may be denied for reasons other than ability to perform, including difficulty in securing bonds for indemnifying their employers against loss from the infidelity, dishonesty, or default of such persons. In carrying out these projects the Secretary may make payments to or contracts with employers or institutions authorized to indemnify employers against such losses. Of the funds appropriated for fiscal years ending June 30, 1966, and June 30, 1967, not more than $200,000 and $300,000, respectively, may be used for the purpose of carrying out this section.'

"(b) Section 102(2) of the Act is amended by striking out '104' and inserting in lieu thereof '107'.

"SEC. 5. Section 202(1) of the Act is amended by striking out ', and such persons shall be eligible for training allowances for not to exceed an additional twenty weeks'.

"SEC. 6. (a) Section 203(a) of the Act is amended as follows:

"(1) Amend the second sentence thereof to read as follows: 'Such payments shall be made for a period not exceeding one hundred

and four weeks, and the basic amount of any such payment in any week for persons undergoing training, including uncompensated employer-provided training, shall not exceed $10 more than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available: *Provided,* That the basic amount of such payments may be increased by $5 a week for each dependent over two up to a maximum of four additional dependents: *Provided further,* That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of his total allowance, including payments for dependents, shall receive an allowance increased by the amount of such excess.';

"(2) Amend the second paragraph thereof to read as follows:

" 'With respect to any week for which a person receives unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law which is less than the total training allowance, including payments for dependents, provided for by the preceding paragraph, a supplemental training allowance may be paid to a person eligible for a training allowance under this Act. The supplemental training allowance shall not exceed the difference between his unemployment compensation and the training allowance provided by the preceding paragraph.';

"(3) Insert the words 'under the training program' after 'compensated hours per week' in the third paragraph of such subsection;

"(4) In lieu of the fourth paragraph of such subsection insert the following:

" 'The training allowance of a person engaged in training under section 204 or 231 shall not be reduced on account of employment (other than employment under an on-the-job training program under section 204) which does not exceed twenty hours per week, but shall be reduced in an amount equal to his full earnings for hours worked (other than in employment under such an on-the-job training program) in excess of twenty hours per week.'

"(b)(1) Section 203(b) of the Act is amended by striking out the matter following 'to defray transportation' and preceding '*Provided*', and by inserting in lieu of such matter the following: 'expenses, and when such training is provided in facilities which are not within commuting distance of the trainee's regular place of residence, subsistence expenses for separate maintenance of the trainee:'.

"(2) Such subsection is further amended by inserting immediately before the period at the end thereof the following: ', except in the case of local transportation where he may authorize reimbursement for the trainee's travel by the most economical mode of public transportation, and except that in noncontiguous States and in areas outside the continental United States where the per diem allowance prescribed under section 836 of title 5, United States Code, exceeds the maximum per diem allowance prescribed under that section for contiguous States, the Secretary may provide for a reasonable increase in the transportation and subsistence expenses in such amounts as he may deem necessary to carry out the purposes of this Act, and subject to such limitations as he may prescribe'.

"(c) Section 203(c) of the Act is amended as follows:

"(1) Strike the words 'not less than' in the first sentence and insert 'at least' in lieu thereof;

"(2) Strike out everything in the first sentence after the words 'gainful employment', and insert the following in lieu thereof: ': *Provided,* That he shall not pay training allowances to members of a family or a household in which the head of the family or the head of the household as defined in the Internal Revenue Code of 1954 is employed, unless the Secretary determines that such payments are necessary in order for the trainees to undertake or to continue training: *Provided further,* That no allowances shall be paid to any member of a family or household if the Secretary of Labor determines that the head of such family or household has terminated his employment for the purpose of qualifying such member for training allowances under this section';

"(3) Amend the last sentence to read as follows: 'The number of youths under the age of twenty-two who are receiving training allowances (or who would be entitled thereto but for the receipt of unemployment compensation) shall, except for such adjustments as may be necessary for effective management of programs under this section, not exceed 25 per centum of all persons receiving such allowances (or who would be entitled thereto but for the receipt of unemployment compensation). The Secretary of Labor may authorize continued payments of allowances to any youth who becomes twenty-two years of age during the course of his training, if he has completed a substantial part of such training.'

"(d) Subsection (d) of section 203 of the Act is repealed and subsections (e), (f), (g), (h), (i), and (j) of such section are redesignated as (d), (e), (f), (g), (h), and (i), respectively.

"(e) The first sentence of section 203(g)(2) of the Act (as redesignated by section 5(d) of this Act) is amended by striking out everything that follows 'all of such benefits paid' and inserting in lieu thereof a period.

"SEC. 7. Section 208 of the Act is repealed.

"SEC. 8. Section 231 of the Act is amended by striking out the second and third sentences and inserting in lieu thereof the following: 'Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. The State agency shall be paid not more than 90 per centum of the cost to the State of carrying out the agreement, unless the Secretary of Health, Education, and Welfare determines that payments in excess of 90 per centum are necessary because such payments with respect to private institutions are required to give full effect to the purposes of the Act: *Provided,* That for the period ending June 30, 1966, the State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.'

"SEC. 9. (a) Title II of the Act is amended by adding part C to the end thereof to read as follows:

" 'PART C.—REDEVELOPMENT AREAS

" 'SEC. 241. The Secretaries of Labor and of Health, Education, and Welfare, in accordance with their respective responsibilities under parts A and B of this title, are authorized to provide a supplementary program of training and training allowances, in consultation with the Secretary of Commerce, for unemployed and underemployed persons residing in areas designated as redevelopment areas by the Secretary of Commerce under the Area Redevelopment Act or any subsequent Act authorizing such designation. Such program shall be carried out by the Secretaries of Labor and of Health, Education, and Welfare, in accordance with the provisions otherwise applicable to programs under this Act and with their respective functions under those provisions, except that—

" '(1) the Secretary of Labor, in consultation with the Secretary of Commerce, shall determine the occupational training or retraining needs of unemployed or underemployed individuals residing in redevelopment areas;

" '(2) all unemployed or underemployed individuals residing in redevelopment areas who can reasonably be expected to obtain employment as a result of such training may be referred and selected for training and shall be eligible for training allowances under this section: *Provided,* That the amount and duration of training allowances under this section shall in no event exceed the amount and duration of training allowances provided under section 203(a) of this Act;

" '(3) the Secretaries of Labor and of Health, Education, and Welfare shall each with respect to his functions under this section, prescribe jointly with the Secretary of Commerce such rules and regulations as may be necessary to carry out the purposes of this section; and

" '(4) no funds available under this section shall be apportioned to any State pursuant to section 301 of this Act, nor shall any matching funds be required.'

"(b) Sections 16 and 17 of the Area Redevelopment Act (42 U.S.C. 2513 and 2514) are repealed. The repeal of these sections shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into pursuant to the Area Redevelopment Act prior to the effective date of the repeal of such sections.

"(c) This section and the amendments made by it shall take effect on July 1, 1965.

"SEC. 10. Section 301 of the Act is amended by striking the period at the end thereof, inserting a colon, and adding the following proviso: '*Provided,* That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the sixth month of such fiscal year and only upon 30 days' prior notice to such State of the proposed reapportionment, except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year.'

"SEC. 11. Section 302 of the Act is amended by striking the word 'and' following 'the Smith-Hughes Vocational Education Act' inserting a comma in lieu thereof, and inserting 'and the Vocational Education Act of 1963,' following 'the Vocational Education Act of 1946,'.

"SEC. 12. Section 304 of the Act is amended to read as follows:

" '*Appropriations authorized*

" 'SEC. 304. (a) For the purposes of carrying out title I, there are hereby authorized to be appropriated not in excess of $46,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

" '(b) For the purpose of carrying out parts A and B of title II, there are hereby authorized to be appropriated not in excess of $385,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

" '(c) For the purpose of carrying out part C of title II, there are hereby authorized to be appropriated not in excess of $22,000,000 for the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.

" '(d) For the purpose of carrying out title III, there are hereby authorized to be appropriated not in excess of $1,000,000 for

the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.'

"SEC. 13. The following subsection is added to section 305 of the Act to read as follows:

"'(e) The costs of all training programs approved in any fiscal year, including the total cost of training allowances for such programs, may be paid from funds appropriated for such purposes for that fiscal year; and the amount of the Federal payment shall be computed on the basis of the per centum requirement in effect at the time such programs are approved: *Provided,* That funds appropriated for the fiscal year ending June 30, 1966, may be expended for training programs approved under this Act prior to July 1, 1965.'

"SEC. 14. Subsection (a) of section 306 of the Act is amended by inserting after 'procedures,' the following: 'including (subject to such policies, rules, and regulations as they may prescribe) the approval of any program under section 202, the cost of which does not exceed $75,000,'.

"SEC. 15. Sections 309(a) and 309(b) of the Act are both amended by striking 'Prior to March 1, 1963, and again prior to April 1, 1964, April 1, 1965, and April 1, 1966' and inserting in lieu thereof: 'Prior to April 1, in each year'.

"SEC. 16. Section 310 of the Act is amended by striking out '1966' wherever it appears and inserting in lieu thereof '1969'."

And the House agree to the same.

ADAM C. POWELL,
JAMES G. O'HARA,
DOMINICK V. DANIELS,
ROMAN PUCINSKI,
SAM M. GIBBONS,
WILLIAM D. HATHAWAY,
WILLIAM H. AYRES,
JOHN M. ASHBROOK,
ALBERT H. QUIE,

Managers on the Part of the House.

JOSEPH S. CLARK,
JENNINGS RANDOLPH,
PAT MCNAMARA,
CLAIBORNE PELL,
EDWARD KENNEDY,
GAYLORD NELSON,
WINSTON L. PROUTY,
J. K. JAVITS,
GEORGE L. MURPHY,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the House amendment and the substitute agreed upon in conference are described in this statement, except for incidental, minor, technical, and clarifying changes. References to the "act" are to the Manpower Development and Training Act of 1962.

TITLE I: MANPOWER REQUIREMENTS, DEVELOPMENT AND UTILIZATION

The House amendment omitted section 2 of the Senate bill which amended section 101 of the act to make an explicit finding of Congress that many professional employees, who have become unemployed because of changes in national defense and other industrial activities, are in need of refresher or reorientation training. Section 2 of the conference substitute contains a statement on this point, but in different form from the Senate version. The substitute leaves out the specific reference to defense and industrial activities, and states that Congress finds that "many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions where such training would further the purposes of this Act". In adopting this substitute, the conferees are not implying that it would be appropriate under this act to give professional training to an individual to enable him to qualify initially for a professional career. Their intention is only to make clear that the act should not be so narrowly interpreted as to exclude any provision of limited refresher or reorientation training to professionals who may require such training in order to escape unemployment as a result of obsolescence of their particular specialized skills.

TITLE II: TRAINING AND SKILL DEVELOPMENT PROGRAMS

The House amendment contained a provision amending section 203(b) of the act so as to authorize full payment of a trainee's local transportation costs, by the most economical mode of public transportation. The Senate bill limited such payment to a maximum of 10 cents per mile. The conference substitute contains the House provisions, since it was agreed that a trainee's cost of local transportation between his residence and the training site, by the most economical public transportation available, should be paid for, even though in some cases such cost might exceed 10 cents per mile.

The House amendment omitted provisions in the Senate bill which amended section 203(c) of the Act so as to (1) authorize payment of training allowances to members of a family or household whose head is employed, if the Secretary of Labor determines such payments are necessary in order for the trainees to undertake or continue training, and (2) deny payment of training allowances to any member of a family or household whose head has been found to have terminated his own employment for the purpose of enabling such member to qualify for an allowance. Section 6(c)(1) of the conference substitute adopts these provisions of the Senate bill. However, the conferees expect that restraint will be exercised by the Secretary, in using his new authority to grant allowances to members of a family or household whose head is employed. Such allowances should be granted only if the family or household head's employment does not provide sufficient income to support the trainee through his period of training. Under the provision adopted in conference, an allowance may be authorized for a member of a family or household with an employed head only if such allowance is "necessary" to permit the trainee to undertake or continue training.

The House amendment omitted a provision of the Senate bill which amended section 203(c) of the Act to authorize continued payments of training allowances to a trainee who becomes 22 years of age during the course of training, provided that he has completed by then a substantial part of his prescribed course. Section 6(c)(3) of the conference substitute adopts this Senate provision. The purpose of the provision is to make it unnecessary to cut off the allowance of a trainee, who is receiving the weekly allowance of up to $20 paid to youths enrolled in special youth programs, when he reaches his 22nd birthday. Trainees who continue to receive youth allowances under section 202(b) training programs after reaching age 22 will continue to be considered as youths receiving training allowances for the purpose of observing the limitation in section 203(c) that not more than 25 percent of persons receiving training allowances shall be youths.

The act presently permits State agencies to provide training through private institutions if it can be provided at reduced Federal expenditure. The Senate bill amended this provision to authorize training where private institutions could provide substantially equivalent training at comparable Federal expenditure, or provide equipment or services not available in public institutions, or make possible an expanded use of the individual referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages. Section 8 of the conference substitute adopts this Senate provision, but in a substantively reworded form, which authorizes training through private institutions where they can provide equipment or services not available in public institutions, or where—at comparable cost—they can provide substantially equivalent training, expand use of the individual referral method, or aid in reducing more quickly unemployment or manpower shortages.

The House amendment established an effective date of July 1, 1965, for both the repeal of sections 16 and 17 of the Area Redevelopment Act and the authorization of a supplementary training program in redevelopment areas, under the new section 241 of the Manpower Development and Training Act of 1962.

The Senate bill provided that repeal of these provisions and authorization of the redevelopment area training program be effective as of the date of the enactment of the bill, subject to a saving clause providing that repeal of sections 16 and 17 of the Area Redevelopment Act shall not affect the disbursement of funds under, or the carrying out of obligations entered into pursuant to that Act before the date of repeal. Section 9(b) of the conference substitute adopts the House amendment, but adds to it the saving clause in the Senate bill. The conference substitute, therefore, brings the training programs in redevelopment areas under the Manpower Development and Training Act of 1962, as of July 1, 1965. Except as expressly provided for in section 241 of the Act, these programs in redevelopment areas will be subject to the same conditions as other programs under the Act with respect to training allowances, transportation and subsistence allowances, duration of training, and other terms. It is expected that between the date of enactment of S. 974 and July 1, 1965, the administrators of the training programs now authorized under the Area Redevelopment Act will take appropriate steps to phase out the administration of their program and to phase in the MDTA administration of training in redevelopment areas. The saving clause is not intended to stimulate the creation of new ARA training projects in anticipation of the effective date of the repeal of the ARA training sections, section 16 and 17.

The House amendment authorized the appropriation of "such amounts as may be necessary" to carry out the purpose of the Act through the fiscal year ending in 1968. The Senate provision limited authorizations for the fiscal year ending in 1966 to $46 million for title I, $385 million for parts A and B of title II, $22 million for part C of title II, and $1 million for title III; but provided for no limitations of authorizations for subsequent fiscal years. Section 12 of the conference substitute adopts the Senate provisions.

The House amendment provided, in section 310 of the Act, for termination of all authority under title II of the Act on June 30, 1968. The Senate bill provided for termination of such authority on June 30, 1970. Section 16 of the conference substitute pro-

vides for termination of all authority under title II on June 30, 1969.

ADAM C. POWELL,
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ALBERT H. QUIE,
Managers on the Part of the House.

Mr. O'HARA of Michigan (interrupting the reading of the statement of managers on part of House). Mr. Speaker, the conference report and the statement on the part of the managers of the House has been printed in the RECORD and I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the conference report which we bring back to the House is unanimous. It makes only two really significant changes from the House bill. The first is that authorization figures are inserted for the coming fiscal year as provided in the Senate bill rather than the House authorization of such sums as may be necessary for the coming fiscal year.

The second important difference was that the Senate bill provided for an extension of the authority under title II until 1970, while the House bill provided for such extension only until 1968. The conferees agreed upon an extension until 1969.

Mr. Speaker, I would like to cover one other point.

Some question has arisen with regard to the language on page 22 of the House committee report with respect to safeguarding against Manpower Development and Training Act substitution for private training efforts. The language used therein refers to institution of Manpower Development Training Act programs in unskilled or minimally skilled occupations for which prior training or possession of a specific skill has not traditionally been a prerequisite to employment. It is the belief of the committee that Manpower Development and Training Act training in such situations would substitute for threshhold training normally undertaken at the expense of the employer and would not add to achieving the manpower goals which are the objectives of the Manpower Development and Training Act. The committee did not intend to imply that Manpower Development and Training Act programs would not be available for training persons in technical and skilled occupations in the garment industry or any other industry for which prior training or possession of specific skills has traditionally been a prerequisite to employment. For example, it might be appropriate under the proper circumstances for Manpower Development and Training Act training to be utilized to provide skilled personnel for employment repairing, adjusting, maintaining, and rebuilding machinery used in the apparel industry.

Mr. Speaker, if there are any further questions with regard to the conference report, I would be happy to attempt to respond. In the meantime, I yield to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding. I will say that the gentleman from Michigan [Mr. O'HARA] states my understanding exactly as to what I believe is the congressional intent with respect to safeguarding against MDTA assistance for private training centers and its application to the apparel industry.

I might also say, Mr. Speaker, that I am in support of the conference report. I believe we reached a good compromise with the other body and it should be acceptable to all who supported this bill previously.

Mr. O'HARA of Michigan. I thank the gentleman from Minnesota.

Mr. Speaker, I now yield to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Speaker, I would like to join in recommending the adoption of this conference report. It is my opinion that the conferees have done a good job. Most of the House provisions have been retained. I further believe that we have substantially strengthened this bill.

However, Mr. Speaker, there is one question which I would like to ask the manager of the bill, the gentleman from Michigan [Mr. O'HARA] so that we can establish some legislative intent.

We have provided in this bill now a greater flexibility for the use of private school facilities as a part of the manpower training program.

Now, in some areas of the country the public schools have taken the position that where there is a need for a training program and even though there is a private school that has such facilities available, the public schools must be given priority to develop a program before the Director of the MDTA can enter into agreement with the private school.

It is my understanding that the intent of the language of this bill is that if a private school is available and can provide the programs which would be available if a public school were to develop a similar program, the local director may enter into an agreement with the private school rather than wait until the public school tries to develop and put together a program to satisfy that need.

Is my understanding of this provision correct?

Mr. O'HARA of Michigan. I would advise the gentleman from Illinois [Mr. PUCINSKI] that his understanding is correct. As a matter of fact the conference report as the gentleman knows authorizes the use of private training facilities where they can expand the use of the individual referral method, a method we have found efficient in getting individuals into training quickly and at a substantial equipment savings in cost. This represents one of the advantages of the conference report.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Minnesota.

Mr. QUIE. As long as the cost is of the same amount for the private school, or thereabouts, it is acceptable. However, the public schools may still go ahead and put in the program, even though it would be substantially more expensive than the private school.

Mr. O'HARA of Michigan. The gentleman from Minnesota is correct.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tomorrow to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESIDENTIAL INABILITY AND VACANCIES IN THE OFFICE OF THE VICE PRESIDENT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 314 and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 314

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office. After general debate, which shall be confined to the resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the resolution shall be read for amendment under the five-minute rule. At the conclusion of such consideration the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the resolution or committee substitute. The previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of H.J. Res. 1, the Committee on the Judiciary shall be discharged from further consideration of S.J. Res. 1 and it shall then be in order in the House to move to strike out all after the resolving clause of said Senate joint resolution and to insert the provisions of H.J. Res. 1 as passed by the House.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN], pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 314 provides for consideration of House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office. The resolution provides an open rule with 4 hours of general debate. After passage of House Joint Resolution 1, the Committee on the Judiciary shall be discharged from further consideration of Senate Joint Resolution 1, and it shall be in order to move to strike out all after the resolving clause of said Senate joint resolution and to insert the provisions of House Joint Resolution 1 as passed by the House.

Article II, section 1, clause 5, of the Constitution of the United States contains provisions relating to the continuity of the executive power at times of death, resignation, inability, or removal of a President. No replacement provision is made in the Constitution where a vacancy occurs in the office of the Vice President.

The clause couples the contingencies of a permanent nature such as death, resignation, or removal from office, with inability, a contingency which may be temporary. It does not clearly commit the determination of inability to any individual or group, nor does it define inability so that the existence of such a status may be open and notorious. It leaves uncertain the capacity in which the Vice President acts during a period of inability of the President. It fails to define the period during which the Vice President serves. It does not specify that a recovered President may regain the prerogatives of his office if he has relinquished them. It fails to provide any mechanism for determining whether a President has in fact recovered from his inability, nor does it indicate how a President, who sought to recover his prerogatives while still disabled, might be prevented from doing so.

The purpose of House Joint Resolution 1, as amended, is to provide for continuity in the office of the Chief Executive in the event that the President becomes unable to exercise the powers and duties of the office and, further, to provide for the filling of vacancies in the office of the Vice President whenever such vacancies may occur.

Mr. Speaker, I urge the adoption of House Resolution 314.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Iowa.

Mr. GROSS. I should like to express my appreciation to the gentleman for the fact that the Committee on Rules has finally brought us legislation under an open rule, so that we can amend it and otherwise work our will on it.

Mr. YOUNG. I appreciate the gentleman's observation.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, as the gentleman from Texas, my colleague on the Rules Committee, has explained, this rule makes in order, with 4 hours of general debate, House Joint Resolution 1, which in turn would amend the Constitution of the United States and put into the Constitution certain arrangements or procedures in connection with the line of succession to the Presidency and the filling of any vacancy that might occur in the office of the Vice President.

In order for this resolution to be adopted by the Congress, a two-thirds or a two-to-one vote in favor of the House Joint Resolution is required. I do not oppose the rule. I am opposed to the House Joint Resolution because I believe it is unwise and unnecessary, and is legislation that should not be enacted.

I notice, as we look at the report concerning House Joint Resolution No. 1, there has been some divergence of view and the original author of the bill, or someone on the committee saw fit to strike out a great deal of the original House Joint Resolution and rewrite it, bringing in a new resolution. There must have been some disagreement among those very able lawyers, 35 I believe, who make up the House Judiciary Committee. The report also has some minority or divergent views expressed.

If this joint resolution is approved by a two-to-one vote in both the House and Senate, the question of amending the Constitution will be submitted to the States, and will require a three-fourths vote, or 38 States, to ratify the amendment. I hope there will be enough judgment, sound judgment, in a sufficient number of legislatures in the several States of our Union to ensure that this amendment will never become a part of the Constitution.

I am not setting myself up as a constitutional lawyer, more able and wise than those who serve on the distinguished Judiciary Committee.

Yet, I am not unmindful of the fact that the Constitution itself—and it is still a rather important document, although it seemingly has lost some caste in the minds of some people here in the Capital City—which sets up the office of the Presidency, provides that the responsibility of fixing the line of succession and of filling any vacancy which may exist in the office of the Presidency rests entirely with the Congress of the United States.

I direct your attention to article II:

> In case of the removal of the President from office, or at his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The Congress, by statute, has provided for a line of succession in the office of the Presidency. That statute still is in existence. In my opinion, it is a grave mistake to freeze into the Constitution another provision because conditions can change. It is a grave mistake to authorize another provision and not meet our own responsibility in fixing a line of succession by statutory enactment.

Let me remind you that this resolution also provides that the President shall, in case of a vacancy in the office of Vice President, appoint a Vice President subject to the approval of the Congress. In other words, we could disapprove. I made a statement when this bill was before the Committee on Rules, and I stand on that statement today. Under certain conditions and certain circumstances, a vacancy could exist in the Vice-Presidency and a President could name a billy goat as Vice President and some Congresses would approve of that nominations and that selection.

I think that inasmuch as the Constitution itself provides that the House of Representatives shall have the responsibility of electing a President, in case an electoral college cannot select a President, that it might be wiser to provide by statute or constitutional amendment, that in case there is a vacancy in the office of Vice President, that the vice-presidency shall be filled by a vote of the House of Representatives just as the Presidency is filled by a vote of the House of Representatives under Article II of the Constitution. What is the difference? Why should we agree here and write into the Constitution that which the Founding Fathers refused to do—that the President can in his wisdom name his own successor? If you will read the constitutional debates held when this Nation was founded, you will see that there were delegates to the Constitutional Convention who believed that George Washington should be named a monarch and that there be a line of succession from him. The Convention decided otherwise and I think wisely so, and provided that the people should elect their President and Vice President through the electoral college and, if the college could not agree on a President, the House of Representatives should elect a President, and the line of succession should be fixed by statutory enactment of the Congress. That is exactly what has been done. Why change it now?

Why go back to the theory and idea that the President can name whomever he pleases as Vice President and put his choice in a position to succeed him if he wishes to resign the next day as President? The man named Vice President could be an individual who was never elected to any public office. Congress in the line of succession statutes now provides that those who have been elected—the Speaker of the House and the President pro tempore of the Senate—shall succeed to power and authority as President.

In my opinion, we will be making a grave mistake if we adopt this resolution in the House today. Oh, I know, the way is pretty well greased for it. It has the support of some very able individuals. But I have a right to stand here and differ with them, because they may be wrong. When one is wrong in amending the Constitution, it is a difficult wrong to correct. Members have learned this by hard experience in the last few decades.

When we amend the Constitution, to fix in the document itself, certain things that should be done by statute, we are doing something dangerous and some-

thing we may regret in future years. Too often we have to try to interpret, either ourselves or through the courts, exactly what the provisions mean. Some of the testimony heard before the Rules Committee indicates that under certain circumstances even the members of the committee who sponsored this resolution are not certain of the answers to the problems which could arise.

Why shackle ourselves? Why say that we, as the representatives of the people, will vote away our own responsibilities and write into basic law something that cannot be corrected easily if we make a mistake?

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. DEVINE. When the committee appeared before the Rules Committee on this legislation, does the gentleman know whether any consideration was given to a possible constitutional amendment to permit the people to select a first Vice President and a second Vice President, rather than to leave the choice up to the President in case of a vacancy? There was some talk at one time that perhaps if there were a first and second Vice President, in the event of a vacancy in the Presidency, each would move up and we would not face the problem of a vacancy in the office of Vice President. Does the gentleman know whether that was considered?

Mr. BROWN of Ohio. I cannot say what may have been considered by the Judiciary Committee. I do not believe that matter was discussed in the Rules Committee.

Mr. DEVINE. I thank the gentleman.

Mr. BROWN of Ohio. I remind my distinguished colleague from Ohio of the fact that we do provide, under the line of succession, that the Speaker of the House, elected by the people of his district and in turn elected to his high position by a vote of the majority of this House, shall succeed to the Presidency. That was the situation until last January 20, and had been for over 1 year. In my opinion, it was a very safe situation. I was not concerned about the welfare of my country so long as I knew that the Speaker of the House would succeed to the Presidency if it became necessary. Nor was I concerned by those who followed him under the statutory line of succession.

I believe that perhaps in our desire to meet every condition which might possibly arise as a result of past history, or some of the things that frighten us a bit, we have gone overboard.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Missouri.

Mr. ICHORD. This resolution has some very meritorious provisions in respect to the inability of the President, but I have been quite concerned about the change in the line of succession. Now the Speaker of the House is second in the line of succession. This would not completely remove the Speaker of the House from the line of succession but, as a practical matter, would it not remove the Speaker?

Mr. BROWN of Ohio. Not if the President, who might have been the Vice President and is President, wished to name the Speaker.

Mr. ICHORD. Does the gentleman consider this measure as diminishing the prestige of the House?

Mr. BROWN of Ohio. Certainly. It takes away from the House a constitutional right it now has to select a President. How can anyone justify the idea that the House of Representatives can be trusted to select a President but cannot be trusted to select a Vice President?

Now I want to answer the gentleman from Missouri [Mr. ICHORD], further about this disability situation. Our Founding Fathers had pretty good foresight themselves. The Constitution itself says that:

> The Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and the Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

We have the complete constitutional right and authority, in my opinion, and I believe in the opinion of most lawyers, to fix by statute the line of succession and to provide for filling any vacancies that may occur because of disability, temporary or otherwise, of the President and the Vice President of the United States. I say to you it is simply a foolish thing to consider, enact, and approve legislation like this.

I hope that if we do not realize now how foolish it is, that before 38 States will ratify such a constitutional amendment someone will say, "No, no. This is not good commonsense and ought not to be done."

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. PUCINSKI. It is not often that I find myself in agreement with the gentleman, but in this instance I must congratulate him for his statement. I agree. The observation that the gentleman made is a very serious one. I had no discomfort last year or any great fears when the Speaker of this House was next in line in succession for the Presidency had the occasion required. Is it possible that under the language as now proposed conceivably at some future date in the history of this country you might have a person recommended to be Vice President under certain circumstances who had never run for public office and who had never had any experience in the Government and who knew nothing about the problems and, invariably, since the President becomes the leader of his party, it is rather difficult to conceive of the majority party wanting to go against the wishes of the President.

Mr. BROWN of Ohio. Certainly. The gentleman is just as right as he can be. And, to convince this House that you are right, let me point out one situation to prove the correctness of the facts that you and I have expressed. Lyndon B. Johnson became President. He was Vice President but he became President when President Kennedy was assassinated. That created a vacancy in the office of Vice President of the United States. If this resolution had been a part of the Constitution at that time, President Johnson could have appointed any individual he wished as Vice President and nominated him subject to the final approval of the Congress. The Congress could disapprove, but do you think they would under those circumstances? That individual would not have needed to have any qualifications or background as a public official. He could have been any neighbor or friend of the President, or any individual he might have selected. I am not saying he would make a bad selection, but I am saying that when you write into the Constitution and fix into the basic law of the land certain rules and regulations that are not flexible, as statutory law is, anything can and may happen.

That is what they are trying to meet here, situations we fear might happen. Why not do it the sensible way, by statute, instead of by constitutional amendment?

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. BROWN of Ohio. I yield.

Mr. PUCINSKI. The point is this. We are a young country. The question in my mind is this—perhaps the gentleman may want to comment on it—assuming, for some reason or other, the Congress does not respond to the President's recommendation. There is a great deal of debate and furor in the Congress. What have we resolved? We have a built-in delay in the succession of our Government that is not there now, when the Speaker would automatically succeed to the Presidency when the need arises.

Mr. BROWN of Ohio. The committee is trying to meet that by provisions of this resolution. That will have to be explained by members of the committee. Under certain circumstances, if the Congress does not act within a certain time, certain results will follow. If anyone will ask these distinguished constitutional lawyers, perhaps some of them can explain. There seems to be some difference of opinion as to how this would work in the case of the very situation the gentleman from Illinois has described. That, again, is a danger. It can be corrected by statute. It cannot be corrected quickly by constitutional amendment. For that reason I am opposed to writing into the Constitution all of these complicated provisions.

This resolution has been amended, and when you see how much of the resolution has been stricken out and rewritten you can realize that even lawyers sometimes may agree among themselves that they may have made a mistake. Let us hope that all the mistakes, if there were any in connection with this resolution, have been in writing the resolution, and not in what goes into the Constitution of the United States.

Mr. YOUNG. Mr. Speaker, I yield 15 minutes to the distinguished gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to revise and

extend my remarks, to include extraneous matter, and to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, for the past decade the Congress and the country have been kept in a constant political turmoil over Federal legislation and judicial decisions of the Federal courts concerning the question of civil rights, culminating in the demonstrations, riots and disorders in Selma and other parts of Alabama. We have seen thousands of people from all over the country flocking to Alabama to indulge in demonstrations to pressure the Congress into passing another so-called voting rights bill. We have seen invasion by persons posing as tourists, staging a sitdown strike in the White House itself and permitted to remain there for hours before they had to be forcibly ejected.

We have seen similar invasion of the Capitol of the United States by demonstrators who remained until they were dragged down the Capitol steps and placed under arrest. We have seen picketing and demonstrations day after day at the White House, and sitdown demonstrations obstructing Pennsylvania Avenue in front of the White House, at the very time when the administration had acceded to their demands and was actually and feverishly preparing the legislation which they demanded.

Such organized demonstrations have not occurred in the past and do not occur spontaneously. There must be some deep-seated plan, well organized and well financed behind the movement. In the beginning it may have been well meaning, well intended, with a righteous purpose of seeing that all American citizens enjoy their civil rights.

But when it reaches the crescendo of this movement, which is even called by some of its leaders a revolution, it is time to look into its background and to review what has gone before and what remedies have been taken to correct the alleged evils.

Now that the hysteria has partially subsided and the mob spirit of Selma has temporarily abated, and the captains and the king of the mob have departed from the scene, it would seem timely for people in a calmer mood to begin to inquire and think about what, if any, ulterior motives may be building up behind the scenes.

Many good, well-meaning, Christian people have been drawn into the movement with the best of motives and thus have served to clothe the mobs with an air of respectability. It is time for these good people to consider whether they are maybe playing with fire. There can be no doubt that many Communists, subversives, fellow travelers, and others of doubtful loyalty to their country, have attached themselves to this movement. Many of them, whose past subversive activities are known in Government circles, were present at Selma during the demonstrations. It is time for well-meaning Christians and loyal citizens to calm down and take stock of whether they are being led, and what is the ultimate objective of their leader.

They have adopted the slogan, "We shall overcome."

I pose the question, "Whom and what do they aim to overcome?"

How many of the mob that traveled hundreds and thousands of miles to Selma know what sort of company they were keeping and how many subversive and disloyal persons were there to incite violence and law violations?

I am the author of the Smith Act of 1939 that became so effective in the Truman administration in apprehending, prosecuting, and convicting leading Communists. The constitutionality of that act, when the late, great Chief Justice Vinson presided, was tested and sustained in the famous Dennis case. Thereafter, during the Truman administration, many Communists, subversives, and disloyal people were prosecuted, convicted, and sent to jail.

As a Member of Congress in the midthirties, I helped establish the Dies committee that did a magnificent job of exposing communism, and was succeeded by the present permanent Un-American Activities Committee. During those years I have learned much of the methods of subversives and Communists.

Where there is strife and organized disorder, there is the seedbed for subversive activity. There a few disloyal agitators, well planted and concealed, sow their poisonous doctrines. The more respectable the movement and the more prominent the participants, the more eager are their efforts.

I am sure that a great many well-meaning people who went to Selma would be humiliated and distressed to find themselves in that sort of company. I ask again, whom and what are the leaders of the "we shall overcomers" aiming to overcome?

Let us review what has been done by the courts and the Congress in the past 12 years for the cause of civil rights.

Let us recall that in 1954 the present Supreme Court changed the constitutional meaning of the 14th amendment that had been in effect for 50 years and thus has brought about integration in the public schools.

Remember that in 1957 the Congress passed by a large majority, and the President signed, the Civil Rights Act of 1957. That act established a Commission on Civil Rights as an executive branch of the Government with elaborate powers to investigate, hold hearings at any place, at any time, with the power to subpena witnesses and report to the President any violations of the civil rights of any person.

That act of 1957 further provided full Federal protection of the right of citizens to vote to be enforced upon the application of the Attorney General by the Federal District Courts of the United States by permanent or temporary injunction or other order, and by criminal procedure of contempt for any disobedience. This act, which established the Civil Rights Commission, gave that Commission the power to investigate and report any violation of the constitutional right to vote, after which the Attorney General was authorized to go into the district court, and seek an injunction to prevent interference with any voter's rights. The court could issue the necessary order to enforce those rights and send the State officials to jail for contempt of court if they did not obey.

That is what the agitators asked for, that is what they got. That law is still on the books. If there were any wrongs, why did they not correct them through legal processes instead of stirring up more mobs. But following the act of 1957, they immediately began to agitate for more legislation instead of using what they had asked for. And 3 years later, the same groups of civil rights agitators urged the Congress to pass another Civil Rights Act, and Congress passed, and the President on May 6 signed, the Civil Rights Act of 1960, and in that act, among other things, at the instance of the same groups of agitators in the atmosphere of an approaching national election and using all of the political persuasion and threats they could command, induced the Congress to pass a second Federal voting law.

The Civil Rights Voting Act of 1960, under the political pressure of the civil rights groups, enacted provision for the appointment by the courts of Federal voting referees in event of violation of any constitutional voting rights of any citizen. I quote the act:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, * * * to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

That was what they asked for; that is what they got.

Under that act, Federal registrars were appointed in certain places. The agitators got what they asked for with full power in the Federal courts to enforce registration and voting through the Federal referees at the behest of the Attorney General. Although the machinery was set up at that time, so few people applied for Federal registration that it has been rarely used.

I ask you again, What do the "we shall overcomers" really seek to accomplish? Is it the vote, or the constant effort to create strife and turmoil and revolution?

The agitators, demonstrators, and rioters got from the Congress the law they asked for in 1957. They got from Congress what they asked for in the law of 1960. They got the Federal voting referees that they asked for in 1960.

They got what they asked for and they had at every step of the way, the full cooperation and all the powers of the Federal Government to see that the law was enforced and no effort was spared.

Were they satisfied? What happened next?

They immediately started building up other demonstrations, other mobs, other

agitations, other political pressures, until the Congress passed and the President signed on July 2, 1964, the Civil Rights Act of 1964.

Political threats are more potent and political pressures are more effective in a presidential election year, and so the latter part of 1963 and the early part of 1964, the demonstrators began to demonstrate, the mobs began to mobilize, and the furor was renewed with a vehemence culminating in the march on the Capital just as if no Civil Rights Act had ever been passed by the Congress before.

Again there was a big chapter in the bill entitled, "Voting Rights." That provision gave the Attorney General the authority to ask the courts to establish what was termed a "pattern or practice of discrimination." It also deprived the States of their constitutional duty and power to establish qualifications of voters and substituted a Federal provision making anyone competent who had completed the sixth grade in the public schools.

Just last year the Congress passed the third Civil Rights Act in 7 years, and the President signed it, and it became the law of the land with the President's signature on July 2, 1964.

Still complaining, agitating, and rioting, the ink was barely dry on the Civil Rights Act of 1964, before the country was thrown into the present turmoil of demonstrations, sitdowns, riots, law violations, and hysteria, ostensibly to force the Congress to pass the "we shall overcome" Civil Rights Act of 1965.

This bill, if passed, will completely abolish the constitutional power and duty of the States to fix the qualifications of voters.

And the Congress, yielding again to the menace of the howling mobs, are preparing to pass the Civil Rights Act of 1965, in the framing of which the Attorney General has apparently thrown all respect for the Constitution to the four winds, and proposes to reduce the sovereign States of the Union to mere puppets of the Federal Government, prescribing heavy criminal penalties and making guilt or innocence of sovereign States dependent upon the number of votes cast in the last presidential election, and imposing penalties on whole States and individuals in direct violation of the ex post facto prohibition in the Constitution for acts done long before the bill was ever conceived.

Now, will the act of 1965, if passed, allay the mob spirit? Will it satisfy Martin Luther King? Of course not. The history of the movement for more and more and more legislation demonstrates that more than legislation is sought. They had no sooner been assured by the administration in no uncertain terms of the passage of the fourth drastic Civil Rights Act in 7 years, than their leader, Martin Luther King, in order to keep alive the agitation, disorder, and promote his revolution, has already announced his next program with an arrogance that smacks of outright rebellion.

First, he has publicly announced that he will defy and violate any law of the land that he disagrees with. This is the language of rebellion and anarchy.

He has even admonished all citizens to violate any law of the land which they consider as "morally wrong." Is this the kind of leadership that loyal American citizens are ready to follow?

Second, he has publicly announced that he is conspiring with his leaders to inaugurate an economic boycott, of doubtful legality, against the whole people of Alabama, friends and foes alike. He has demanded that the U.S. Government remove all installations, moneys and economic benefits from their State. He must know this would cause untold suffering and unemployment to the people he claims to aid, and are least able to bear it.

He has negotiated with Hoffa's Teamsters Union to refuse to transport goods to and from the State of Alabama.

The notorious Harry Bridges has entered his conspiracy with the promise that his Maritime Union will refuse to load and unload ships destined to or from Alabama. Who is Harry Bridges? An alien, former Communist, who has been twice ordered deported from the United States. Is that the kind of leadership that loyal American citizens are ready to follow?

And when Martin Luther King was asked would he call off his proposed boycott of Alabama, if appealed to do so by the President of the United States, his reply was an unequivocal "No."

Before we pass any more "we shall overcome" voting laws, I ask again, what is the ultimate object of the "we shall overcomers" who even now, before their proposed fifth civil rights law is passed, are laying the foundation and making their boasts of what they will do to the country. Even since King has been assured by the President and the Congress of the passage of the thoroughly unconstitutional legislation now pending, he is sending out throughout the country letters soliciting funds for the support and continuation of his movement, whatever its objects may be. So widespread are these solicitations mailed out in March 1965 that they are being received by people well known to oppose the King revolution.

In conclusion, I insert a thoughtful warning published in the Washington Sunday Star on the date of March 28, by a wise, courageous clergyman who has had an unusually close and intimate opportunity to observe public affairs, Dr. Frederick Brown Harris, Chaplain of the U.S. Senate.

[From the Washington Star, Mar. 28, 1965]

WHO SPEAKS FOR THE CHURCH?

(By Dr. Frederick Brown Harris, Chaplain, U.S. Senate)

A fear-haunted question is raised in a recent letter from a highly intelligent lifelong friend, prominent in the affairs of a great eastern city. He poses an agonizing query growing out of the disruption and dislocation in contemporary yeasty humanity. He asks, "Into what kind of a world are our grandchildren headed?" An influential Communist, who is a Judas to his United States citizenship, answered in the dedication of a book he wrote some years ago—"To my great-grandson, J.W.K., who will live in a Communist United States." That would mean that he would live under a coercive government where the vote is not denied to just a tiny minority but in a system in which no one is allowed to vote except where the ballot is stamped by a dictator.

Concerning the right to vote in our land, this is a time of seething emotion bordering on hysteria. In some demonstrations dunce caps and martyr halos are strangely mixed.

In such a time it needs to be said, especially to the churchmen who are so aroused, that in facing squarely domestic adjustments to meet the tests of true government by the people, the unpardonable sin is for Americans out of zeal to redress any national flaws, to allow themselves, unknowingly, to be used by a sinister world conspiracy against human dignity. This blasphemous system is engaged in a lying world campaign to utterly distort the true image of this Nation of our pride and prayer. The hate America propaganda, whose poison is being blown around the planet, is born of communism's fear complex that the United States of America, with its material and moral might, is the one and only power that can thunder to this scourge of fetters—"You shall not pass." Never in history has there been such a colossal campaign to peddle lies about any country. Lenin's directions are now in full operation that any distortion or prevarication is permissible if it advances the cause he fathered.

For instance, one of the charges being made about "imperialistic America" is that the one-tenth of its population belonging to the Negro race, the descendants of slaves snatched from the savage tribes of Africa, are here treated with contempt, denied all opportunities for advancement, and in spite of the Emancipation Proclamation held in virtual subjection. American Negroes thousands of miles from home, members of Joey Adams entertainment group touring the world, nailed down that lie at a public question and answer period in a foreign country. They were being taunted by communistic stooges about the place of their race in America. One of the quartet indignantly answered for them all. Glaring at the questioners he said: "Listen, pals, outside of heaven there is only one place I want to be and that's the United States of America. Sure, we got problems, but we've got laws, and we've got courts, and we've got millions of Americans of all races and creeds and all colors, who are willing to lay down their lives to make possible the freedom of a man called Abraham Lincoln. We've got it made in our country." This black man was exposing the fiction of the communistic line.

Let no one in America, now deeply concerned about voting rights for some groups belonging to one-tenth of our population, be so naive as to be oblivious to the ugly fact that the communistic conspiracy which is out to deny the sacred right of the vote for everybody, is using the present agitation in America to advance their own evil cause. There is more back of that statement than can be put in this article.

The question we are raising here, with no condemnation for religious leaders who are marching today in a cause that grips their conscience, is: Have these same leaders any vivid realization of what is in store for all Americans if the world objectives of that blasphemous, godless system, are attained? And, make no mistake about it, it is so far on its way as to blanch our faces with fear. But with this menace hanging like a Damocles sword over the fragile thread of our liberties, are these same religious leaders so vociferous now as they deal with growing pains of a democracy, equally vocal as they face the most dastardly system the ages have known? It is a tragic fact that the answer to that question must be "No." Among those who are assuming national and world leadership among the churches, it must be

admitted that so far as communism is concerned, there is, to use a scriptural phrase, "A silence that could be heard in heaven."

One of these leaders has said, "Let us quit moralizing about communism and to communism." His word for that conspiracy, and that of many of his colleagues, is accommodation, coexistence, cooperation. We are speaking now of Protestant leadership. Thank God the Roman Catholics are arrayed against religion's most malignant foe. Would to God that in every church in America the perils of this Godless force were being poured into the minds of the young—and, of the older. Would that every church, as its bounden duty, would have its entire membership familiar with every chapter of J. Edgar Hoover's "Masters of Deceit." There could be no more effective antidote to the tragically mistaken attitude of some church leaders as they encourage the coming generation to stroke the ferocious leopard (which has not changed its spots) and to murmur, "pretty pussy."

It is high time for religious people of every name or sign to raise the question in this time of dire crisis, "Who speaks for the church?"

Mr. YOUNG. Mr. Speaker, I have no further requests for time. I yield back the balance of my time and move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 1, with Mr. FASCELL in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER] will be recognized for 2 hours and the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 2 hours.

The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this resolution, House Joint Resolution 1, has bipartisan support. I particularly offer praise to the gentleman from Ohio [Mr. MCCULLOCH] and the gentleman from Virginia [Mr. POFF] who participated in the fashioning and polishing of this resolution. They did so most wisely and painstakingly. They immersed themselves into the intracacies of the legislation. Their help was immeasurable. By naming them, Mr. Chairman, I do not wish to detract from the constructive work done by most of the members of our committee, Democrats, and Republicans alike. I want to point out particularly likewise in that regard the gentleman from Colorado [Mr. ROGERS], the gentleman from New Jersey [Mr. RODINO], the gentleman from Texas [Mr. BROOKS], the gentleman from Massachusetts [Mr. DONOHUE], the gentleman from Wisconsin [Mr. KASTENMEIER], the gentleman from California [Mr. CORMAN], the gentleman from New York [Mr. LINDSAY], and the gentleman from Florida [Mr. CRAMER]. To them I, indeed, offer an accolade of distinction for genuine service.

This is by no means, ladies and gentleman, a perfect bill. No bill can be perfect. Even the sun has its spots. The world of actuality permits us to attain no perfection. Admirable as is our own Constitution, it had to be amended 24 times. But nonetheless, this bill has a minimum of drawbacks. It is well-rounded, sensible, and efficient approach toward a solution of a perplexing problem—a problem that has baffled us for over 100 years.

As to attaining perfection, let me call your attention to a very pertinent remark made by Walter Lippmann in the New York Herald Tribune of June 9, 1964, when he referred to this proposed amendment. He said:

It is a great deal better than an endless search for the absolutely perfect solution, which will never be found and, indeed, is not necessary.

As was said by the distinguished former Attorney General of the United States, the honorable Herbert Brownell—I commend his words indeed to the gentleman from Ohio [Mr. BROWN]—speaking for himself and speaking for the American Bar Association:

Certainty and prompt action are * * * built into this proposal—namely, House Joint Resolution 1. * * * During the 10-year debate on Presidential disability * * * many plans have been advanced to have the existence of disability decided by different types of commissions or medical experts, by the Supreme Court, or by other complicated ad hoc procedures. But upon analysis, * * * they all have the same fatal flaw, * * * they would be time consuming and divisive.

We tried to avoid freighting down this amendment with too much detail. We leave that to supplementing, implementing legislation. We make the provisions as simple yet as comprehensive as possible.

This is certain: we have trifled with fate long enough on this question of Presidential inability. We in the United States have been lucky, but luck does not last forever. The one sure thing about luck is that it is bound to change.

Sir Thomas Brown once said:

Court not felicity too far and weary not the favorable hand of fortune.

We can no longer delay. Delay is the art of keeping up with yesterday. We must keep abreast of tomorrow. Let us stop playing Presidential inability roulette. Let us pass this measure, which has the approval of the American Bar Association and the American Association of Law Schools. This measure has the approval of 36 State bar associations, including, incidentally, the bar association of the distinguished gentleman on the Rules Committee, the gentleman from Ohio [Mr. BROWN].

Let me read the roster of State bar associations which have approved this measure. The bar associations of Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Maryland, Maine, Minnesota, Missouri—one of the gentlemen from that distinguished State had some doubts about it, according to his question, but his bar association approved this measure—New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming.

If I were perplexed and baffled over a legal question, I would not be likely to go to the gentleman from Ohio. More than likely I would go to a lawyer. The gentleman from Ohio is not a lawyer. This is a constitutional legal question. I would not go to Attorney General Brown; I would go to Attorney General Brownell. What did Mr. Brownell have to say on this subject, as to the need for a constitutional amendment and the fact that it would be dangerous to offer a mere statute? Mr. Brownell said:

The number of respected constitutional authorities have argued that there can be no temporary devolution of Presidential power on the Vice President during periods of Presidential inability.

And whatever we may think of that argument, I think a statute would not protect the Nation adequately with the doubts that have been raised, which have been raised too persistently. As long as there is doubt, lingering doubt, concerning the constitutionality of the statute, as long as there is a question concerning the disabled President's constitutional stature after the recovery, I do not believe any inability, as a practical matter, however severe it may be, would be recognized lest recognition of that disability would oust the disabled President from office. Moreover, if the President's inability were severe and prolonged, you should note that devolution of the Presidential power on the Vice President would be somewhat of a crisis itself.

Beyond that, the present Attorney General, a very erudite scholar and a very practical Attorney General, similarly before the Committee on the Judiciary of the House and the Committee on the Judiciary of the Senate gave eloquent testimony as to the need for a constitutional amendment. I shall not burden you at this moment with his words but shall insert them in the RECORD.

A host of city bar associations all over the country have asked for this bill. The U.S. Chamber of Commerce and chambers of commerce throughout the Nation have likewise asked for this bill in the form of a constitutional amendment and not a statute. When this body is asked to adopt a constitutional amendment, the recommending committee must establish an imperative need for such action. Everyone will agree that amending the basic document, the charter, if you will, of our Nation is not a task to be undertaken lightly. Today, however, we are faced with filling a gap which has existed since our beginnings, and this gap becomes more threatening as the com-

plexity of the domestic and foreign policy grows.

Article II, section 1, clause 5, of the U.S. Constitution reads:

> In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Now, even a cursory reading reveals that it raises a host of questions. How do we distinguish between temporary and permanent vacancies? Who determines the inability? In what capacity does the Vice President act in the event of a temporary inability? No distinction is made or even intimated between a voluntary and involuntary inability of the President to discharge the powers and duties of his office. In the event of an inability which a President refuses to acknowledge, who shall declare such inability and, once declared, how does the President recover Executive authority if he be fit to do so? Precedent itself answered the question of the capacity in which a Vice President acts when the President dies. John Tyler took the oath as President of the United States when President William Henry Harrison died, and so it has been ever since because of this precedent that Presidents have been reluctant to declare a temporary inability since it has been feared, and rightly so, that a Vice President might take the oath of office as President even though the inability were of a temporary nature.

On the other hand, Vice Presidents have been reluctant to move forward without precise definition from Congress to undertake the powers and duties of the Office when a President has been temporarily incapacitated lest he, the Vice President, be accused of unwarranted seizure of power. That was the case, you may remember, after the assassination of President Garfield. Vice President Arthur was most reluctant to assume the powers of the Presidency because he feared he might be deemed a rogue, he might be deemed a usurper, and therefore was most hesitant and reluctant to assume that power.

And so it was with the lingering illness, after the stroke that laid low President Wilson, when Vice President Marshall likewise was very reluctant to go forward.

In the meanwhile, what? We had no President, we had no Acting President, and things went into the doldrums, as it were, from an executive standpoint. Foreign potentates came to this country and could not be received and many bills became law without the signature of the President. Many other inadequacies developed because of that lack which we now seek to fill.

House Joint Resolution 1 answers as many questions as it is humanly possible in drafting a proposal to meet contingencies as yet unforeseen. We cannot meet every conceivable contingency. That is impossible, because sometimes if you try to meet some improbable contingency you open, as it were, a can of worms and you create more difficulties and inequities than you create equities. Therefore it is most difficult even for my colleagues on the committee, wise as they are, to be able to envisage every conceivable eventuality that might be conjured up by the imagination of man. We do not propose to do that. We are simply trying to meet the practical human problems with reference to Presidential inability. Foreseen contingencies have, in my opinion, been succinctly and adequately covered. The language is clear, the procedures sharply in focus.

House Joint Resolution 1 also fills another vacuum. It makes provision for a Vice President in the event there is a vacancy in that office.

Sixteen times the United States has been without a Vice President; or, to put it another way, 37 years of our existence have seen the Office of Vice President vacant. Now the Office of Vice President is assuming more and more importance in this atomic age and in this age of jet planes and spaceships. The Vice President is part of the official family of the President. He is involved with the National Aeronautics and Space Agency; he is involved with the Fair Employment Practices Commission; he is involved in many other activities of the President, including the National Security Council. He attends Cabinet meetings. He represents the President in many functions. He is essential, I would say, in present-day government. He is no longer a "Throttlebottom." He is an important personage. We dare not longer trifle with this situation by neglect. If there is a vacancy, the vacancy must and should be filled.

How the course of history was changed when, for example, as I said before, President Garfield died after lingering for so many days we shall never know.

Again, when President Wilson suffered the severe stroke in 1919, when he was laid low for many months, no effort was made to insure the stability of government. We had petticoat government then. I say that with all due respect to the ladies, because Mrs. Wilson sought to run the show at that time. I do not know how well she ran it. I do not know whether the show was run at all. It was a dangerous situation. We dare not let that happen again.

So, Mr. Chairman, again a negative factor made affirmative history.

On three occasions during the Eisenhower administration there was temporary incapacity on the part of the President. And, to President Eisenhower's credit, he attempted to minimize the danger of executive lapse by means of a private agreement with Vice President Nixon. Such private agreements, we can all agree, are hardly adequate to meet the situation. There can be as many private agreements as there are differences in the varying temperaments of Presidents and Vice Presidents.

Mr. Chairman, as I said on the opening day of our hearings on Presidential inability on February 9, 1963:

> I for one have had a deep and probing interest in solving the problem which arises from the vague language of article II of section 1, clause 5, of the Constitution relating to Presidential inability.
>
> In 1955 the chairman of the Judiciary Committee ordered a staff study into this problem and I appointed a special subcommittee of the ranking members to further the study. This study sought out the views of a select group of leading constitutional law professors and leading political scientists by way of a questionnaire. These answers and analysis were published by this committee in 1957. While that study and the subsequent hearings did not result in a definite legislative proposal, I am convinced that it laid a sound groundwork for the future congressional activities which have taken place in this field.
>
> As a result also of the activity of the press and the public and professional groups, the public has been educated to the seriousness of the situation. There can be no doubt in anybody's mind that this Nation cannot permit the Office of the President to be vacant even for a moment. Opposition of world leadership demands that we avoid the terrible crisis which would result if a vacancy existed in the Office of President for even a short time. The President stands for the sovereignty and unity of the American people. He leads the national administration and he is the Commander in Chief of all the Armed Forces. In this nuclear age his finger rests upon the trigger. He is the sculptor, the administrator of our foreign policy. One would have to be blind not to see and acknowledge the danger and the risk we are faced with at this very moment, lacking a constitutional procedure for the smooth transition of the successor to the office and to the powers and duties of the President.

Fate has been most kind to Americans, but we should not continue to tempt it. I believe that the provisions of House Joint Resolution 1 are classic in their simplicity, classic in their clarity.

First. In case of the removal of the President from office by death or resignation, the Vice President shall become President. Whenever there is a vacancy in the Office of Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of the Congress.

The President selects his vice-presidential running mate before the convention. He should have the right to do so after the convention, and after the election. In the event there is no Vice President he can fill that vacancy.

There has been some talk about the degrading of Congress, that Congress does not play a part. Congress does play a part because the President cannot select anyone to become Vice President without the consent of both Houses of the Congress. It has been said we should let the Congress, the Members of Congress, select the Vice President. We would have a Donnybrook affair then, indeed. We would have a kind of wheeling and dealing. How would you select a man to be Vice President? The whole Congress? No. He would be chosen by a few select Members of Congress, and a few select Members of the Senate, convening in a caucus, either a Republican caucus or a Democratic caucus. Our method is more democratic. We would have to put the seal of approval upon the man who is selected by the President. The whole Congress does that, not a mere select few, not the elite, I may put it, of either the House or the Senate.

Second. Section 3 deals with a situation where the President voluntarily declares his inability. When the President transmits his written declaration to the President pro tempore of the Senate and the Speaker of the House of Representatives that he is unable to discharge the powers and duties of his office, such powers and duties are to be discharged by the Vice President as Acting President until the President so transmits in a written declaration to the contrary.

I would ask the gentleman from Ohio, where in the Constitution is there a provision, the present wording of the Constitution, any kind of provision, that would permit an Acting President? The term is never used. The statute would be utterly worthless, as worthless as a 2-foot yardstick. We must have a constitutional amendment in that regard. This provision removes the reluctance of both the President and Vice President to move when necessity so dictates. The President is assured of his return to office. The Vice President, as Acting President, will not face the charge that he is usurping the ffice of President. We are thus assured of the continuity of Executive authority, which is highly important, the continuity of Executive authority. Once the President says "I am cured, I am able to function again," he goes back to his former position and assumes all of the powers and duties of the President which temporarily devolved upon the Vice President.

Section 4, as distinguished from section 3. This is a situation where the President is unwilling or unable to declare his inability. In that event the Vice President, plus the majority of the principal officers of the executive departments, act. We name them executive departments rather than Cabinet for safety's sake, because the word "Cabinet" is never used in the Constitution. In the event that the Vice President, plus a majority of the principal officers of the executive departments, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President immediately assumes the powers and duties of the office as Acting President.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the chairman for yielding.

Although the term used in the amendment is "principal officers of the executive departments," it is intended that reference is made here specifically to the 10 Cabinet positions which presently exist as well as future Cabinet positions which might be created, is it not?

Mr. CELLER. That is correct.

Mr. WAGGONNER. I thank the gentleman.

Mr. CELLER. Again, I emphasize the words "Acting President." I should remark that this is action in concert—the Vice President plus a majority of the Cabinet. However, should such inability, though undeclared by the President, be of temporary nature, hospitalization, perhaps a sudden illness leading to temporary unconsciousness or temporary paralysis, leaving the President bereft of speech or sight—these are only two examples—and the President then recover in his judgment to the extent to where he can carry on the powers and duties of his office, the President sends a written declaration to the President pro tempore of the Senate and the Speaker of the House of Representatives that he is no longer unable to carry on. He then resumes the powers and duties of his office without further to do. So it remains, unless the Vice President, together with a majority of the Cabinet, transmits within 2 days to the President pro tempore of the Senate and the Speaker of the House their written declaration that the President is unable to discharge the duties and the powers of his office. Here, of course, we have the nature of a dispute. Such being the case, it is necessary for the Congress to act quickly so that stability of Government may be assured. Once the Vice President along with a majority of the Cabinet disputes the recovery of the President, Congress shall immediately assemble to decide that issue. Here unless the Congress within 10 days after receipt of such written designation determines by a two-thirds vote of both Houses that the Vice President is wrong, the Vice President continues in office as Acting President. The burden is on the Vice President to obtain concurrence of the Congress by a two-thirds vote that the President is still incapacitated. If no such determination is made, then the President resumes the powers and duties of his office. Throughout all these sections are thrown in that if there is any doubt the President is favored without doubt. The resolution shall always be in favor of the President because he is the elected representative of the people, the first officer of the land, and he shall be favored without doubt. In other words, if there is a dispute, as I stated, in the interest of continuity of executive power and stability, the Vice President takes over and remains in the office as Acting President until Congress acts. If Congress does not act and a two-thirds vote is not obtained in both Houses within 10 days, the President resumes the powers and duties of his office as President. Thus we escape the danger of a disabled President carrying on for even a short while.

Thus we would remove the danger of a disabled President carrying on even for a short while.

The time limit is necessary to resolve the question. It must be remembered that in this revolutionary and atomic age, time is always of the essence.

It is interesting to note that the other body passed this resolution, or this constitutional amendment by a vote of 72 to 0—not a single vote was registered in the other body against the amendment.

Finally—and I probably have spoken unduly long and I am sorry—I, therefore, urge the Members of this House to accept this proposal lest a catastrophe find us unprepared once again.

The responsibility to act in this area has always leaned heavily on the Congress, but until now we have had no consensus on that approach which would answer almost all of the questions. Now a consensus has been reached. Evasion would, indeed, be irresponsible.

The Senate and House versions are very close together except for the matter of the time limit. We of the committee believe that the time limitation is necessary for reasons which I have already stated. I, for one, would not want to be held accountable should the country face a period of crisis with no Executive firmly in charge.

I have every confidence that this Chamber will act as responsively as did the other body.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I appreciate your statement. I am one of those who is anxious to see correct and proper legislation enacted in order to fill this void. I notice in the hearings and in the committee report that the distinguished committee which the gentleman chairs has had exhaustive hearings and has called on many people from many walks of life. I am addressing myself particularly to the question of Presidential inability or disability. I would say, sir, that in direct proportion to the complexity of life that you have so often and so well referred to today, there is also the difficulty of determining inability or disability of the human being to function. This strikes me as something, as a man who has practiced medicine, that is increasingly difficult in this complicated age to determine. I see no evidence in the hearings of any statement by either any White House physician, past or present, or any of Surgeons General of our civilian or uniformed branches, or civilian consultants available to the Government, such as the American Medical Association; some or all of whom are usually called on in such extremes for determination of these questions. I wonder, although fully realizing the need for a judicial determination—or a legislative determination—of the fact, if such opinion was sought. I am not able to find it here. I wonder if those who ordinarily determine inability or disability were consulted or called for hearings; or if they were excluded purposely, or if it is simply presumed by the chairman that this type of advice will be sought in time of such an exigency.

Mr. CELLER. For the very reason that the gentleman explained, which indicated the difficulty of definition, we did not specifically speak of medical experts or of a commission of those with expertise on subjects of this sort. But we did say the following: We said—"or such other body as Congress may by law provide." In other words, Congress may, by passing legislation implementing this, set up, if it wishes, some other body or some group of experts who would give advice and counsel instead of the members of the Cabinet. The members of the Cabinet, the members of the President's executive family, usually are the ones who are intimate with the President. They know his idiosyncrasies. They know a

good deal about his health and they probably could tell a great deal concerning his physical condition. But, if we in the Congress feel that more is desired, we could appoint another body.

Mr. HALL. I thank the chairman. I understand, and have no particular flaw to pick on the question of the President's Cabinet with the Vice President making the determination or seeking two-thirds of the votes of Congress in determining lack of ability. I am not quite sure that this Congress would ever, as a matter of practical procedure, set up, for example, the five Surgeons General to determine ability. At the same time, I am certainly not convinced that, wise as the members of the Cabinet may be about the President's personality traits and about deviation away from the norm thereof, that they could physically determine when association pathways of the human brain and mind, or even the emotions, were bereft of ordinary and expected continuity on the part of the President to the point of constituting disability.

This disability and inability as determined nowadays for even such simple things as employment or disability compensation and rights thereunto, has become a question which fills books.

I am not saying that we should write such a provision into this law. It is to be implemented further, I understand. It seems to me we might well, in the future implementing by law of the amended Constitution, provide such a procedure or a consultant to a Cabinet group or the Vice President—then acting or installed as the President.

Mr. POFF. Mr. Chairman, will my chairman yield so that I may respond to the gentleman's question?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. I appreciate the concern the gentleman expresses and I am in sympathy with the point he makes. I believe I can throw some light on his question by quoting from an opinion of Attorney General Kennedy, August 2, 1961, in which he undertakes to decribe what transpired when President Eisenhower suffered a disability:

> The problem of succession to the Presidency was considered immediately after former President Eisenhower's heart attack in September 1955. Congress was not in session, and there was no immediate international crisis. On the basis of medical opinions and a survey of the urgent problems demanding Presidential action immediately or in the near future, Attorney General Brownell orally advised the Cabinet and the Vice President that the existing situation did not require the Vice President to exercise the powers and duties of the President under article II of the Constitution.

I suggest that a similar thing could normally and reasonably be expected in the event this constitutional amendment is adopted, and ratified by the States. Surely, the decisionmakers, whoever they may be, would not undertake so critical a decision without first consulting the experts in the field, namely the gentlemen of the medical profession.

Mr. HALL. I thank the gentleman. I certainly believe it is important, not necessarily that it be spelled out in this resolution we are considering today, but that a legislative record be made here today with respect to such a complex and difficult-of-determination area. In the enabling legislation, which I understand will subsequently follow this amendment to the Constitution, we might indeed spell out what is to be involved.

I speak for no particular group—not for the White House physicians, not for the Surgeons General in convention assembled, and not for the highest medical organization which happens to be extant in the land at this or that time; but for someone skilled in the expertise in the determination of this very difficult area of inability and disability.

Mr. MACGREGOR. Mr. Chairman, will the chairman yield further for an additional comment in connection with the question of the distinguished gentleman from Missouri?

Mr. CELLER. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. May I add to the very excellent answer given by the gentleman from Virginia, an historical note which may give further comfort to the gentleman from Missouri.

At the time of the severe stroke which occurred to Woodrow Wilson, the Secretary of State at the time suggested that the Vice President step in and exercise the powers and duties of the Presidency. This was not taken with good grace by the President, and when he recovered his ability, the Secretary of State soon found himself without a job. I believe with that historical precedent facing the Members of the Cabinet they would not take the step jointly with the Vice President to certify, in their judgment, the President's inability to the appropriate officers of the Congress without a consultation with the very finest medical brains which were available to them here in the Nation's Capital.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield to the gentleman.

Mr. HALL. I appreciate that remark, and I think it is historically interesting. I would like to believe that the gentleman is adding to the legislative record which I am trying to establish to that ultimate end, but what we are trying to do here is to prevent historical incidents such as that from recurring. It is to that end that I rise and I think the point has been well made.

Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. DUNCAN of Oregon. I have asked the chairman to yield in order to direct your attention to page 4, section 4, and ask a question about what seems to me to be an ambiguity and, if it is one that ought to be cleared up, I think, in a colloquy here on the floor of the House. The second paragraph of section 4 provides that if the President shall recover and he sends to the Congress a written declaration that no inability exists, "he shall resume the powers and duties of his office unless the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit within 2 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office."

My question, sir, is, is there not a 2-day period when we may be in a state of ambiguity, not knowing whether the President, having recovered, has the powers and duties of the office or whether the Vice President is the Acting President of the United States?

Mr. CELLER. It is the Acting President, that is, the Vice President, who is Acting President. He is in control unless the President, and so forth, does something or something happens. So, it is the Vice President that is in the saddle, but to make assurance doubly sure I will read you a communication that I received from the Attorney General, dated April 13, 1965, which letter reads as follows:

> DEAR MR. CHAIRMAN: The question has been raised as to whether, under section 5 of House Joint Resolution 1, as amended by the House Judiciary Committee on March 16 and 17, 1965, the Acting President would continue to discharge the powers and duties of the Office of President during the 2-day period within which the Vice President and a majority of the principal officers of the executive departments may transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his Office.
>
> As I have previously indicated to you, it seems to me entirely clear that the Acting President would continue to exercise the powers and duties of the Office during this period. The same is true of the period of up to 10 days thereafter during which, under section 5 as it now reads, the Congress would be required to resolve the issue.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield for another question?

Mr. CELLER. Yes; I will.

Mr. DUNCAN of Oregon. In the event that the letter is not written by the Vice President and a majority of the principal officers of the executive departments, then who actually has the powers of the President during the 48-hour period following the transmittal by the President of his declaration to reassume the office?

Mr. CELLER. The Acting President would—and I use that term again—be in the saddle unless he agrees the President is fully restored.

Mr. DUNCAN of Oregon. So the intent of this section of this resolution is that the Acting President—and let us assume it is the Vice President—will continue to discharge the duties of that office until the expiration of all necessary time intervals or until the Congress shall take such action as may be necessary?

Mr. CELLER. The Vice President during that period could agree that the President is no longer disabled and the President will resume his powers.

Mr. DUNCAN of Oregon. He can then take affirmative action?

Mr. CELLER. Even within the period.

Mr. DUNCAN of Oregon. He could take affirmative action within the period and thereupon the President of the United States will reassume the duties and powers of his office?

Mr. CELLER. That is correct.

Mr. DUNCAN of Oregon. If he did not do that, he would continue as Acting President during all intervals of time necessary for the Cabinet and the President to transmit their letter and the Congress to take such action as may be necessary.

Mr. CELLER. It is interesting to note while the Senate did not do this, we put a time limit of 10 days on it. We insisted the Congress must act in 10 days. If it does not, the President goes back in.

Mr. DUNCAN of Oregon. I thank the gentleman. I think we have added to the merits of this bill by this colloquy.

Mr. Chairman, if the gentleman will yield further, I should like to say that the gentleman has performed a great service—both he and his committee—in bringing this bill to the floor of the House. I think it fills a very great need. I have a question in my own mind whether it goes far enough. Is the gentleman satisfied that the law is clear as to the situation that would prevail in this country were a President-elect were to become incapacitated or die between the time of his election and the time of his inauguration?

Mr. CELLER. No. As I said in my opening remarks we do not cover everything. We do not cover everything that can be conjured up by someone's imagination. The bill does not cover a case after election and before inauguration.

Mr. DUNCAN of Oregon. This, I would like to say, is I think, an area that still demands the attention of the Congress.

Mr. Chairman, I thank the gentleman for yielding.

Mr. McCULLOCH. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, the House is proceeding to the business the Nation has neglected for more than a century. Tribute is due many. None is more deserving than the American Bar Association. Through the untiring efforts of its officers and members, a consensus has been reached which heretofore has been thought impossible. This consensus, like all others, represents some degree of compromise. But it represents no compromise to expediency. It accommodates a variety of schools of legal thought, none of which can arbitrarily be called wrong or unworthy, and all of which unite in the conclusion that action is not only necessary but urgent.

Tribute is due, too, to the chairman of the Committee on the Judiciary. First, he has been an eloquent, effective advocate. Second, he has been an impartial, fair-minded arbiter. Always intellectually honest, he has stood firm when firmness was necessary but has yielded when logic dictated. The bill before us properly bears his name, but because he has been just, it contains many amendments which all together represent the composite judgment of the committee at large.

During the entire course of the hearings and deliberations, the committee itself has conducted its business in a manner which reflects great credit upon the American system of lawmaking. Not one partisan consideration was advanced. Not one word of bitterness was uttered. Debate was vigorous, but always constructive. The whole performance makes me proud to be a member of the Committee on the Judiciary.

We are considering a constitutional amendment. Why not a statute? Some consider a statute sufficient. In recent years, the great body of legal opinion has held that so far as the question of Presidential inability is concerned, a constitutional amendment is not only the proper legal course but the wise course. The difference of opinion arises from the language of article II, section 1, clause 5, which reads as follows:

> In case of the Removal of the President from Office, or at his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

That language was first brought into sharp focus in 1841 when President William Henry Harrison died in office. Because it was uncertain whether the "powers and duties" would "devolve" or the "office" would devolve, the question immediately arose, "Will Vice President Tyler become Acting President or President of the United States?" Tyler answered the question by taking the oath of office of President. Since then, the "Tyler precedent" has been confirmed seven times.

But Tyler's answer concerning succession following death did nothing to clarify the question of succession following inability. Indeed, it complicated that question. Death and inability both are treated in the same clause of the Constitution. Thus, it was argued that whatever should "devolve on the Vice President" on account of the President's death would also devolve upon the Vice President on account of the President's inability; and if what devolves in one case is the office itself, then it must be the office in the other case. The conclusion of this argument was that if the Vice President should assume the Office of President on account of the President's inability, the displaced President could not thereafter, even if he recovered, reclaim his office. Such constitutional scholars as Daniel Webster so declared.

In the face of such an argument, it is little wonder that Vice Presidents have been reluctant to assume the mantle of the Presidency, even in the most urgent crises. When, in 1881, President Garfield lay incapacitated from an assassin's bullet some 80 days, Vice President Arthur would not act. The same was true in 1919 when President Wilson suffered a stroke which rendered him all but helpless.

In these two crises, surely Congress would have passed a statute on Presidential inability if Congress felt it had the constitutional authority to do so. There were those who felt that Congress had such authority. They pointed to the "necessary and proper" clause and to the language in article II which reads that "the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability." But the remainder of that clause gave the Congress pause; it gives the Congress power to act only in case of the inability of "both the President and Vice President." The implication is that Congress has no power to act by statute when only the President is disabled. This implication was tacitly acknowledged by the Congress in 1792 when it passed the first Presidential Succession Act. That Congress was peopled by contemporaries of the authors of the Constitution, and the statute significantly failed to provide for succession when only the President was disabled.

So far, I have dealt only with legal justification for a constitutional amendment. There is a pragmatic reason as well. So long as there is any question about the efficacy of a simple statute, such a statute would be subject to attack. Such an attack would come at a time when the Nation could least afford it—when the President becomes disabled or when the disabled President recovers and seeks to reclaim his office.

Yet, I have been asked, why could not we proceed by both routes? Why could we not have a brief constitutional amendment which simply empowers the Congress to pass a statute dealing with Presidential inability? The answer is that we could, but in my judgment, we should not. I have two reasons. First, in a matter as vital to our national interests as the continuity of Presidential powers, stability and durability are important; only a constitutional amendment can guarantee this. Second, the doctrine of separation of powers, which has served us so well for so long, would be blurred by the dual approach. Presidents and Vice Presidents are not always popular with Congress, and at a given time, one may be more popular than the other. Sometimes, the political party which controls the Congress is not the same political party which controls the White House. If a simple majority of the legislative branch is to have the power to make these rules one day and to change them the next, the executive branch will be subordinate instead of coequal and the head that wears the crown will indeed be uneasy.

Then there are those who ask why we cannot just forget about both constitutional amendments and statutes and deal with the problem as we have in the past by written agreement between the President and Vice President. There are several answers to that question. A private agreement does not have the same effect as law, and it is questionable whether the President can in such an informal, bilateral fashion lawfully delegate powers conferred upon him by the Constitution, by treaties and

by congressional statutes, to another person. The question is serious enough to invite legal challenges to every domestic act, and every function in the field of foreign relations would be under a cloud. Moreover, these bilateral agreements have never provided, and in the nature of things could never provide, for an enforceable settlement in event of a dispute about whether or not the President is disabled. The only real function these agreements have served is to dramatize the urgency of having a definitive mechanism built into the basic law of the land where it is visible to all and where it will remain constant from one administration to the next.

When we speak of the problem of Presidential inability, we are speaking of two categories of cases. The first is that in which the President recognizes his inability—or the imminence of his inability—and wishes voluntarily to vacate his office for a temporary period. The classic example is when the President expects to undergo an operation. The second category is that in which the President, by reason of physical or mental debility, is unable to perform his duties but is unable or unwilling to make a rational decision to relinquish the powers of his office, even for a temporary period.

Section 3 of the bill provides for the first category. Simply by sending a written declaration of inability to the heads of the two Houses of Congress, he makes it possible for the Vice President, as Acting President, to discharge his duties so long as the President feels that his inability has not terminated. When he chooses to do so, he may reclaim and reoccupy his office by sending another written declaration to Congress. Unlike the second category, his declaration of restoration is not subject to challenge by the Vice President and Cabinet. The reason for this distinction is obvious. A President would always hesitate to utilize the voluntary mechanism if he knew that a challenge could be lodged when he sought to recapture his office.

Section 4, which now includes what was originally section 5, provides for the second category of cases. There are two illustrative examples. One is the case when the President by reason of some physical ailment or some sudden accident is unconscious or paralyzed and therefore unable to make or to communicate the decision to relinquish the powers of his Office. The other is the case when the President, by reason of mental debility, is unable or unwilling to make any rational decision, including particularly the decision to stand aside.

It is the second category of cases which has given scholars so much concern. The problem is best defined by a series of questions. Who first raises the question and who makes the decision concerning inability? Should the word "inability" be defined? What procedure should be used in restoring the President to his office after he has recovered? These questions and questions subsidiary to each of them have been answered in section 4.

The original draft required the Vice President to initiate the action and required only the subsequent concurrence of the Cabinet that the President was disabled. The Vice President historically has been reluctant to take the first step for understandable reasons. The present version of section 4 is in the conjunctive and places the power and responsibility jointly upon the Vice President and a majority of the Cabinet or "such other body as Congress may by law provide." In the second step, these same people make the decision about inability and transmit that decision in writing to Congress, upon the receipt of which "the Vice President shall immediately assume the powers and duties of the office as Acting President." While others have been proposed, these are the people who should have this power and who should make the decision. The Vice President, a man of the same political party, a man originally chosen by the President, a man familiar with the President's health, a man who knows what great decisions of state are waiting to be made, and a man intended by the authors of the Constitution to be the President's heir at death or upon disability, surely should participate in a decision involving the transfer of presidential powers. The same is true of the Cabinet whose members were appointed by the President and are closest to him physically and most loyal to him politically.

While the Vice President and Cabinet seem to be the ideal people to be entrusted with the power of decision, section 4 recognizes that future experience may dictate the naming of "some other body" by the Congress to act with the Vice President. Presently, the Cabinet as defined in title 5, United States Code, section 1 consists of 10 members. It is possible that an even-numbered Cabinet might divide evenly, thus effectively stultifying the system erected in section 4. For this reason, or some other good reason, Congress may sometime find it necessary to name some "other body" which of course it could do simply by adding to the Cabinet as the decision-making body one non-Cabinet member.

The American Bar Association and your committee struggled with the question of defining the word "inability." It was decided that it would be unwise to attempt such a definition within the framework of the Constitution. To do so would give the definition adopted a rigidity which, in application, might sometimes be unrealistic. In my judgment, it would also be unwise to attempt such a definition by statute. The slightest imprecision in such a definition would be the target of legal attack if and when it should become necessary to exercise the procedures of section 4. It is highly unlikely that the responsible Government officials entrusted with this great power would abuse it by declaring a President elected by the people of this country disabled when in fact he was not, especially when the Congress is given the ultimate voice in this determination.

The procedures to be used in restoring a disabled President to his office following his recovery constitute one of the critical phases of the problem. The procedures specified in section 4 deal with the problem in a careful, deliberate manner. Herein lies the principal difference between the House bill and the bill passed by the other body. Under the Senate bill, the President could resume his office after his written declaration of restoration to the Congress unless within 2 days the Vice President and a majority of the Cabinet send a written declaration to the Congress challenging his restoration. If under the Senate bill the Congress by a two-thirds vote upholds the Vice President's challenge, the Vice President would continue to hold the office as Acting President; otherwise, the President would resume his office. The difficulty with the Senate version was that the Congress, which might not even be in session, could delay by filibuster or deliberate inaction for an indefinite period of time, during which the Vice President would remain in office. This difficulty is especially great if a majority of the Members of Congress—but less than two-thirds—are hostile to the President.

The House committee felt that any delay on the part of Congress should inure to the benefit of the President rather than the Vice President. Accordingly, the House committee adopted two consequential amendments. Under the first, the Congress, if not in session when it receives the Vice President's challenge, is required to assemble immediately. This mandate is self-executing, requiring no formal call by the Acting President. Under the second amendment, the Congress is required to act within 10 days after receipt of the Vice President's challenge. This, too, is self-executing; if the Congress fails to act, the President will resume his office after the lapse of 10 days. In effect, the procedure as outlined under the House version gives the Congress three options:

First. The Congress can act and by a two-thirds vote uphold the Vice President's challenge.

Second. The Congress can act and by one more than a one-third negative vote in either House, reject the Vice President's challenge.

Third. The Congress can allow the 10-day period to expire without acting at all.

The net effect of the second and third options is the same; the President is restored to his office. The chief merit of the House version is obvious. Circumstances may be such that the Congress by tacit agreement may want to uphold the President in some manner which will not amount to a public rebuke of the Vice President who is then Acting President. The third option furnishes the graceful vehicle. And this system renders impossible the awful stalemate which would result from a filibuster or deliberate inaction under the Senate version.

It will be observed that the procedure fixed in section 4 gives the Congress no voice in the decision for the initial involuntary removal of the disabled President. As soon as Congress receives the written declaration of inability from the Vice President and a majority of the members of the Cabinet, the President is

removed and the Vice President becomes Acting President. However, the President who regards himself capable and objects to the Vice President's action is not left without recourse. He has the right as soon as he is removed to send Congress his written declaration of restoration, and at that point, the procedure for congressional review becomes operative.

The committee makes no claims that this bill is foolproof or that it covers every hypothetical case which might present itself to the inventive mind. If one assumes that the Vice President and most of the members of the President's Cabinet are charlatans, revolutionaries and traitors, we are foolish to attempt any solution. Rationally, we make no such assumption. Rather, we assume that the American form of government with its system of checks and balances is so structured, that the freedom of the American press is so secure, and that the conscience of the American electorate is so sensitive and its power so effective that rogues in public office are foredoomed to exposure and swift retribution. Certainly, we want a government of laws and not of men, but somewhere in the process of administration of the laws, we must commit our fate to the basic honesty of the administrators. Somewhere, sometime, somehow, we must trust somebody.

Mr. HORTON. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, the House is now discharging one of its greatest responsibilities in proposing an amendment to our Constitution. The proposal before us, House Joint Resolution 1, is one of the most important and challenging issues of our time. An issue that we can no longer ignore or postpone.

One of the most important procedures in our Republic is the orderly transition of Executive power. With our country's global responsibility, with present world turmoil and upheaval, and with everpressing domestic problems, our country must always have continuity of capable, dynamic, and certain leadership. Our system of government could be susceptible to forces of disruption during a period of Executive transition; therefore we cannot afford a breakdown, or a slowdown, during such transition.

Despite this critical need for a swift, sure, orderly procedure to insure continuity in Executive leadership, the Constitution contains no provision for filling a vacancy in the office of Vice President.

The Constitution does not define presidential inability. It does not set forth the conditions under which an acting President shall assume the duties of the office, and it does not set forth the procedure for recovery of the office by the President upon termination of his disability.

Our country recently survived a tragedy of shocking proportions that resulted in an abrupt change in our Executive leadership. Thereupon, our country was without a Vice President for more than a year. At other times in our history, periods of temporary—yes, even permanent—presidential disability have raised serious questions as to the proper exercise of Executive power. In this space age we cannot afford the uncertainties, the risks of reliance upon pious hope and chance that things will work out all right. Now is the time to face the problem. Now is the time to act—before the next crisis is upon us.

To cope with the problems of presidential inability and vacancies in the office of Vice President. We must provide the means for an orderly transition of Executive power in a manner that respects the separation of powers doctrine, and maintains the safeguards of our traditional checks and balances. I believe that House Joint Resolution 1, as amended by the Judiciary Committee, answers these needs, and will undoubtedly correct the shortcomings of the Constitution with respect to presidential inability and succession.

The resolution has three basic purposes:

First. It provides that upon the occurrence of a vacancy in the Office of the President by death, resignation, or removal, the Vice President shall become President. This provision will settle once and for all the questions raised by the present language in the Constitution: When a President dies, does the Vice President become acting President or President? Does he assume the "powers and duties" but not the "Office" of the President?

Second. The resolution provides for the selection of a Vice President in the event of a vacancy in that office.

Third. It provides a method of determining when the Vice President shall serve as acting President in the event of the inability of the President, and also a method of determining when the President is able to resume the duties of his office following a period of disability.

In reference both to the question of Presidential inability and filling a vacancy in the Office of Vice President, one of the major considerations has been whether Congress could constitutionally proceed to resolve the problems by statute, or if an enabling constitutional amendment would be necessary. Through the years, this controversy has increased in intensity among Congressmen and constitutional scholars.

In recent years, there seems to have been a shift of opinion in favor of the proposition that a constitutional amendment is necessary and that a mere statute would be inadequate to solve the problem. The last three Attorneys General who have testified on the matter have agreed an amendment is necessary, as have the American Bar Association, the American Association of Law Schools, and many State bar associations.

The most persuasive argument in favor of amending the Constitution is that so many legal questions have been raised about the authority of the Congress to act on the subject of presidential inability without an amendment, that any statute on the subject would be open to criticism and challenge at the most critical time—that is, either when a President has become disabled, or when a President sought to recover his office. Similarly, the very division of authority concerning the power of Congress to act upon filling the office of Vice President is the most persuasive argument in favor of amending the Constitution. With this division in existence, it would seem that any statute would be open to criticism and challenge at a time when absolute legitimacy was most needed. It is for these reasons that I support the constitutional amendment approach as the best way to resolve the issues.

House Joint Resolution 1 provides that the President may, in his own behalf, issue a declaration announcing his disability. If he should fail to do so, or in the case where he is too ill to do so, then, the Vice President may do so if a majority of the Cabinet, or other such body as designated by the Congress, concur.

There is a belief among many people that, in the instance where the President fails to act, the Vice President and the Cabinet, or some other body, should be designated to make the choice. Some question the disinterest of the Vice President and the trust that the people may place in nonelected members of the Cabinet. Others believe that, for political and personal reasons, the Vice President and the Cabinet, having been selected by the President, may feel reluctant to act. In place thereof, the suggestion has been made that a commission be created which might be composed of Supreme Court jurists, elected leaders of Congress, and members of the Cabinet.

I believe that the Vice President must, of necessity, be granted a primary responsibility in such matters. I also believe that members of the Cabinet, because of their intimate contact with the President, must be made to share in this responsibility and duty. I further believe that such men in the past have been, and in the future will be, dedicated to the country's welfare and will act accordingly.

In order to provide a certain amount of leeway, however, the amendment provides that Congress shall have the authority, if it so chooses, to designate some other body than the Cabinet to pass upon a Vice President's declaration of the President's inability.

The proposed amendment also provides that after a declaration of the President's inability through whatever means, and the assumption of the Office of Acting President by the Vice President, the President may resume the powers and duties of his office by issuing a declaration that his disability has terminated.

If it is believed, however, that the President's disability continues, the amendment provides that the Vice President, with the concurrence of a majority of the Cabinet, or some other body designated by the Congress, shall, within 2 days, declare in writing that such disability continues. Thereafter, Congress has 10 additional days to determine

whether the President's disability does, in fact, continue.

If Congress fails to act within that period or if it does not make a determination of continuing disability by a two-thirds vote, the President shall resume his office. The burden, it will be seen, is placed upon the Vice President and the Cabinet to prove the continuance of the disability and not on the President who has the primary claim to the office. The Congress is designated as the ultimate arbiter because it is believed that, as the elected representative of the people, they share the greatest trust of the people.

Turning to the other basic problem of maintaining Executive leadership, the proposed constitutional amendment provides that when a vacancy occurs in the office of the Vice Presidency, the President shall nominate a Vice President, with the confirmation by a majority of both Houses of Congress.

Today, far more than in earlier times, the Vice President participates in the leadership of the Nation. He is made a part of the Cabinet. He has been designated a statutory member of the National Security Council. He is Chairman of the President's Committee on Equal Employment Opportunity. He has been designated as the Coordinator of civil rights enforcement in the executive branch of government. He is Chairman of the National Aeronautics and Space Council. He is frequently designated as the President's representative in foreign and domestic matters. He is assigned to other important tasks. And, perhaps, most important of all, he is but one heartbeat from becoming President. The importance of the Office of Vice President means, then, that the country must always have a Vice President who is well informed and well schooled in the important issues that face the Nation.

The age we live in and the great sorrows and near-sorrows that have befallen our Presidents in the past make it all too clear that our Nation can no longer afford the luxury of constitutional machinery which permits a vacancy in the Office of Vice President or which does not provide for the contingency of presidential inability.

Mr. Chairman, I urge the adoption of the resolution.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a letter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Chairman, I rise in support of the pending resolution, House Joint Resolution 1, a proposed amendment to the Constitution dealing with presidential inability and vacancies in the office of the Vice President.

An important step in our national history will be marked here today by the passage of this measure, and I urge my colleagues to give this joint resolution the two-thirds passage required for such amendments to the Constitution.

Further, I want to express my pleasure at the outstanding work done by the Committee on the Judiciary in bringing this resolution before us. I am particularly pleased to note the committee amendments which now are part of the measure, as they parallel provisions I asked the committee to consider in my testimony on February 17.

Briefly, I would like to call attention to the two aspects of this legislation which have concerned me most and which I now feel have been corrected by the amendments reported with the resolution.

The first of these is making a clear distinction between disability of the President declared by himself and a disability involuntarily established as provided for in section 4 of House Joint Resolution 1. In the case of the President's own declaration, as provided in section 3, I firmly feel that he alone should judge when that disability is over. In other words, where the President has made the declaration of a disability by his own volition, there should not be the slightest question of his power to declare it at an end.

If such clear and precise language as this is not a part of the amendment, I fear we may foreclose the fullest possible use of the mechanism sought by the amendment. It is not likely that a President who felt he might encounter difficulty in regaining powers and duties he had voluntarily relinquished would be persuaded easily to make the voluntary declaration.

The other aspect is the committee amendment clarifying the necessity for convening an out-of-session Congress to decide a contradicting declaration of inability termination when that inability was established under the terms of section 4, that is, by the action of the Vice President with the concurrence of a Cabinet majority or such other body as Congress may have provided for this purpose. This 10-day rule, as it were, should satisfactorily answer any question that a recalcitrant Congress could withhold restoration of the President's powers by a kind of pocket veto.

Mr. Chairman, my general feelings on the need and desirability of amending our Constitution along the lines of the pending resolution grow from the gaps which I believe exist in present constitutional and statutory provisions.

In the case of a vice-presidential vacancy, no more time should elapse in filling that post than now prevails when it is necessary for the Vice President to assume the Presidency. Therefore, we need procedures that are immediate, uncomplicated, and self-implementing. In that regard, I find House Joint Resolution 1 does the job and, in fact, provides the same procedures which I introduced in House Joint Resolution 274 for this purpose.

On the question of inability, I believe the contents of House Joint Resolution 1, particularly as amended in the two respects I discussed earlier, will give the Nation a suitable system to protect and preserve the viability of its highest office.

Mr. Chairman, the Monroe County Bar Association, through its board of trustees and its legislative committee, has done a great deal of work in studying the many proposals advanced in this area and in recommending certain clarifications its members feel would strengthen the proposed amendment.

I believe my colleagues should have the benefit of this work, and I take pleasure in sharing with the House at this time, a letter from my constituent, Dennis J. Livadas, Esq., chairman of the Monroe County Bar Association's legislative committee:

MONROE COUNTY BAR ASSOCIATION,
Rochester, N.Y., March 30, 1965.

HON. FRANK HORTON,
Member of the Congress, House Office Building, Washington, D.C.

DEAR FRANK: I am pleased to report that the Monroe County Bar Association has approved a set of recommendations concerning the presidential succession. This action by the board of trustees is based on the work of our legislative committee over the past 2 years and has met with unanimous approval in both bodies.

We make the following suggestions concerning the provisions of the Senate and House Joint Resolution 1: Section 1 being the present law and section 3 allowing the President to declare his own inability are approved as proposed in the joint resolution.

Section 2 we believe would be strengthened if the succession to the Vice-Presidency were spelled out in advance rather than left to the choice of the President. As successors, we suggest the Secretaries of State, Defense, Treasury and Justice, the Speaker, and the President pro tempore, persons obviously of outstanding ability and already experienced in the problems and the policies of the current administration. We believe that so high a constitutional office as that of the Vice-Presidency of the United States should never be open to Presidential appointment as a matter of course.

In section 4, we differ with the joint resolution by eliminating a Cabinet cabal and preferring the alternative of a congressional body in order to guard against any possibility of a palace revolution. Furthermore, the Congress being the elected repository of the highest constitutional prerogatives of our Nation, and an appointed group of administrators should have the first intimate look-see in so delicate an area as the disputed ability of the President of the United States to discharge his duties. And, in addition, following the traditional concept of the Senate as a Council of the States to advise and consent to the appointment of high Federal officers, we believe that the Senate by a two-thirds vote should determine the issue of the President's disability to function.

Section 5 of the joint resolution we consider cumbrous, badly drawn, and difficult of application. In its place we suggest a simple set of alternatives that avoids the possibility of a conflict between the President and the Vice President by empowering the Senate for the same reasons and the same vote to resolve the issue of the President's ability to reassume his powers. We believe this would be a straightforward avoidance of any hiatus in power and confusion of prerogatives.

We assume, of course, that once this constitutional amendment is enacted that the Congress will pass a detailed statutory implementation. In this connection, we recommend that the congressional committee referred to in section 4 be composed of the Speaker, the President pro tempore and the majority and minority leaders in both Houses. This automatically will insure some bipartisan and a majority of top-level congressional leaders who are not at all personally involved in the line of succession.

Your interest and your favorable consideration of our recommendations are earnestly solicited and deeply appreciated. Thank you for your courtesy and cooperation.

Respectfully yours,

DENNIS J. LIVADAS,
Chairman, Legislative Committee.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WHITENER], who has promised not to use it all.

Mr. WHITENER. Mr. Chairman, this legislation is important to the Nation because it involves a writing of a constitutional amendment. For that reason I believe it was appropriate for the chairman of our committee to have the matter considered by the full Judiciary Committee, thus giving all of us on that committee an opportunity to hear the testimony and to participate in writing language which will remove as much doubt as possible as to what is meant by the authors of this proposed amendment.

As has been said by others, the chairman of the Judiciary Committee has been most diligent and capable in the consideration of this proposition. I believe that all of us would agree, by reason of the manner in which the hearings were conducted and the measure was written up, that we have a much better product than the one which came to us from the other body.

But there are some things upon which many of us disagree.

My good friend, the gentleman from Virginia [Mr. POFF], just stated with a great degree of positiveness that he felt there was no adequate authority vested in the Congress by the Constitution at present to deal with this proposition of presidential inability. I would not for one minute array myself against the distinguished gentleman from Virginia [Mr. POFF], but since I find that one of the great legal scholars, Thomas Cooley, felt differently from the gentleman from Virginia on this matter, I am going to aline myself with Mr. Cooley and say that I believe that with the exception of filling the vacancy of Vice President, the present provisions of the Constitution are completely adequate. The language of article II, section 1, clause 5, which appears on page 4 of the report is very clear to me when it says:

> In case of the removal of the President from office, or at his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

I take the position which was taken by the distinguished Senator from Minnesota, Senator MCCARTHY, that we could accomplish the same purpose by statute which we seek to accomplish by this proposed constitutional amendment, with the exception of filling the office of Vice President when a vacancy occurs in that office by reason of death, disability, et cetera, of the Vice President or by reason of the succession of the Vice President to the office of President.

There is another matter in connection with this legislation that I think the gentleman from Kansas [Mr. HUTCHINSON], a member of the committee, has brought out which deserves consideration. That is the language which is used twice in the bill, once in section 2 where it is provided that the President nominates the Vice President and the Vice President shall take office upon confirmation by a majority vote of both Houses of Congress; and the same language, which is used in section 4, except that there it says where it is determined by a two-thirds vote of both Houses that the President is unable to discharge his duties, then he shall not be reinvested with his powers.

This language does not make it clear whether we are talking about a joint session of Congress or whether there shall be a majority vote of the total membership of both Houses under section 2 or whether under section 4 it will be two-thirds of the combined membership of the two bodies in joint session or, on the other hand, whether it relates to a separate vote being taken in the House of Representatives and a separate vote being taken in the Senate of the United States.

At this point I am wondering if the distinguished chairman of the committee the gentleman from New York [Mr. CELLER], could make it clear for the record what is contemplated, whether it is intended that confirmation be by a majority vote of both Houses in section 2 or a two-thirds vote of both Houses as mentioned in section 4. Does that contemplate, Mr. Chairman, that the two Houses, the Senate and the House, would meet in joint session, or does it mean that there would be a separate vote in the two bodies with a majority required if the provisions of section 2 were to apply with both Houses voting independently of each other?

Mr. CELLER. There is no joint session. It is a separate vote of each body, and when this terminology is found in House Joint Resolution 1, it has been interpreted by the Supreme Court to mean a separate body. I refer to the case of *Missouri Pacific Railway* v. *Kansas*, 248 U.S., page 276.

Mr. WHITENER. So I assume as far as the chairman of the committee is concerned, that we would expect in the event of a vote becoming necessary under either section 2 or section 4 of House Joint Resolution 1, that it would be done by the House of Representatives independently of any vote in the Senate and that the converse would be true?

Mr. CELLER. That is correct.

Mr. WHITENER. Mr. Chairman and Members of the Committee, another question which I raised in the hearings when we had Senator BAYH testifying was the use of the language in section 4 of the bill which reads, "the principal officers of the executive departments." The witness testified that the proponents contemplated that the members of the President's Cabinet would be the persons referred to as "principal officers of the executive departments." I believe that the Senate proposal used the words "heads of the executive departments." As I understand it from reading what Professor Corwin has to say about it, there is no provision anywhere in the law for what we call Cabinet; that is, the President's Cabinet. That was a practice which sprang up and there is no statutory or constitutional authority for what we refer to as a Cabinet. So this raised the question of what do we mean by "the principal officers of the executive departments of the Government."

From a casual check of the statutes at the time we were having these hearings, within 2 or 3 minutes' time it appeared to me, if you look on page 58 of the hearings, that in our present Federal statutes we find title V, section 1, of the United States Code refers to executive departments as State, Defense, Treasury, Justice, Post Office, Interior, Agriculture, Commerce, Labor, Health, Education, and Welfare. But when we look at title 10, section 101, relating to the Defense Department we find this in subsection (6):

> "Executive part of the department" means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

And then in title 42, section 201, subsection (e) the Congress defined "Executive Department," as follows:

> The term "Executive Department" means any executive department, agency, or independent establishment of the United States or any corporation wholly owned by the United States.

Mr. Chairman, I have mentioned this in order that we might make the record clear. Does the chairman of the committee and the ranking member, the gentleman from Ohio [Mr. MCCULLOCH], contemplate that if at any time in the future there should be any interpretation that would give weight to title 42, section 201, subsection (e), in deciding who are the principal officers of the executive departments it would be contrary to the intent of the author?

Mr. CELLER. Mr. Chairman, I refer the gentleman to the report which makes legislative history; and I refer to page 3 of the report which reads in part as follows:

> The substituted language follows more closely article II, section 2, of the Constitution, which provides that the President may require the opinion in light "of the principal officers in each of the executive departments * * *." The intent of the committee is that the Presidential appointees who direct the 10 executive departments named in 5 United States Code 1, or any executive department established in the future, generally considered to comprise the President's Cabinet, would participate, with the Vice President, in determining inability.

Mr. WHITENER. Then we are to understand that it is the intent of the authors of this proposed constitutional amendment——

Mr. CELLER. Or any additional members of the Cabinet that might be appointed as heads of establishments in the future.

Mr. WHITENER. Then we are to understand that it is the intention of the framers of this proposed constitutional amendment, we are to make it

abundantly clear that it is the concept of the committee and of the authors of the proposed constitutional amendment, that the language "principal officers of executive departments" refers to those now or hereinafter named in title 5, section 1, of the United States Code?

Mr. CELLER. That is correct.

Mr. WHITENER. And not those named in any other statute?

Mr. CELLER. That is correct.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Since our colleague brought me into the statement I would like to say to him that I join with the chairman of the committee in the definition of executive departments.

Mr. WHITENER. I thank the gentleman. My purpose in taking this time was to try to resolve for the record some of the doubts which I felt might arise from the language. I certainly commend not only the gentleman from New York [Mr. CELLER], but the gentleman from Ohio and the other members of the committee who have joined together in trying to work out language and a policy which will best serve the Nation in the future. While I may have some misgivings as to the use of certain language I am sure that were I given authority to write it there would be more misgivings on the part of others. And so I shall go along with them and thank them for the fine work they have done.

Mr. CELLER. Mr. Chairman, if the gentleman will yield, I want to say that the gentleman always, as he does now, shows rare wisdom.

Mr. WHITENER. I thank the gentleman from New York.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, I rise in support of House Joint Resolution 1, the bill presently being discussed by this honorable body and which proposes an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the duties and powers of his office.

Numerous authorities who have devoted a great deal of time to analyses of the processes under which our Government operates have been struck by the fact that our Constitution is silent on specific procedures to be followed in the event of a President's becoming gravely incapacitated during his term of office. This is a matter of longstanding interest to distinguished scholars who have undertaken studies of our unique kind of representative democracy. People in and out of Government, and notably Members of the Congress, over the years have questioned this apparent flaw in our Republic's structure.

Of course, the law does spell out the line of succession to a Chief Executive in the event of death. But it is mute with respect to a manner and method of determining the ability or inability of a President of the United States to discharge the powers and duties of his office in instances where a critical illness or a disability of possible long-term duration may arise. Indeed, a President confronted by such misfortune of circumstance has no clear-cut instructions to which he can look for guidance under the language of our Constitution or of existing laws.

Article II, section 1, of the Constitution provides that the Vice President shall exercise the powers and duties of the President in event of the death, resignation, or disability of the Chief Executive, or his removal from office. To take care of further contingencies, a series of so-called succession acts were enacted by the Congress. The act of 1886 established a line of succession starting with the Secretary of State and going through the order of executive departments. On July 18, 1947, a new law was enacted to bring the Speaker of the House and the President pro tempore of the Senate in line of succession ahead of the Cabinet members. The philosophy behind this action of 1947 changing the line of succession was that the spirit of the Constitution intended clearly that the Chief Executive should be an elected official rather than an appointive one. With this conclusion of reasoning, I fully concur.

But the knotty question remains—Who is vested with certain, sure authority to arrive at a determination of when is a President not able to discharge the powers and duties of his office? The answer is—No one, under existing processes.

I became interested in this problem soon after becoming a Member of Congress, and pursuant thereto, I introduced a resolution for a constitutional amendment in the 85th Congress, and I have reintroduced the measure, with certain modifications, in each succeeding Congress. The last resolution that I so introduced was on January 6, 1965, and is House Joint Resolution 129.

The resolution presently being considered differs from my resolution in its manner of approach as to the disability feature, and also provides for the filling of any possible vacancy in the office of Vice President, but I have no difficulty in supporting the present resolution, because it solves two problems, the solution of which are long overdue. In this day of challenge and stress, it is strongly advisable that the Congress clarify beyond any doubt or uncertainty the provision of the Constitution with respect to the execution of the duties of the President in the event of disability. This resolution should be passed.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentlemen from Vermont [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, I rise in support of House Joint Resolution 1. It is desirable and needed legislation. It initiates the process by which the Constitution can be amended with respect to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the power and duties of his office.

This resolution must have the votes of two-thirds of each House in Congress if it is to go to the people—it then must be ratified by three-fourths of the States within a period of 7 years if it is to become a part of our Constitution.

I hope it will. We have trifled with fate too long.

The bill provides that in case of the removal of the President, or of his death or resignation, the Vice President shall become President.

It makes provision for the nomination of a Vice President, by the President, when there is vacancy in that office; such nomination to be confirmed by a vote of a majority of both Houses of Congress.

It takes care of the situation when the President suffers disability, and is unable to conduct the affairs of his office and the procedure under which he may resume his powers.

Mr. Chairman, I have heard from many people in Vermont who support this legislation. Such support comes from people in every walk of life.

It is true that the Bar Association and the Junior Bar Association of Vermont support this resolution.

I was pleased in January of this year to introduce a bill—House Joint Resolution 248—identical was House Joint Resolution 1 prior to committee amendments. I compliment the distinguished members of the Committee on the Judiciary for the consideration afforded this bill and the constructive changes they have proposed for it.

I urge the adoption of the resolution.

Mr. McCULLOCH. Mr. Chairman, I now yield 10 minutes to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, when we propose to amend the basic law of the land, the Constitution, this Congress exercises a much greater responsibility in my opinion than is the case when we simply write statutory law, because once this proposal passes this House and survives a conference with the other body, if such be necessary, and is then submitted to the States, it is thereafter impossible to make any changes in it. The States' function of ratification, important and essential as that function is, is limited to simply saying "yes" or "no" to what this Congress proposes.

So, Mr. Chairman, I have been greatly concerned about the wording and the effect of the language that this proposal might encompass.

I would like to observe, as the gentleman from North Carolina [Mr. WHITENER] observed, lawyers are not in agreement that a constitutional amendment is necessary to accomplish the purposes of succession in the office of the President, nor to determine the problem of disability.

Article II, section 1, clause 5 of the Constitution as it is worded, admittedly has caused some dispute through history. I believe that there is constitutional authority in Congress to deal with this problem through statute based upon the wording of the provisions of clause 5, section 1, article II of the Constitution.

Mr. Chairman, the gentleman from Virginia [Mr. POFF] makes a very persuasive argument that it would be a terrible thing to have to test in the courts this question of constitutional power of

Congress to deal with the subject of disability, because the test would come at a very inopportune and unfortunate time.

On the contrary, Mr. Chairman, I am convinced in my own mind—and I believe that other Members have a right to be convinced in their minds—that based upon the manner in which the Constitution is being interpreted these days—broad construction you understand—it certainly would follow that the courts would uphold a statute passed by this Congress and approved by the President of the United States providing for the procedures for determining disability.

All of the detail which this proposal before us will write into the Constitution would then be left in statutory form. If it did not work it could be much more easily remedied than will be the situation if the machinery provided under the Constitution for this proposal fails to work. If this Congress should write a statute which would be approved by the President of the United States, it is hard for me to believe that the Supreme Court of the United States would fail to find a constitutional power for that legislative act.

Now, with regard to some of the provisions of this proposal which disturb me, the gentleman from North Carolina [Mr. WHITENER] mentioned, and in my additional views opinion printed in the committee report I call attention to, the wording on line 23, page 3, where in connection with the action by the Congress in confirming the nominee for Vice President submitted by the President, a confirmation by a majority of both Houses of Congress would be required. The chairman of the committee has in the RECORD today clarified this language according to his understanding, that this is not intended to authorize action of the Congress in joint session. Nevertheless, Mr. Chairman, there are proponents of this measure, organizations, which have strongly advocated that any confirmation by the Congress in filling the Vice President vacancy should be by joint session of the Congress, thereby diluting the strength of the Senate. In my opinion, I think the language would be much clearer if that language "of both Houses" were stricken, and the words "in each House" were written in.

I would like to ask the chairman of the committee, if such an amendment were offered would he object to the change in wording in that respect?

Mr. CELLER. I may say to the gentleman such an amendment is not necessary. Attorney General Katzenbach covered that very point, and said the vote would have to be separate in each House. That would not involve any joint session whatever. He cites a case where the Supreme Court interprets the language we have concerning "each House," which means no joint session, but a separate vote in each separate House.

Mr. HUTCHINSON. I thank the gentleman. We are making legislative history, but I am reminded of the way the Supreme Court has been recently interpreting some sections of the Constitution completely disregarding the clear legislative history, some of which was written even a century ago.

It would seem to me it would be better to have clear language in the Constitution itself than to attempt to clarify it by legislative history.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Virginia.

Mr. POFF. I wholly agree with the gentleman that action should be taken separately in each House. I suggest such an intent is amply borne out in the hearings conducted by the committee. I refer first to the testimony of Senator BAYH appearing on page 45, second, to the testimony of Attorney General Katzenbach, which appears on page 95, and finally the testimony of former Attorney General Brownell which appears on page 243. All three agree that the action would be taken separately in each House. I also suggest to the gentleman the point he makes in reference to section 2 would be equally applicable to similar language in section 4.

Mr. CELLER. I want to refer the gentleman to the statement of Mr. Katzenbach appearing on page 106 of the record, as follows:

> First, I assume that in using the phrase "majority vote of both Houses of Congress" in section 2, and "two-thirds vote of both Houses" in section 5, what is meant is a majority and two-thirds vote, respectively, of those Members in each House present and voting, a quorum being present. This interpretation is consistent with longstanding precedent. (See, e.g., *Missouri Pac Ry. Co.* v. *Kansas*, 248 U.S. 276 (1919).)

Mr. HUTCHINSON. I thank the Chairman.

I would like next to make an observation with which I am sure the majority of the committee does not agree. To my mind a better solution to the matter of filling the vacancy in the office of Vice President would be to provide for the automatic assumption of the office by some other officer of the Government to fill the vacancy, rather than calling on the new President of the United States, the Vice President so recently elevated because of the death of a President, in addition to everything else, to be put in the position of appointing the new Vice President of the United States. The new President will not be able to put this matter off. To delay would not relieve the pressure on him. It would probably build it up further. As soon as the new President enters the Presidential stage, he will see vice-presidential candidates and their supporters in the wings.

There is a good case for simply writing into the Constitution that the Speaker of the House of the Representatives should become Vice President and the House would then choose a new Speaker. I am aware of the argument that under certain circumstances the President and the Speaker of the House, who would then become Vice President, might be of different parties. I recognize that there might be some difficulty there. I go back to the constitutional principle that as far as the Constitution is concerned, the only constitutional function of a Vice President is to preside over the Senate. Every one of the additional duties the Vice President is performing today is cast upon him by statute. If there were a situation in which the Vice President and the President could not get along, perhaps even if they were of the same party, and this has been true in the past and it may be true in the future, I daresay that changes in the statutory functions of the Vice President would be made. The Vice President would be taken out of these functions and he might be relegated to simply presiding over the Senate.

But within the purview of the Constitution that is the only function he has anyway. I submit we would have a better proposal here if the Speaker were to become Vice President.

I am sorry that this proposal does not provide for such automatic, easy, and, I think, very logical method of filling the office of Vice President when that office is vacant.

I submit, too, that at the present time there are no constitutional powers in the members of the Cabinet. They are now advisory and always have been advisory. All of the constitutional executive power vests in the President. By this proposal we are for the first time writing into the Constitution powers vested in the members of the Cabinet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. Mr. Chairman, the need for a constitutional amendment as embodied in House Joint Resolution 1 appears to be recognized generally by the American public. The need arises primarily because of two circumstances with which this Nation has had experiences of a most critical nature.

In the first place, whenever a vacancy in the office of the President occurs—such as has occurred on eight different occasions in our history—and the Vice President succeeds to the powers and duties of the President, a void results in the office of Vice President. Accordingly, constitutional provision is needed for authorizing the selection of a Vice President.

This need is met in a direct manner in section 2 of the constitutional proposal. Although there has been long debate and extensive testimony on this subject, there appears to be general agreement with section 2 of the proposed constitutional amendment that the President shall nominate a Vice President under such circumstances, who shall thereafter take office only upon confirmation by a majority vote of both Houses of Congress.

The second need is this: Authority for a President to be relieved temporarily, or even permanently, of his duties and responsibilities under circumstances where he is unable to continue in his capacity as Chief Executive of the Nation.

Again, this need may be satisfied by appropriate constitutional language in those instances where the President is without any mental or physical incapacity and where he wishes to be relieved of his duties and responsibilities on a tem-

porary basis. I am thinking, for instance, of a case where the President proposes to leave the country for a period of time or where he finds it necessary to voluntarily be relieved of his duties for any other reason.

In such cases the President may transmit a written declaration to that effect to the Presiding Officers of the Senate and House, in which event the Vice President may serve as Acting President during such period as the President may declare. In such cases, the President would resume his duties immediately upon transmitting a written declaration in the same manner indicating the resumption of his constitutional powers and duties.

The more difficult aspect of this problem is where the President, although physically or mentally disabled, is unwilling or unable to relieve himself of the powers and duties of the office to which he was elected. It was my original view that constitutional provisions spelling out the method by which a President might be deprived of his powers and duties, as well as the method by which these powers and duties might be regained—whenever the original disability should be ended—were too complex for delineation in a constitutional amendment. Originally, I favored a simple statement to the effect that a determination of the inability of the President to continue to act as well as any resumption of his powers and duties should be left to the Congress to provide by way of legislation.

However, the committee has adopted language designed to establish a method whereby the President may be relieved of his powers and duties involuntarily as well as a further method whereby these powers and duties may be regained when any such disability is removed. Section 4 of the proposed Constitutional amendment sets forth these methods in clear and unmistakable language vesting only in the Congress authority to establish by law such body—other than the principal officers of the executive department—who must concur with the Vice President in declaring the President's inability in the first instance, as well as the removal of such inability—where an involuntary removal has occurred.

I am satisfied that the mechanics of this section in which the Vice President, the members of the Cabinet and both Houses of the Congress act—as set forth in section 4 of House Joint Resolution 1—establish a workable and entirely satisfactory method for meeting this difficult and extremely critical problem.

Certainly, the authority for any person other than the President to assume the powers and duties of that office should be contained in the Constitution itself. In other words, whoever is serving in the office as chief executive or carrying out the powers and duties of that office should be acting under constitutional authority and not mere legislative authority. House Joint Resolution 1 adequately meets this need.

Officers and members of the American Bar Association as well as many individual lawyers specializing in constitutional law and the members of the House and Senate Judiciary Committees, all of whom are distinguished lawyers in their own right, have given full and careful consideration to this proposal. Undoubtedly, and quite understandably, there are some differences of opinion with regard to provisions of this proposal. However, I am satisfied that the overwhelming support which this measure has received from the full Judiciary Committee, as well as the great weight of the testimony in behalf of the proposal in substantially its present form, commends this proposed constitutional amendment to the Congress and to the people of the Nation and their respective State legislative bodies to which the proposal must be referred for ratification following favorable action by the Congress.

I am confident that the necessary three-fourths of those State legislative bodies will act favorably on the subject of ratification to the end that the needs which are met by this legislation will be fulfilled.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Montana [Mr. BATTIN].

Mr. BATTIN. Mr. Chairman, I take this opportunity to congratulate the committee on reporting out House Joint Resolution 1. I have listened to all of the debate because, as I read the bill originally, I had some serious misgivings about its operation. But I can say from the debate and from the answers that have been made both by the chairman of the committee and the ranking Members on the minority side, I feel this will do the job. I believe the members of the committee should be congratulated for the efforts they have made in bringing this legislation to the floor and to move it on to final adoption.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I wish to speak briefly on this question of disability. In so doing perhaps I can bring into clearer focus the need for a carefully written constitutional amendment. I do not suppose it has to be restated how pressing this problem has been in history and how much more pressing it is today when we live in the day of the hydrogen bomb, when we need quick decision and fast communication.

Members do not need reminding that President Garfield was in a coma for 80 days and during that period considerable business in both domestic and international affairs was impaired. We know further, as has been stated heretofore, that during the period of Garfield's incapacity there was deep division within the Cabinet, including the Attorney General, on the question of whether the Vice President had power to act. If Vice President Arthur proceeded to act, nobody would state with any degree of sureness whether his acts would be lawful and, as Members may know, Vice President Arthur under those circumstances refused to make any decisions at all.

President Wilson's disability was longer, over a year, and although the extent of his disability is a matter of debate, the fact of the matter was that his disability prevented his participation in the debates over the Versailles Treaty and the League of Nations.

This was a sensitive period in United States and world history, but nothing compared to the sensitivity of the modern day.

So the question is—and this bears on the ultimate question as to why we need a carefully worded constitutional amendment—who shall make the decision as to presidential inability? Is it a vice-presidential decision, or is it a general executive decision, or should it be a congressional decision, or a Court decision. There is a good deal of history on this. The question really first arose when President William Henry Harrison died of pneumonia in office. There were those who objected to Vice President Tyler's succession during the President's period of illness, and there were many more who objected to Tyler's succession to the Presidency even after President Harrison's death. The question was whether the Vice President really became President to fill out the unexpired term, or whether he just continued as Vice President and performed the duties of President.

Tyler first held the view that he would only act as President during the unexpired term. Then later, he apparently changed his mind and decided to assume the Presidency.

Seven other Vice Presidents have followed suit since then. In other words, all of them have decided that they were the President, they were not Acting President; they had not just the name, but the powers of office of President. They were Fillmore, Andrew Johnson, Arthur, Theodore Roosevelt, Coolidge, Harry Truman, and Lyndon Johnson. This has a bearing on the question of disability, it seemes to me. We are told that an examination of the original articles agreed upon by the Constitutional Convention showed that the delegates at that time agreed that upon the inability of the President to discharge the powers and duties of his office, the Vice President should exercise those powers and duties "until the inability of the President be removed."

The original thought of the framers of the Constitution was that the Vice President would act as the President in the case of the President's disability. This view finds support in the debates of the Constitutional Convention indicating that the Vice-Presidency was originally created to provide for an alternate Chief Executive who might function from time to time should the President be unable to exercise the powers and duties of his office. When this provision was stated in so many words and was submitted to the Committee of Style, it was revised and reduced to the simplified statement that we have now: "In the case of removal, death, resignation, or inability to discharge the powers and duties of the office, the same shall devolve upon the Vice President," and that is the way it has remained ever since.

What this really means is that we are talking about an Executive decision rather than a congressional or a court decision in the first instance. This interpretation, in fact, has been shared by several Attorneys General in the past. Before the Senate subcommittee, Attorney General William Rogers said that

in his opinion the Constitution invested in the Vice President initial determination as to the existence of an inability with respect to the President.

The same view was expressed earlier by Attorney General Herbert Brownell, who incidentally was the first governmental officer to draft and submit to the Congress legislation along these lines; indeed, the Bayh-Celler proposal is an almost exact restatement of the original Brownell proposal made to the Congress, the 85th Congress, I believe, on the occasion or shortly after the occasion of President Eisenhower's illness.

Attorney General Brownell at that time summed up what has been the legal opinion of all of his predecessors in this area in modern history. He said as follows:

At the time of President Garfield's illness in 1881, the great weight of opinion favored the interpretation that Vice President Arthur, and he alone, could determine if the President was disabled. At that time most students of the Constitution said that the Vice President was obligated to exercise the powers of the Presidency during Garfield's illness, just as much as he was obligated to preside over the Senate or perform any other constitutional duty, and that no enabling action by the courts or Congress or the Cabinet was necessary.

Since the Vice President had the duty of acting as President, it was argued, in certain contingencies his official discretion extends to the determination of whether such a contingency actually existed; in other words, they were applying a well-known rule that in contingent grants of power, the one to whom the power is granted is to decide when the emergency has arisen.

Thus, there is solid basis in law here to argue that the initial decision must be made by the person who is to succeed in power. In this instance it would be the Vice President. This power to so act is very great. Therefore, it must be guarded and very carefully written.

Mr. Chairman, the Eisenhower administration and its Attorneys General were the first to come to grips with this question of disability. They offered legislation to amend the Constitution to the U.S. Congress, and Attorney General Herbert Brownell, succeeded by Attorney General Rogers, repeatedly asked the Congress to enact it in order to come to grips with this most serious problem.

The Constitution, as we know, already provides, with respect to the Presidency, that "in the case of removal, death, resignation, or inability to discharge the powers and duties of the office the same shall devolve upon the Vice President." One would think that language reasonably clear. But the fact is that it has not been clear. It has not been sufficient to resolve the problem of deciding the terrible question of when does power pass from a crippled President to a Vice President and when can a President recapture power. There are questions so delicate and so difficult of resolution that it requires precise and exact language in a constitutional amendment. If we do not have it, then we may have the problem all over again at some future date. I hope we will not, but we must make provision for it, and it is high time we did.

Mr. Chairman, in our Committee on the Judiciary, in our discussions of this subject, and the real disagreement developed over the language of section 4 of the resolution. Here is the rub. We may see, when we get to amendments, that this difficulty was sufficiently deep to divide the committee.

Members will note that in section 4 it is provided in the event the Vice President, backed by a majority of the Cabinet, decides that the President is incapacitated, he may take over the powers of the Presidency. Stated more specifically, section 4 states that "whenever the Vice President and a majority of the principal officers of the executive departments transmit to the President pro tempore of the Senate and the Speaker of the House a communication declaring that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President."

So far so good. This takes care of the case of a President who is so incapacitated by a stroke or otherwise that he cannot communicate and voluntarily relinquishes power. Therefore, we have this provision. Then this section goes on to state:

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the power and duties of his office—

So far so good also. This takes care of the case of the President who disagrees with the Vice President about the State of his own health, or who has become restored to health, and believes he is in a position to conduct the powers of the Presidency. But, this section goes on to say—

unless the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit within 2 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, immediately assembling for that purpose if not in session. If the Congress, within 10 days after the receipt of the written declaration of the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, determined by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office.

Now, that word "unless" is the key. It is very significant. The difficulty that some of us had with it in the committee was that we thought it best to provide that the President of the United States, duly elected by the people, should retain power in the event there is a disagreement as to his disability between him and the Vice President, backed by a majority of the Cabinet, unless the Congress should decide otherwise. I have thought that in the case of a dispute the President should retain power unless Congress should reverse the President by a two-thirds vote.

The bill as reported out provides just the reverse, that the Vice President, on his declaration, backed by a majority of the Cabinet, retain power unless he is reversed by the Congress.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. LINDSAY. I want to be very frank in stating that in the Judiciary Committee I offered an amendment to reverse this procedure and provide that the President would always retain power unless Congress should decide otherwise, rather than have the Vice President be able to retain power unless reversed by the Congress, and that amendment was defeated.

After the amendment was defeated, the gentleman from Virginia [Mr. POFF] cured my problem to a great extent by tightening the time period. By a new amendment a 10-day limitation was placed on the period in which Congress must act. This limitation removed a great deal of the doubt that I had about the wisdom of establishing a procedure.

In addition, the bill as it stands is vigorously supported by the American Bar Association and its special committee on this subject, the chairman of which was the former Attorney General of the United States, Mr. Herbert Brownell, who was also my former chief in the Department of Justice when the original bill on disability was drafted and submitted to the Congress. Many other leading bar associations including the association of the Bar of the City of New York, supported the bill.

Under these circumstances, Mr. Chairman, I think that Members may be satisfied in their minds that this bill is satisfactory, has the backing of the best legal minds in the country, and will at long last provide a necessary clarification of the charter under which we operate.

Therefore, Mr. Chairman, I urge that the bill be passed by this House, that we meet together in conference with the Senate to settle our differences and that this proposed constitutional amendment be submitted to the legislatures of the several States of the country with all possible speed.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection?

Mr. COHELAN. Mr. Chairman, the problems of presidential succession and presidential disability have long needed constitutional clarification. I have joined in sponsoring this measure which we are considering today, and I rise in its support.

The facts themselves speak persuasively to the need for the soundly based but immediate action which this legislation provides.

Eight of our 35 Presidents have died in office. On 16 different occasions, totaling more than 38 years in the brief history of our country, we have been without a Vice President. Eight Vice Presidents succeeded to the Presidency, while

seven died during their terms of office, and one resigned.

Of the four Presidents who served the United States from 1932 through November 1963, two—Franklin D. Roosevelt and John F. Kennedy—did not live out their terms; one—Dwight D. Eisenhower—suffered a serious heart attack; and one Harry S. Truman—was the object of an attempted assassination.

In past years the office of Vice President has been subject to more ridicule than respect. But such is not the case today. The Vice President is not only the ever-possible successor to the Nation's highest office, he has become a highly important ambassador, traveling thousands of miles on behalf of the President. He is a member of the Cabinet and of the National Security Council. He is Chairman of the National Aeronautics and Space Council, and he has major responsibilities in our wars on poverty and discrimination.

There is ample evidence that the United States needs a Vice President at all times, that this person must be fully acquainted with both foreign and domestic policy and prepared to assume the Presidency on a moment's notice. Yet there is no provision in our Constitution for filling this office when there is a vacancy.

Mr. Chairman, the problem of presidential disability poses potentially greater and more difficult problems.

On two occasions, either as a result of tragic accident or illness, we have had Presidents unable to carry out their duties for prolonged periods of time.

President Garfield lingered between life and death for 80 days after he was shot by a disgruntled officeholder. During this period he performed only one official act—the signing of an extradition paper. There was a crisis in foreign affairs, but only routine business was transacted.

President Wilson's serious illness of nearly 2 years presented the country with an even more difficult situation. Following his stroke in 1919, some 28 bills became law without his signature. The Cabinet met unofficially from time to time on the call of Secretary of State Lansing, but when President Wilson learned of the meetings he forced Lansing to resign, believing that Lansing was plotting to oust him.

In both of these cases of disability, the Vice Presidents were urged to act as President. But both Arthur and Marshall declined, fearing they would deprive the President of his office should he recover.

Mr. Chairman, without clear authority, provided by law, it cannot be expected that future Vice Presidents will act differently if a President is disabled, yet clearly the leader of the free world must have a healthy, sure, and steady hand at the helm of state.

On at least two other occasions, we have had Presidents unable to carry out the full duties of their office for shorter periods of time. President McKinley lived for 8 days after he was shot, during which time the business of Government came to a standstill.

President Eisenhower's heart attack hospitalized him for 6 weeks, during the first week of which he was able to make few if any decision.

It is a strange irony indeed that we are prepared and amply so, for a President's death or impeachment, but that we are defenseless against his injury, illness, or physical incapacity. The events of the last two decades alone, however, show us all too clearly how quickly disability can strike.

Mr. Chairman, this constitutional amendment is both practical and effective. It recognizes that total protection against all conceivable situations is not possible but it guards against the most serious and striking omissions of our present system. It establishes a firm framework, grounded at it should be in the Constitution, but it leaves certain final decision which must be based on the facts of the time to the elected representatives of the people.

Most important, Mr. Chairman, it corrects the blind spots—the avoidable risks and hazards—that have impaired our Constitution for nearly 176 years and I urge that it be adopted so that presidential disability and vacancy in the office of Vice President will no longer threaten the orderly process of our democracy. I urge that this constitutional amendment be adopted to assure the orderly continuity in the Presidency that is imperative to the success and stability of our country and our form of government.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I believe the legislation we have before us in the form of House Joint Resolution 1 is one of the great challenges of this Congress. I agree generally with those who have spoken in favor of this proposed constitutional amendment. With rare exception do I disagree. However, I would like to call the Committee's attention to page 4 of House Joint Resolution 1, for I intend to offer language in the form of an amendment to section 4 of the proposed constitutional amendment.

As the gentleman from New York who preceded me made some observation with respect to the Presidency and the fact that he would like to see the elected President in that position at the time as the challenge is made to his ability to discharge the powers and duties of his office. I would say that it is in this area that I am in disagreement with the language in the resolution pending before us.

I believe that first and foremost we should protect the President. I believe that if the question of disability really exists it should be settled by the Congress at a time when the President, who has been elected by the people, is in that office.

Mr. Chairman, I believe that for us to permit the Vice President to succeed to the position of Acting President and then permit him by virtue of transmitting to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration, together with a majority of the members of the executive departments, that the President is not then capable of reassuming his office, that this puts the Vice President, then acting as President, in a position of holding tremendous power over the elected President of the United States. Sufficient power to perhaps prevent him from regaining his elected office. This should be of great concern to all of us.

Mr. Chairman, I believe that if we amend this resolution providing that once the President having been removed by the action of the Vice President and a majority of the principal officers of the executive departments, the right to the President to simply state he is capable of reassuming his office, that he shall then reassume the office of Presidency to which he was elected by the people of this country. Then if his inability still exists, we have within this proposed constitutional amendment I believe the language and mechanism which the Vice President and the principal officers of the executive departments can use to challenge the President with respect to whether or not he is actually capable of reassuming his office. But it gets us out of this gray area as to who is President of the United States for a period of 2 days or 10 days and it gets us out of the gray area certainly to the extent of placing the burden upon a man elected President of the United States having to fight for the office of President of the United States from some very high, lofty place here in the Nation's Capital rather than in the office of the Presidency itself.

Mr. Chairman, I believe that it is not too unreasonable to assume that if we do not permit the President to again succeed to his office and once having been ruled incapable or found incapable by the declaration of the Vice President and the principal officers of the executive departments, to reassume the office of Presidency, I believe we are encouraging some things to happen which perhaps are not in the minds of the individuals that are here listening to the debate in this Committee.

I believe we may very well put the President of the United States in a position of coming here to the Congress and trying to lobby himself back into the job to which the people have elected him.

I believe that the Congress should decide this matter of capability with the President and the Vice President in the positions to which the people of this country have elected them.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 2 additional minutes to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, may I say I believe it is the burden of the Congress looking into the eyes of the elected President of the United States, even though now removed, to declare him to be unfit to hold that office.

I believe we in this Congress must be jealous of the Presidency and that all presumptions should be in favor of the Presidency. All issues as to inability in my opinion should be resolved by the Congress with the elected President holding the office to which the people have elected him. Under the language of this

resolution this is not done. The elected President is out of office. Pressures to keep the elected President out of office can be exerted even on the Congress of the United States.

As I have said, this can be accomplished, in my opinion, Mr. Chairman, by a series of amendments. If I may draw the committee's attention to section 4 on page 4 of the proposed constitutional amendment, line 18. After inserting a period at the end of line 17, remove the word "unless" and have the language read then beginning on line 18:

In the event the Vice President and the majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit within 2 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office—

And then, I go on to page 5, line 6, and at the end change the language which states:

The Vice President shall—

I omit the words "shall continue to"—that is, in the event the Congress determines by a two-thirds vote of both Houses that the President—

is then unable to discharge the powers and duties of his office, the Vice President shall immediately discharge the same as acting President.

It gets us out of the gray area as to who controls the mechanism of government in this country during the period of time that the Congress must decide the issue of capabilities of the President of the United States in the event they are again challenged by the Vice President.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Iowa.

Mr. GROSS. In the event of a disability of the President and the elevation of the Vice President, does he take an oath of office as President of the United States, and if so, what happens to the oath of office that he has taken? How is that rescinded?

Mr. MOORE. I would assume that there would be a provision that the individual would take an oath as Acting President of the United States and that the Vice President would wear two hats, so to speak, that of Acting President of the United States and that of Vice President of the United States.

Mr. Chairman, I certainly recognize that there are a number of men in this Chamber here today and in this Congress who perhaps can suggest language and perhaps can suggest changes that should take place in this legislation, but I sincerely suggest at this time that it is necessary for us here this afternoon to see to it that we protect the President of the United States against any sort of manipulation which might take place as a result of the adoption of this proposed constitutional amendment in its present form. I, at the appropriate time, intend to offer an amendment that will permit the President, who has been declared incapable of handling the duties of his office, by his written signature to reassume the powers and duties of his office. It shall then evolve upon the Vice President, not as Acting President, but upon the Vice President and the principal officers of the executive department, to bring the issue to the Congress, and then it shall be up to the Congress to decide whether or not the man who is President of the United States and elected to the office of President of the United States is incapable of handling the duties of that office. I think that amendment would once and for all settle a lot of the gray area that has been discussed here this afternoon.

Mr. McCULLOCH. Mr. Chairman, I yield 7 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time to address myself to some of the constitutional questions which are raised by this proposal.

I have some serious reservations about this constitutional amendment, and they go to the heart of the proposals that are made with respect to presidential succession. I also share some of the reservations other Members of the House have expressed in regard to the disability section of this proposal, such as have been suggested by the gentleman from West Virginia [Mr. MOORE] and the gentleman from New York [Mr. LINDSAY] who have just spoken.

But primarily I should like to address myself to the constitutional provision here proposed that the President shall nominate a Vice President, who shall take office on confirmation by a majority of both Houses.

I question whether a proposal of this sort is in harmony with principles which have guided the Republic for almost two centuries. From its very inception, the presidency has been considered to be an elective office. If you go to the Journal of the Constitutional Convention, which was kept by James Madison, you will find a great deal of discussion as to how a President should be chosen. Various methods were proposed. They were all elective methods. If we go to a new procedure under which the Vice President will be appointed by the President, as an ambassador or a judge, then we shall have changed the nature of the presidency for the first time in the history of the Republic, and it will be no longer a purely elective office. Neither the people nor their direct representatives will be choosing the Vice President, the heir apparent to the most powerful office in all the world. I question very sincerely whether the American people want to make the change in principle and in policy which would be involved in this particular section of the proposed constitutional amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman.

Mr. LONG of Maryland. Has it not been true, in spite of what the gentleman says, however, that the Secretary of State and Cabinet members have been in line for succession to the presidency throughout our history?

Mr. MATHIAS. Yes, but they have never succeeded to the Presidency. The fact of the matter is, however, that many Vice Presidents have succeeded to the Presidency—unhappily as that might be, and the contingent succession beyond the Vice Presidency has been a remote thing.

Those who support this section will say that they do so on the basis of an analogy with the custom, the relatively modern political custom, whereby the wishes of a presidential nominee are consulted in a national convention as to his choice of a running mate. I consider this analogy to be false. It is false for several reasons. One is because a presidential nominee of one of our national parties who is temporarily in a convention city and who is looking for help and support from all sides will chose a man for his running mate who will help him to get elected and will choose a man who has the strength to complement his own candidacy. The same may not be true of the man who is permanently at 1600 Pennsylvania Avenue; and he may have other motivations and other thoughts in choosing the man who might not only be his Vice President but will be his heir apparent, and who under the provisions of this constitutional amendment will have certain powers to depose him.

I am very sure these arguments would have been considered very carefully in the constitutional convention. We have the duty of considering them very carefully here in this legislative body.

The fact is that a presidential nominee choosing his running mate is merely presenting a running mate to the people and the electability of the vice presidential candidate is a measure of the accountability of the presidential candidate.

There is, therefore, a very real check on his choice. While it can be replied, of course, that congressional confirmation is a sort of check on the appointment of the Vice President, I would suggest that in many cases it would be a formality only. Those of us who sat in this House in November of 1963 well know that in the emotion of that period which gripped the Congress as well as the country, we would have not questioned closely the confirmation of an appointed Vice President within a considerable period of time after November 22, 1963.

Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. MATHIAS. Certainly, I yield to the gentleman.

Mr. CORMAN. Would the gentleman consider perhaps that it would be no less a formality than the selection of Mr. Miller and Mr. HUMPHREY in the summer of 1964?

Mr. MATHIAS. I thank the gentleman for his observation. Perhaps it merely proves what I have attempted to express to the House today. The gentleman will recall that the selection of Mr. Miller and Mr. HUMPHREY was merely for the purpose of presenting their names to the country.

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman.

Mr. RUMSFELD. In this same connection, we look at page 3 of the resolution, line 23, and then again at page 5, line 5, where it points out that the House and Senate will by a vote approve these actions, in one case the selection of a Vice President and in the other the disability question.

It is obvious that under this constitutional amendment these decisions could be made by the Congress by a nonrecord vote.

Mr. MATHIAS. I believe that is clearly true. Certainly there is no provision for it in the amendment.

Mr. RUMSFELD. Not only could there be a nonelected Vice President, as the gentleman has pointed out, but the Vice President could conceivably be selected without the Members of the House and the Members of the Senate ever going on record as to whether they approved or disapproved the President's request.

I am personally concerned, because I believe a subject matter of this importance to the country should be decided on a record vote. In the past we have seen many important measures pass the House by a nonrecord vote. I believe the public's business should be conducted in public.

Mr. MATHIAS. Mr. Chairman, I should like to point out briefly that in addition to my reservations about section 2 providing for an appointive Vice President, my concern is increased by the fact that we would couple the appointive powers of the President with the power of the Vice President thus appointed to depose the President. This to me is a conflict in powers which I believe can create serious trouble for this country in the future.

On another question not touched upon, I should like to ask the gentleman from Virginia [Mr. POFF] to respond to a question. I point out to the gentlemen that nowhere in this proposed amendment and nowhere in the committee report is there any reference to the state of the law in the event of simultaneous death of the President and Vice President. Does the gentleman from Virginia consider that it would be the intent of this amendment that the existing language of the Constitution covering the death or otherwise the removal of both the President and Vice President would be in effect notwithstanding adoption of this amending language?

Mr. POFF. The answer is definitely in the affirmative. The gentleman has reference to the language in article II, section 1, clause 5. The amendment which we are considering, if it becomes a part of the Constitution, would simply be a supplement to rather than a substitute for that language.

I add that I am reliably informed that former Attorney General Brownell, to whom this proposition has been put, shares my feeling on this score.

Mr. MATHIAS. I thank the gentleman from Virginia. I believe it is very important that we should make it clear that while the language in this constitutional amendment, if adopted, would supplant the first part of the sentence dealing with vacancies and succession, it would not supplant the second part dealing with vacancies in both the offices of President and Vice President.

Mr. POFF. The gentleman is correct. Stated differently, the adoption of this constitutional amendment would not repeal in any sense the present law on succession.

Mr. MATHIAS. I thank the gentleman from Virginia.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman, I rise in support of House Joint Resolution 1. Recognizing the need for some legislation in this field, I sponsored House Joint Resolution 922, which was introduced on February 8, 1964, and which proposed an amendment to the Constitution relating to vacancies in the office of Vice President. The present legislation proposes to correct not only the situation that exists upon the death of a President and his succession by the Vice President, but likewise to correct that situation which results from presidential inability.

The history of our country is replete with examples of presidential disability which required some action in order to continue the every day life of the Republic. In this day and age with immediate decisions required on a myriad of subjects, it is inconceivable that this country should continue without the full service of a chief executive.

Because of the precedent, known as the Tyler precedent, it seems clear that when a Vice President succeeds to the office of President of the United States, he inherits all of the powers of the office and in the words of Daniel Webster:

> The powers * * * are inseparable from the office itself.

Thus, under present law, if a disabled President is displaced by a Vice President who assumes the prerogatives of the Presidency, he could not upon recovery, displace the Vice President who had assumed the office.

American history will disclose that when President Garfield was shot he lingered for almost 3 months unable to perform any official acts, except the signing of an extradition paper. President Wilson, likewise, suffered a severe stroke which came at a time when the struggle concerning the position of the United States in the League of Nations was at its height. Recently, we all recall the illness of President Eisenhower and his concern about the omission in the Constitution relative to presidential inability. Because of his concern, it will be recalled that he entered into a formal agreement with Vice President Nixon. President Kennedy likewise entered into a similar agreement with Vice President Johnson as did President Johnson with Speaker McCORMACK and Vice President HUMPHREY.

I am sure all of us in the House recognize that such agreements are not adequate and there is a definite need for a constitutional change.

Attorneys General of both Republican and Democratic administrations have agreed that the best method to settle the problem is by means of a constitutional amendment. It seems clear, therefore, that some changes must be made in the existing Constitution as it relates to presidential inability and presidential succession together with some provision for the appointment of a Vice President where the Vice President succeeds to the Presidency.

Historically there has been a dispute as to whether or not the changes which admittedly were needed could be accomplished by statute or whether a constitutional amendment was necessary. It now appears clear from overwhelming legal authorities that the proper and indeed the safest procedure is by amending the Constitution. Attorneys General Brownell, Rogers, and Katzenbach have agreed that an amendment is necessary. This view has the support of the American Bar Association and most of the State bar associations, It, therefore, seems to me that since the need is great and urgent and since the method is clear and direct, that we in the House should adopt the resolution presently being considered so that this important omission in the basic law of the land may be corrected at the very earliest opportunity.

Mr. Chairman, it is indeed urgent, it is indeed necessary; and we should act promptly. I urge the adoption of House Joint Resolution 1.

Mr. McCULLOCH. Mr. Chairman, I now yield 5 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise in support of the pending measure, believing that it represents a responsible answer to a difficult constitutional and political dilemma. I want to compliment the committee for its superb work on this legislation and for bringing before us a most commendable measure.

I was privileged to testify in behalf of House Joint Resolution 1 on February 10 before the committee. The amended version presently under debate is not materially different from the original proposal, and I believe the committee has contributed some valuable clarification and change.

The measure provides an unambiguous means of filling the office of the Vice-Presidency when this personage assumes the higher office upon death or resignation of the President. Second, House Joint Resolution 1 establishes a method for the determination of presidential inability and procedures open to assure a continuity of leadership when such disability occurs.

When the President disqualifies himself, or is otherwise disqualified by the chief executive officers and Congress, the powers and duties shall devolve upon the then Vice President who becomes Acting President. Provisions are set down whereby this period of inability can be terminated.

The committee believed that in a case where the President declares himself disabled, he should be able to resume discharge of his powers immediately through simple notification to Congress. The committee report notes:

> To permit the Vice President and Cabinet to challenge such an assertion of recovery might discourage a President from voluntarily relinquishing his powers in case of illness.

This is a wise and reasonable amendment.

We have two important clarifications to the original House Joint Resolution 1. The words "heads of the executive departments" are changed to "principal officers of the executive departments" to insure that only those of Cabinet rank can participate in a determination of presidential disability. The amendment to section 3 specifies that the President's written declaration of inability shall be transmitted to the President pro tempore of the Senate and to the Speaker of the House. It is additionally made clear that if Congress is not in session when the Vice President and a majority of the Cabinet contradict a presidential assertion that no inability exists, Congress shall immediately assemble to decide the issue, as provided.

It would be impossible, Mr. Chairman, to imagine all the varying cases which may arise touching upon presidential succession and inability. Historical experience is instructive, but it also indicates that similar predicaments will vary in important details. We should leave room for human judgment.

House Joint Resolution 1 provides a framework through which the Nation can legally assure itself of executive leadership when incapacity strikes. This assurance has become crucial in the 20th century.

While there exists no mathematical device to prescribe the detailed conduct of Government officers in every hypothetical situation, we must protect ourselves by establishing procedures for constitutional action. House Joint Resolution 1 represents a sufficiently flexible approach.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. HALPERN. I will be happy to yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I compliment the gentleman from New York on the statement that he is making and I subscribe to the sentiments which he has expressed.

I strongly favor the passage of House Joint Resolution 1. This legislation is substantially in accord with House Joint Resolution 158, which I introduced in this Congress, and is similar to House Joint Resolution 990, which I introduced in the 88th Congress.

I am proud of the manner in which the Congress is meeting its responsibility in this important area of Presidential succession and Presidential inability. The history of the country is replete with instances where the Government of the United States has been hobbled by the absence of a provision such as we are considering today. If more evidence were required of the necessity of such a revision of our law, the situation attendant upon the tragic death of President Kennedy forcibly brought this need to our attention. Frequent mention has been made of the problems faced by President Andrew Johnson and President Truman because of the lack of succession and students of the Wilson era will be familiar with the hiatus of Government which occurred after Wilson was stricken because of the absence of any provision governing presidential inability.

The constitutional amendment which we consider today will fill the legal void that has too long existed. In taking the action which I am confident we will take today, the Congress is acting in the best tradition of this great body and in accordance with the highest standards of democratic government.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of House Joint Resolution 1 and urge its adoption. The reason for this proposal arises from the fact that we have, throughout history, had instances of the President's inability to perform the functions of his office. That is the only reason why we are considering this legislation today. As has been pointed out heretofore, during the term of office of Woodrow Wilson and even under the past administration of President Eisenhower, the inability of the President to perform the functions assigned to him became highly important. We, as Members of Congress, and those who have preceded us here, have not exercised all of the authority that we could have exercised under article II, section 1, clause 5, which has been read here several times. The only step Congress took was to provide for succession in the event of a vacancy in the office. Prior to 1947 the succession was the Secretary of State and so on down the line in the Cabinet.

In 1947 Congress changed the line of succession so that in the event of a vacancy and there were not a Vice President, the Speaker of the House would become the President. In the event of a vacancy of President and Vice President, and even if this amendment were adopted by four-fifths of the States, then the succession would still continue. What we are trying to do here is to meet the problem of the inability of the President to fulfill the responsibilities of his Office.

This matter has been discussed by many Members of Congress and particularly in the Committee on the Judiciary for a number of years. Particularly was it highlighted at the time of the sickness of President Eisenhower. But no action was taken, and finally it was thought that some definite position should be taken by the Congress of the United States.

The resolution we have before us, after many years of thinking and study comes nearer to solving the problem than anything that has been suggested up to date.

We recognize that there are bound to be individuals who may disagree as to the proper method in meeting this problem. We also recognize that the members of the Cabinet who are appointed by the President, if they should arrive at a conclusion that he has not the ability to perform the functions of his Office, are going to be hesitant in making that determination. They, themselves are the ones who have had the opportunity to observe the President and his actions.

Therefore I suggest that we adopt this resolution and refer it to the respective States and at last fill the void that has existed from the founding of the Constitution down to date.

Mr. MORSE. Mr. Chairman, I rise in support of House Joint Resolution 1. The action that the House is considering today is long overdue and I commend the House Committee on the Judiciary Committee for developing what I believe to be a highly satisfactory solution to a problem that has plagued us since the beginning of our Nation.

Even during the debates at the Constitutional Convention, the lack of clarity of article II, section 1, clause 5 was apparent. No one had an answer for John Dickinson's question "What is the extent of the term 'disability' and who is to be the judge of it?"

In my judgment, House Joint Resolution 1 supplies the answer.

The problem of presidential disability and vice-presidential vacancy has come up several times in our history. By precedent we resolved the question of the Vice President succeeding to the office of President upon the death of a President, but we have not dealt with vice-presidential vacancy or with the delicate problems of disability.

It is regrettable that we have been moved to action by the tragic assassination of a President and the vacancy of the office of Vice President for more than a year. In this day and age we cannot be without all of our constitutional officers.

Just as these events have brought this proposal before us, I hope that they will also lead us to deal with the question of the crime of presidential or vice-presidential assassination. At the present time it is not a Federal crime to assassinate the President. I have introduced legislation in the 88th and 89th Congresses, as have a number of other Members to eliminate this gap in our laws.

I congratulate the members of the Judiciary Committee on their outstanding work on this proposal and urge their consideration of H.R. 7338 and related measures.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope and urge that this House, after due deliberation and discussion, will overwhelmingly accept and approve this measure before us, House Joint Resolution No. 1, with amendment, providing for swift and orderly succession to the Presidency and Vice-Presidency and reasonably resolving those cases where the President is unable to discharge the powers and duties of his high and burdensome office.

It is hard to believe that this great and powerful Nation, predominently dependent upon almost moment-to-moment guidance of its complex affairs from the White House, has practically no systematic means, now, of meeting the profound emergency of presidential inability or prompt vice-presidential replacement.

It may well be considered among our greatest blessings that, as yet, no confounding catastrophe has erupted out of vacancies in the vice-presidency or presidential incapacity.

The resolution before us does offer, after the deepest committee study and

extended consultation with recognized experts, an equitable and practical mechanism by which the Vice President can be replaced in case of the vacancy of his office from any cause.

A section of this amended resolution also provides an orderly process of enabling the President to be temporarily relieved of his tremendous duties in case of a disabling sickness with no fear of being permanently displaced. This measure further seeks to recognize and meet even the most remote emergency of a President being unable himself to request needed relief by providing that the Vice President, on the initiative of himself and the Cabinet, could temporarily discharge the duties of the Presidency.

Mr. Chairman, by the resounding approval of this measure we will be rightfully acting to remove the causes of utmost anxiety and apprehension that inevitably would arise, here and throughout the world, if, may God forbid, this Nation should ever again endure the tragedy and sorrow of a fallen or disabled leader.

I hope the House will take this patriotic action, in the national interest, without undue delay.

Mr. BENNETT. Mr. Chairman, while the framers of the Constitution gave scant attention to the problem of presidential inability and succession, the fact remains that since the Presidency of George Washington the Nation has been without a Vice President 16 times, and has had 3 Presidents who were so disabled there was grave doubt of their ability to perform their duties as President. We are all familiar with the lengthy periods when Presidents Garfield and Wilson lay close to death, and aware that during the illness of President Wilson, Mrs. Wilson and members of the White House staff conducted affairs of state because Vice President Thomas Mitchell feared his acting as President would oust President Wilson from office.

Most recently the heart attacks of President Eisenhower, and the assassination of President Kennedy, again reminded us of the compelling and urgent need for Congress to provide for the orderly and prompt determination of a President's disability, and on the death or disability of the Vice President for the selection of an immediate successor.

Since 1953 I have in every Congress introduced legislation calling for a solution to the problem of Presidential disability and succession. It was in 1953 when I joined with the distinguished Senator from Rhode Island, the venerable Theodore Green, to establish a Commission to look into the problem of presidential inability and succession. Today we have an opportunity to enact legislation which would provide a solution to the problem. I have worked and supported my own legislation in this field, House Joint Resolution 33, and I am pleased to commend to the House of Representatives today, the Committee on the Judiciary's bill, House Joint Resolution 1, a much-needed and good bill for the future of our Nation.

Mr. GILBERT. Mr. Chairman, I rise in support of House Joint Resolution 1, which proposes an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

As a member of the Judiciary Committee, I have followed and participated in the hearings on this important proposal. We have been concerned with two problems: first, the lack of a constitutional provision assuring the orderly discharge of the powers and duties of the President in the event of disability or incapacity; second, the lack of constitutional provision assuring the continuity of the office of Vice President, and office which itself is provided for the primary purpose of assuring continuity.

Problems have existed in this country for almost two centuries so far as continuity of the executive branch of our Government is concerned. President Johnson said in his message to Congress:

> It is truly astonishing that over this span we have neither perfected the provisions for orderly continuity in the executive branch, nor have we had to pay the price our continuing inaction invites and risks.

Mr. Chairman, we have been without a Chief Executive during several periods of our history during which the President was unable to perform his duties. It could happen again, unless our Constitution is clarified and amended to define procedures for a successor to assume the powers and duties of the Presidency. The American people have not hesitated to amend their Constitution when commonsense has dictated it, and certainly commonsense and deep concern for the welfare of our country dictate it now. In such perilous times as these, there should be no doubt about whose hand is responsible for the running of our country. We are prepared for the possibility of a President's death, but we are not prepared for the probability of a President's incapacity by injury, illness, or other affliction.

House Joint Resolution 1 would amend the Constitution to provide a detailed and orderly procedure for the transfer of Executive power from the President to the Vice President in times of Presidential inability.

I would like to call the attention of my colleagues in the House to each section of the proposal.

Section 1 of House Joint Resolution 1 states:

> In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

This affirms the practice by which a Vice President becomes President upon the death of the President, and it extends the practice to resignation or removal from office. The provisions relative to inability are separated from those relating to death, resignation, or removal.

Section 2 provides that in the event of a vacancy in the office of Vice President, the President shall nominate a successor, subject to congressional approval by a majority vote of both Houses of Congress. This would virtually assure that the Nation will at all times have a Vice President.

I am of the opinion that the best way to fill the office of Vice President in the event of a vacancy is as proposed in this resolution. It is desirable that the President and Vice President enjoy harmonious relations and mutual confidences, and that the President be granted the generally accepted prerogative of choosing his Vice President. On the other hand, this amendment would recognize the right of the people to have a voice in the Vice President's selection through their elected Representatives in Congress.

The office of Vice President has become one of great importance. It is no longer simply an honorary position. It carries specific and far-reaching responsibilities in the executive branch of the Government. Vacancies in the office of Vice President have occurred on 16 different occasions for periods totaling more than 37 years. Seven Vice Presidents have died in office and one resigned; eight Vice Presidents have taken over the Office of President upon the death of the incumbent President since 1841. It is essential that there always be a presidential successor fully conversant with domestic and world affairs and prepared to step into this high office on short notice and work harmoniously with the President.

Sections 3 and 4 of House Joint Resolution 1 deal with procedures for determining when a presidential inability begins and ends. The principal purpose of the amendment is to distinguish between, first, inability voluntarily declared by the President himself—in which event House Joint Resolution 1 provides the President can resume his duties by making a simple declaration that the inability no longer exists; and second, inability declared without the President's consent—in which case, House Joint Resolution 1 provides procedures for promptly determining the presence or absence of inability.

Section 3 makes clear that the President may declare in writing his disability and that upon such an occurrence the Vice President becomes Acting President. He assumes "the powers and duties of the office" and not "the office." This section further clarifies the status of the Vice President during the period when he is discharging the powers and duties of a disabled President. It clarifies the procedure and the consequences when the President himself declares his inability to discharge the powers and duties of his office, as follows: First, the officials to whom the President's written declaration of inability shall be transmitted are the President pro tempore of the Senate and the Speaker of the House; second, in case of such voluntary self-disqualification by the President, the President's subsequent transmittal to the same officials of a written declaration to the contrary—that is, a written declaration that no inability exists—terminates the Vice President's exercise of the presidential powers and duties, and that the President shall thereupon resume them.

In cases in which a President himself declares his inability, the period of his disability would be terminated by a simple Presidential notice to both Houses of

Congress. To permit the Vice President and Cabinet to challenge such an assertion of recovery might discourage a President from voluntarily relinquishing his powers in case of illness. The right to challenge would be reserved for cases in which the Vice President and the Cabinet, without the President's consent, had found him unable to discharge his powers and duties.

Section 4 deals with the factual determination of whether or not the inability exists. It provides that whenever the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

The term "principal officers of the executive departments" has been substituted for the term "heads of the executive departments" as originally used in House Joint Resolution 1, to make it clearer that only officials of Cabinet rank shall participate in the decision as to whether presidential inability exists. The committee concluded that the combination of the judgment of the Vice President and a majority of the Cabinet members would be the most feasible formula. It would enable prompt action by the persons closest to the President, and it is assumed that such decision would be made only after adequate consultation with medical experts.

Another change made in former sections 4 and 5 is to specify the President pro tempore of the Senate and the Speaker of the House as the congressional officials to whom the declaration concerning presidential inability shall be transmitted, as is done in section 3.

Former section 5 of House Joint Resolution 1 was amended, first, to make clear that if Congress is not in session at the time of receipt by the President pro tempore of the Senate and the Speaker of the House of a written declaration by the Vice President and a majority of the principal officers of the executive departments contradicting a Presidential declaration that no inability exists, Congress shall immediately assemble for the purpose of deciding the issue; and second, to provide that in such event the President shall resume the powers and duties of his office unless the Congress within 10 days after receipt of such declaration of Presidential inability determines by two-thirds vote of both Houses that the President is in fact unable to discharge the powers and duties of his office, and the Vice President shall continue to discharge the duties of the office as Acting President.

To clarify this a little more, House Joint Resolution 1 provides that, following a Presidential declaration that a disability previously declared by others no longer exists, a challenge to such a declaration must be made within 2 days of its receipt by the heads of the House and Senate and must be finally determined within the following 10 days. Otherwise, the President having declared himself able, will resume his powers and duties.

Mr. Chairman, I urge prompt approval of House Joint Resolution 1 to amend the Constitution, so that the States might proceed with the long process of ratification. I am firmly of the opinion that a constitutional amendment as offered in this resolution is the most adequate way to fill a very dangerous void in our system of Government.

Mr. FUQUA. Mr. Chairman, the Constitution of the United States has left unsolved the problem of how the presidential duties and powers are transferred in the event a President become incapable of administering the duties of his office. This is particularly true in the event that the President does not understand and realize he has become incapacitated. Study of the problem indicates that there has long been an awareness of the lack of clarification by the Constitution, but, as of this time, it is a matter left unresolved. It is my hope that we can act upon this legislation and rectify the provisions with clearer language than originally written. The only satisfactory method of resolving the problem of presidential inability and the filling of the vacancies in the Office of Vice President is by the constitutional amendment as proposed in House Joint Resolution 1 before us today and in my identical resolution, House Joint Resolution 250.

Of course, in the event of the death of a President there is not the point in question as much as in the case of his being incapacitated since the Tyler precedent has been accepted and used in seven other instances. In this case, historical practice has been the answer to the present constitutional provisions in such an eventuality. On the other hand, there is no such practice which can be used as a criterion for presidential inability. The informal understandings which our Presidents and Vice Presidents of recent administrations have had were steps forward, but even these left unanswered situations which might arise in the event the President and Vice President disagreed on the question of inability.

The ambiguous language of the Constitution indicates there is clearly the need of a permanent and complete solution to the subject of thought. I find the committee report has the situation perfectly summarized into one sentence by stating:

> The language of the clause is unclear, its application uncertain.

More important than ever before is the continuity of the powers of the Executive Office and it is imperative that this continuity be maintained with the least possible disturbance at the time of a President's disability.

The urgency at the time of the death of a President is very great, but it could very well be just as pressing in the event of a President's incapacity to execute the powers and duties of his office. Our country has been most fortunate to never have experienced national chaos caused by the uncertainty and anxiety of the Nation being without responsible and capable leadership. Not that I would even anticipate there ever being such circumstances, I feel very strongly that there is a need for constitutional clarification which would act as a preventive to such apprehensiveness. I feel this is most apparent in our day when time is of essence to a degree greater than ever before since only the pressing of a mere button can result in hostile conflict that took days to come about in years gone by.

Our Nation has a unique concentration of powers and responsibilities in the Office of the President since in most nations these are shared by two or even three officials. The President's active leadership is most essential to the effective operation of the Government in every respect—domestic affairs, military leadership, foreign affairs and even a leadership for Congress to perform its own role properly. Therefore, in this light, every effort toward bringing about the smoothest type of transition with as little uninterrupted exercise as possible of presidential powers and duties is most desirable and needed.

In giving my support to such an amendment to our Constitution, I feel it is most important to emphasize my strong belief in that portion of the resolution requiring congressional approval to serve as a check and symbolize popular participation and for establishment of legitimacy where the Vice President would have to carry out the provisions of this legislation. This country has been blessed to not have the overzealous men we have seen in other nations who usurp the rightful leadership of their governments. However, it is always our desire to protect our Nation and its citizens from any actions which would result in a deterioration of the excellent and fine Government established by the forefathers of the Nation.

Of equal importance to Presidential inability, and sometimes related to it, is the matter of being faced with the critical problem of vacancies in the Office of Vice President. I believe it is actually little known that our Nation has been without a Vice President 16 times—in almost half of the 36 administrations in the history of the country. The gap which such a vacancy leaves in our executive branch badly needs remedial action at these times when the working relationship between the two offices has become increasingly important and desirable.

I support this resolution and feel its provisions are needed and will place the executive branch of our Government in a position to better cope with crises which could mar the effective operation, leadership, and administering of the Offices of President and Vice President.

Mr. RODINO. Mr. Chairman, the 89th Congress now has under consideration the best solution ever offered the American people to one of the oldest and most perplexing problems of our constitutional system.

In House Joint Resolution 1, a proposed amendment to the Constitution, we have before us a comprehensive, workable, and democratic plan to cover

the possibility of presidential inability and succession.

Approval of this resolution by Congress and the State legislatures will assure the people of this country uninterrupted leadership in our highest office. It will guarantee stability in the Government in vital areas that for almost two centuries have been a source of apprehension and uncertainty.

The fifth paragraph under section 1 of article II in the Constitution reads, in part:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President.

This paragraph then goes on to give Congress the power to provide by law what officer shall act as President should both the President and Vice President be unavailable for any of the above reasons.

The term "inability" as used in this paragraph has resisted all efforts to give it precise definition from the time the Constitution was drafted in 1787 to this very day. Obviously, inasmuch as we have so far failed to define inability, we have also failed to establish procedures to be followed in the event of its occurrence.

As regards presidential succession, Congress has in the lifetime of this Republic enacted three different laws.

Under the first of these laws, the Succession Act of 1792, the Vice President was followed in the line of succession by the President pro tempore of the Senate and then the Speaker of the House. This law prevailed until 1886, when the members of the Cabinet, headed by the Secretary of State, were put in the line of succession after the Vice President. The law now in effect, passed in 1947, reverts to the basic idea of the 1792 act. After the Vice President, the line of succession goes first to the Speaker of the House, then to the President pro tempore, and, finally, to the Cabinet members.

None of these succession laws has ever been regarded as completely satisfactory by everybody, and indeed it is not difficult to direct strong arguments against, as well as in favor of, each of them.

The great virtue of House Joint Resolution 1 is that it will not only clarify the meaning of inability and establish methods for dealing with it, but will also provide an eminently sound and practical answer to the succession issue.

Let us examine in nontechnical language the substance of this proposed amendment.

Section 1 merely affirms what has always been true under the Constitution—that if the President is removed from office, dies, or resigns, he is succeeded by the Vice President.

The next section, however, constitutes a very marked departure from anything that we have heretofore known. It calls upon the President, whenever a vacancy exists in the Office of Vice President, to nominate a candidate to fill this very important national position. The nominee would take office as Vice President only after being confirmed by a majority vote of both Houses of Congress.

Thus, the Vice-Presidency would never again be left vacant until the next election, and orderly presidential succession would be assured. The requirement of congressional confirmation is an added safeguard that only fully qualified persons of the highest character and national stature would ever be nominated by the President.

Sections 3 and 4 deal with Presidential inability—what it is, when it exists, and what to do about it. The third section states quite simply that whenever the President, by written message to the President pro tempore of the Senate and the Speaker of the House, declares his own disability, the powers and the duties of the Presidential Office shall be discharged by the Vice President as Acting President. The President would then resume his powers and duties whenever he, again in writing, informed these same congressional officers that he was able to do so.

Section 4 is more difficult and complicated because it is concerned with the factual determination of the existence of inability and the possibility of a controversy over the issue involving the President and the Vice President.

This section permits the Vice President, when joined by a majority of the Cabinet members, to present a written declaration to the congressional officers already mentioned stating that the President is unable to perform the powers and duties of his office. Under these circumstances the Vice President immediately becomes Acting President. The President may declare in writing to these same leaders of Congress that this inability is at an end and resume his office.

If, however, this presidential statement of his capacity to serve is challenged within 2 days by the Vice President and a Cabinet majority, the issues goes before Congress which will immediately decide the issue. If out of session, Congress will immediately assemble for this purpose. If, within 10 days after receiving the written challenge from the Vice President and the Cabinet, Congress decides by a two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President will continue as Acting President. If Congress does not so decide, the President resumes his regular role.

We must be impressed by the many contingencies covered in this section. We must also be impressed by the way the Office of the President, with all its real and symbolic significance, is protected while at the same time the national welfare remains the foremost consideration.

The pressing need for incorporating this proposed amendment into our fundamental law with all possible speed seems to me to be overwhelming.

In our political history we have had Presidents disabled for long periods by assassins' bullets or illness. It is true that we have managed to weather these crises in one way or another, but if the Constitution is allowed to remain vague and ambiguous concerning inability as it now is, we may not always be so fortunate.

It is also a fact that because eight Presidents and seven Vice Presidents have died in office and one of the latter resigned, this Nation has on 16 occasions been without a Vice President. For more than 37 of our 176 years as a nation, our second highest office has been unoccupied.

We have relied too long on luck and wishful hopes that presidential inability and succession would never become critical or controversial issues that could disrupt our national life or governmental structure.

Let us act now to settle these matters wisely, prudently, and expeditiously.

Let us pass House Joint Resolution 1 now so that it may be sent on promptly to the States for their approval.

Mr. FASCELL. Mr. Chairman, the problem of presidential inability has remained an unresolved constitutional issue of greatest magnitude throughout all the one and three-quarters centuries of our life as a nation.

At the same time, none of the three presidential succession laws, enacted in 1792, 1886, and 1947, has provided a truly satisfactory answer to this related problem.

Now, this House has under consideration in House Joint Resolution 1 the most thoughtful, comprehensive, and democratic solution to both of these great issues that has ever been presented to the American people.

Under this plan a vacancy in the office of Vice President would always be filled by the President. This would be possible because the President would be authorized to appoint a Vice President when, for any reason, the second highest office in the land is unoccupied. The President's appointee would take office only after being confirmed by a majority vote of both Houses of Congress.

Thus, in a thoroughly logical and easily understandable way, this resolution solves two of our most difficult and enduring problems. It assures us that the Vice-Presidency will always be filled, and it provides for a smooth and untroubled succession to the Presidency.

The other sections of House Joint Resolution 1, as amended by the Judiciary Committee, are concerned with inability. Inability in its simplest form would be determined by the President himself through a written declaration to the President pro tempore of the Senate and the Speaker of the House. The President would also state when his inability is at an end by writing to these same congressional officers. In the interim, the Vice President would act as President.

If the President were unable to determine his own inability, or if there were doubt or controversy about it, the matter would then be settled by the Vice President, the Cabinet, and Congress. In this eventuality, there would be adequate, fully democratic procedures and safeguards to protect both the Presidential office and the welfare and best interests of the country.

I am proud of the fact that I was one of the sponsors of this resolution in its original form. I believe now that the amended version we are considering is an even better proposal.

I regard this proposed amendment as essential to the strengthening of constitutional principles and the structure of the Federal Government.

I urge its immediate passage so that it may be sent on to the States for their approval.

Mr. RANDALL. Mr. Chairman, there is no such thing as an indispensable man. But if ever there were an approximation to an indispensable man, it is the President of the United States. Over the past several decades we have witnessed an expansion in his office and its powers to unparalleled dimensions. We have come to expect the President to set the guidelines for conduct of domestic policy and to bear the standard of leadership for the entire free world. We know from experience that even a weak President must have strong advisers and associates to insure that the minimum functions of his office are carried out. And we have learned recently the lesson that continuity of purpose and direction are one of the greatest blessings a nation can receive when a great national leader has fallen.

The tragic death of John Fitzgerald Kennedy has forced those of us who would rather not dwell upon such contingencies to reflect upon questions of Presidential succession and disability. It has caused us to realize that this country cannot do without a President and that at all times the continuity of both his office and his powers must be preserved. The business of the Government is too important and too pressing to be postponed for weeks or months because of a vacuum at the center of the executive branch. For whatever reason, whether through death or because of physical or mental incapacity, the absence of a leader in the White House could mean virtual paralysis of the executive branch of Government with unpredictable consequences for the safety of the United States itself. Yet, our Constitution is not at present written to cope adequately with crises in presidential leadership.

Mr. Chairman, House Joint Resolution 1, the constitutional amendment proposed by the gentleman from New York and reported favorably by the Committee on the Judiciary, will resolve most of the constitutional ambiguities related to presidential succession and inability. It is a sound proposal which should be made part of the Constitution with deliberate speed and without further modification.

The provisions of this amendment are addressed to two basic problems of presidential continuity. I touched on these problems in my testimony before the Judiciary Committee, but it is appropriate to review them once again in the context of this historic debate.

The first problem dealt with by the amendment is vacancy in the office of President or Vice President arising from death, resignation, or removal from office. The second problem concerns situations in which the President holds office in a technical sense, but is incapacitated in such manner as to preclude the proper exercise of the duties, functions, and obligations of his position.

In 16 instances lasting a total of 37 years, this country has been without a Vice President. Only an accident of history and perhaps the intervention of divine providence have protected us from the severe crisis that could have resulted if a President had died in office or been otherwise incapacitated during such a period.

The first two sections of this amendment seek to minimize the likelihood of such a tragedy in the future. Henceforth, whenever there is no President the Vice President shall immediately assume the office and duties of President. Whenever a vacancy in the office of Vice President occurs, the President will nominate a new Vice President who will take office upon confirmation by a majority vote of both Houses of Congress.

We have listened very carefully to debate in which it is suggested that section 2, permitting the President to name his own Vice President subject only to confirmation of both Houses, would lead to "dynasty." Although our bill contained this section at the time of drafting, we had no such thing in mind, and we have no such thing in mind today. The only reluctance we have at all to this section is the fact that it changes the line of succession and might give the appearance—as some Members pointed out—that it downgrades the House of Representatives and was an affront to the Speaker. Certainly no one intended or does intend now that this section should have that connotation.

On the other side of the issue, however, is the possibility that under the present line of succession a President might find that the next in line of succession would be of a different political faith. Of course, that is one of the strong arguments in favor of section 2 as it stands. The section would permit the President to designate one whose views are similar to his own and who will be working toward the same objectives.

In addition to these provisions relating to succession to office, the proposed amendment provides two general methods to cope with presidential inability or incapacity to act. From the point of view of the President, one of these methods is voluntary and the other is involuntary.

First, section 3 of the amendment permits and encourages the President to declare himself unable to discharge his duties and to pass his powers over to the Vice President, temporarily acting in the capacity of Acting President. For instance, if the President were to become hospitalized for some reason, he might ask the Vice President to shoulder his burdens for the duration of the illness.

I am pleased to note that the committee concurred in an argument expressed in my testimony before them that if the President declares himself to be disabled, he should have an absolute right to terminate such an inability through a simple written declaration. Without such clarification, now embodied in the committee bill, it would have been unlikely that a President would have ever made use of the clause, no matter how incapacitated he believed himself to be.

The further idea that a President might actually be forced to step down involuntarily from office because of physical or mental incapacity is fraught with unpleasant associations. If not carefully drawn, such authority could be abused and could have the same dire results as the many foreign coups and putsches of this century.

Yet there are legitimate circumstances in which such actions might be necessary and proper. Surely it is better to establish regular and orderly procedures for the temporary transfer of presidential power than to suffer the consequences of constitutional chaos. Sections 4 and 5 of the proposed amendment establish procedures both for declaring and for terminating periods of presidential inability.

The precedures for declaring and terminating presidential inability are of necessity weighty and complex, yet the committee has succeeded in drafting language which is at once succinct and unambiguous. That they should have been able to improve upon the language and provisions of version of the resolution passed by the other body is a monument to the experience and wisdom of the chairman and his distinguished colleague, the ranking minority member of the committee.

Under provisions of section 4, the Vice President will immediately become Acting President upon transmittal to the House and the Senate of a written declaration that he and a majority of the Cabinet have determined the President to be unable to discharge the powers and duties of his office.

Section 4 further states that the President may declare his own inability terminated and that such determination shall be final unless the Vice President, a majority of the Cabinet, and two-thirds of the Members of both Houses of Congress determine within 10 days that the President is still unable to discharge the powers and duties of his office.

The section is worded in such a way that all procedures are crystal clear; the benefit of the doubt is given to the President; and time limits for action are firmly established. All procedures are deliberately avoided which might lead to circumstances in which two individuals simultaneously claim the authority of the Presidency.

Language avoiding these latter difficulties was initially proposed by the gentleman from Ohio [Mr. McCULLOCH] and was incorporated in my own presidential inability amendment, House Joint Resolution 265. If this language has not been adopted, it would have been possible for an uncooperative and hostile Congress to prolong inability proceedings indefinitely and through inaction to keep an otherwise fit and healthy President from resuming office.

In conclusion, I should like to make an observation on the mechanics used to prepare this resolution for final passage by the House. Too often critics of the Congress are prepared to cite the slightest delay in passage of a bill as evidence of the unworkability of current legislative institutions. They are quick to condemn the roadblocks and obstacles

which a bill or a resolution must overcome before being passed into law.

An examination of the legislative history of House Joint Resolution 1 will show that these cumbersome procedures actually serve a useful purpose. If it had not been for these archaic procedures, this body would today be voting on a considerably inferior constitutional amendment. Indeed, I am sure that some of my colleagues would have preferred the amendment to have been scrutinized even longer by the gentleman from New York and his judicious band of judicial scalpel-wielders.

If the Congress had acted hastily last session to pass the so-called Bayh amendment, it would never have had the benefit of the language changes made this session by the Senator from Indiana himself. These changes were not easily arrived at, and yet I think that both friends and foes of this amendment will agree that the technical language improvements alone make its provisions more acceptable and defensible.

If there were not a necessity for concurrence of both Houses of Congress, the changes in section 4 of the amendment might never have seen the light of day. Yet these changes have clarified some serious difficulties previously buried in the ambiguities of the amendment as passed by the other body. The easy course would have been to adopt the measure as sent across the Hill, but the Judiciary Committee was willing to take a fresh look at the entire proposal and as a result they came up with some concrete improvements.

Mr. Chairman, I commend the committee for its action, and I urge the House to adopt this constitutional amendment by the overwhelming vote it deserves.

Mr. TENZER. I rise in support of House Joint Resolution 1. I compliment the distinguished chairman of the Judiciary Committee and the ranking members of the minority who are managing this bill, for the excellence of the debate and clarity of the answers to the questions posed on this difficult and complex proposed amendment which fills a void left by the framers of our Constitution.

The problem has legal, political, and constitutional facets—all of which were considered by the House Judiciary Committee when hearings were held on the 32 separate proposals which were offered in the House during the opening days of this Congress.

Why is this day so important and why is this legislation so urgently needed?

Because 8 of our 35 Presidents have died in office. On 16 different occasions, for a total of more than 37 years, the office of Vice President has been vacant. Eight of our Vice Presidents succeeded to the Presidency, seven died during their terms of office, and one resigned. We have been singularly fortunate in that the offices of President and Vice President have never been vacant simultaneously during a single 4-year elective span.

Let us consider for a moment the four Presidents who preceded President Johnson. President Roosevelt and President Kennedy did not live out their terms; President Eisenhower suffered a serious heart attack; and President Truman was the object of an attempted assassination. These events show the importance of having a potential presidential successor available at all times—one who is fully acquainted with current policy in domestic and foreign affairs, and prepared to assume the Presidency on a moment's notice. Despite the urgent need for a solution—demonstrated dramatically and repeatedly in recent years—neither corrective legislation nor constitutional amendment have been adopted.

The office of President of the United States is the most difficult and most important job in the world. It has a unique concentration of powers and responsibilities that in most other nations are shared by several officials. The President's active leadership is so essential to the effective operation of the Government that his death or serious illness not only constitutes a personal tragedy but creates the risk of national disaster. For this reason vacancies, disabilities, and transitions in this office are matters of the gravest concern to our country and to the world.

The Constitution is not clear as to what actually constitutes inability to discharge the powers and duties of the presidential office; nor is it clear as to who determines that such inability exists, or whether in the event of presidential inability, it is only the powers and duties of the Presidency that devolve on the Vice President as distinguished from the office itself.

In May 1964, the American Bar Association held a national forum on the problem with representation from business, labor, agricultural, civic, patriotic, and welfare groups. The consensus favored submission to the States of a constitutional amendment. There appears to be a broad agreement at least in the following particulars:

First. That the need for prompt action is overwhelming, and failure to act would be recklessly gambling with the stability of our Government,

Second. That it was the intention of our Founding Fathers that in the event of presidential disability the Vice President should be only Acting President and only during the period of the disability;

Third. That there is a need for determining when or whether a President is disabled from performing the duties of his office; that the Vice President should be able to take over with unquestioned authority for a temporary period when the President's disability is not disputed; and that the President should be able to resume office once he has recovered.

Fourth. That a constitutional amendment is needed to solve the problem.

The proposed constitutional amendment, House Joint Resolution 1, as amended, answers the questions raised by the experience of history.

We are asked to adopt and the States will be asked to approve a constitutional amendment containing a specific method for determining when the President is unable to perform his duties, rather than a proposal merely giving the Congress the power to devise a method by statute, which in fact the Congress has failed to do in the past 10 years, since the first Eisenhower disability.

The inclusion of a specific procedure as provided would avoid the uncertainty and possible delay involved in leaving the problem for action by the Congress in the future. The time to agree on a method is now, while there is general interest in the subject of inability.

The Constitution is specific in its provisions dealing with removal of the President by impeachment, and it should also be specific with respect to his removal during periods of inability.

While the proposal under consideration provides a specific procedure which could be invoked promptly in the absence of congressional action, it would vest the Congress with the power to require concurrence by a body other than the Cabinet. In fact, the Congress could designate itself as the body to grant or withhold concurrence. Also, the Congress would have authority in the nature of a veto power in the event a President declares that he is able to resume his duties but the Vice President, with the concurrence of the Cabinet or such other body as may be designated by law, declares that he is not able to do so.

Proposals for a legislative solution without a constitutional amendment are not free from constitutional doubt. We cannot afford to risk having a period of indecision and delay while the constitutionality of such a solution is being tested.

Selection by the President of a nominee to fill vacancies in the Vice-Presidency would follow the traditional practice of nominating conventions. Confirmation by a majority of the Congress would tend to create public confidence in the selection.

There has been for too long a time a vital need for a solution of the grave problems of presidential inability and vice-presidential vacancy. There have been extended discussions of these problems whenever history has dramatized the need for solutions. Indeed, no subject relating to our constitutional structure has received more study. The time has now come for action.

It is not necessary, as most distinguished experts agreed, that we find a solution free from all reasonable objection. It is unlikely that such a solution will ever be found, as the problems are inherently complex and difficult.

I believe that the principles of House Joint Resolution 1, which are supported by a considerable body of the most knowledgeable scholars in the field, are sound and reasonable, and are consistent with the basic framework of our Government. In short, House Joint Resolution 1, is an acceptable solution to the grave problems of presidential inability and vice-presidential vacancy.

Our committee has studied the schedule of State legislatures and found that 47 of the 50 State legislatures meet in 1965. Thirty-eight States are required to ratify an amendment to the Constitution. Since the legislative sessions of many States are of limited duration, it is essential that an amendment be sent

to the States promptly if it is to be ratified this year or by early 1966. Each day's delay reduces the chances of early ratification. If the requisite number of States do not have an opportunity to act this year, it cannot be ratified until 1967.

A genuine service which the Members of the House can render to the Nation is to persuade the legislatures of their respective States to give approval to this proposed amendment to the Constitution and thus give reassurance of continuity in our Government.

Mr. WHITE of Texas. Mr. Chairman, in the fall of 1964 160 million Americans were represented at the polls by many millions voting for a new President. For at least 3 hard months millions of dollars were spent carrying their message of the candidates to the American public. And now in the presidential succession constitutional amendment as now drawn, with a few strokes of a pen and within a few hours, even without the public ever knowing of the transition, you are providing for 7 men to change our Presidency.

With this amendment let us project ourselves 50 years from now, to a time with people none of us now know. One of these 7 men would be the Vice President, who countless times probably had dreamed of being President, and on this occasion would sit in judgment of the man he would replace. The other 6 are probably Cabinet officers, none elected by the people. I only assume they are Cabinet officers, because the constitutional amendment does not say who are the principal officers of the executive department, and in that alone is imperfectly drawn.

The House assumes that all men who would occupy the respective positions of responsibility will act infallibly and in the best interests of the United States of America.

When we passed a proposed constitutional amendment to be sculptured immutably into our Constitution we are saying to the American public that we have considered every conceivable contingency and have found this measure safe.

In order to test its safety we are obliged to consider the worst than can happen in some future time, even beyond our own lines.

In this constitutional amendment in the name of good and with good motives we are perpetrating on some future generation a loophole that could allow a usurpation of power by seven men without the sanction of the American people.

Suppose we had a foreign enemy threatening our country. Suppose further the majority of the Cabinet believe the President of that time is too pusillanimous and that his policies endanger the survival of our country. With perfectly patriotic motives these six unelected Cabinet officers convince the Vice President than the removal of the President is imperative.

At a time when the Congress is not in session the determined Vice President and the six unelected officers then transmit to the Speaker and the President pro tempore of the Senate that the President is unable to act as President. There is no requirement that a reason be given other than that the President is "unable" to act, nor is there a definition of "unable," whether it means mental or physical incapacity, or by the judgment of several laymen, nonmedical men, that for some other reason the President is "unable" to act.

At that point the President can transmit his own message to the Speaker and President pro tempore of the Senate and retain the Presidency.

But let us assume the worst, and assume a conspiracy for a genuine takeover. If the President is kidnaped while traveling abroad or in this country before he can transmit a message that he is able to serve, the Vice President remains acting President with all the constitutional powers and duties, powers that include movement of armies, foreign policy, use of nuclear power, and force.

Again, let us assume that the President is not kidnaped, and does transmit his message of ability to serve. Then, a determined Vice President and six Cabinet officers again transmit this message of inability of the President.

The Vice President then is Acting President of the United States for a minimum of 48 hours and possibly several days more during which time he could issue any number of Executive orders, including the irreversible first steps toward a preventive war. Even today there are a number of misguided people who believe that our survival depends on a preventive war now.

If we must look to past history, I point out that President Lincoln's Cabinet at one point opposed his policies, and if this amendment had been existing then, and the Vice President had been convinced that the country was suffering by reason of the Presidential policies, President Lincoln might have been removed. I point out also that Vice President Aaron Burr was accused of treason and reportedly wanted to carve out an empire for himself.

I do not believe the scepter of power should ever be removed from the President until the Congress itself, after it convenes within 48 hours, should so remove this power. This is consistent with our present Constitution and the proper separation of officers.

Those who would take the mantle of authority from a President, even for 48 hours, argue that it would be dangerous to the country to have a disabled President even for 48 hours. I believe that the risks are far greater to chance a total change of government.

Our careful consideration on this vital issue is our heritage to our posterity. I favor a presidential succession amendment, but we must not, in the name of expediency, open the door to a greater future danger.

Mr. LOVE. Mr. Chairman, I rise in support of House Joint Resolution 1, as amended because I believe the U.S. Constitution is not only ambiguous, but defective, on the subject of presidential disability and that we, as a nation, have been extremely fortunate that our Presidents have been able to discharge their constitutional responsibilities. The office of Vice President was made vacant due to the tragic death of President Kennedy and there has been no procedure for filling it.

In support of the Senator from Indiana [Mr. BAYH], the gentleman from New York [Mr. CELLER], the American Bar Association and its affiliate, the National Forum, I submitted a bill of my own, House Joint Resolution 236, for not only does my bill support House Joint Resolution 1, it calls attention to the problem relating to the period of time before a disabled President should resume the powers and duties of his office.

I know the people of my district would want me to speak out in favor of such an amendment to the Constitution because they are very aware of the problems created by the tragic death of President Kennedy. I was encouraged by the fact that my remarks—made at the many meetings throughout my district prior to my election—on the Senate resolution passed during the 88th Congress engendered much public interest and support.

In my testimony before the House Judiciary Committee I made no references to history. This had been most carefully documented and repetition is unnecessary. I merely wanted to emphasize that prudence requires this representative body to act now to submit to the State legislatures an amendment to correct a defect known to us for many, many years.

In addition to supporting the overall effort, I wanted to point out to the committee what I considered to be a danger in the event a President would transmit to the Congress his written declaration that no inability exists. The aforementioned resolution originally provided that the President shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive department, or such other body as Congress may by law provide, transmits within 2 days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office.

My question was: What could happen within that 2-day period in the event an incompetent President resumed the duties of his office and issued orders affecting the security of the Nation? While I agreed that the President should be able to regain the powers and duties of his office easily when his inability ceases to exist, nevertheless, the Vice President should have time to file a written declaration with the Congress before the presumption in favor of the President's ability is restored.

To accomplish this, I provided in my resolution that the President shall resume the powers and duties of his office on the third day following the transmittal of such declaration to the Congress unless, prior to the end of the third day, the Vice President, with the appropriate consent of executive department heads, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. I used 3 days on the theory that the President's written declaration

could be submitted on Friday and Congress might not be in session over the weekend.

However, during the committee deliberations the majority adopted language, as set forth in section 4 of House Joint Resolution 1, which I find to be satisfactory and will correct for the most part that which my resolution points out as needing clarification.

I support this resolution and urge its passage.

Mr. SCHMIDHAUSER. Mr. Chairman, I would like to add my voice in support of House Joint Resolution 1. In my opinion, this proposal is the soundest means for providing for the orderly and democratic succession to the Presidency and Vice-Presidency of the United States in case of the death or disability of the President of the United States.

Further, this proposal would define within the framework of the Constitution, the powers and the duties of the Vice President upon the death or disability of a President. I also feel that this proposal adequately safeguards the return of the powers and duties of the Presidency to the President who has seen in his wisdom to relinquish these powers and duties due to a disability.

Finally, Mr. Chairman, I feel that this proposal would maintain the fine and traditional concept of our American system of government by providing for the recommendation of the Vice President by the President, and the approval of both Houses of the Congress if a vacancy were to occur in the Vice-Presidency.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

Mr. POFF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"SEC. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

Mr. LENNON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 73]

Ashley	Gubser	Pirnie
Baldwin	Hagen, Calif.	Powell
Belcher	Harvey, Ind.	Purcell
Bonner	Holifield	Reifel
Clark	Jennings	Roosevelt
Colmer	Joelson	Rostenkowski
Dawson	Jones, Ala.	Scott
Derwinski	Kluczynski	Sisk
Evins, Tenn.	Leggett	Smith, Va.
Farnum	McFall	Stalbaum
Fino	Martin, Mass.	Toll
Fraser	Michel	Weltner
Fulton, Tenn.	Nix	Yates

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution House Joint Resolution 1, and finding itself without a quorum, he had directed the roll to be called, when 397 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

" 'SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

" 'SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

" 'SEC. 4. Whenever the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

" 'Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit within two days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, immediately assembling for that purpose if not in session. If the Congress, within ten days after the receipt of the written declaration of the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.' "

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI to the committee amendment: On page 3, line 20, strike out section 2 on line 20 through line 23 and renumber the subsequent sections accordingly.

Mr. PUCINSKI. Mr. Chairman, I regret the need for offering this amendment, because of my profound respect and admiration for the committee that is reporting out this bill. I think the bill is a good one and is one which we need in this country very urgently. It is my fear that the presence of section 2 in this proposed constitutional amendment will make it very difficult to get the ratification of the 38 States which is necessary. Certainly there has been enough discussion here and the case has been made out as to how urgently we need the inability provisions of this proposal. Our history is replete with examples of the dilemma that the country finds itself in when a President is disabled. However, my amendment would strike from this proposed constitutional amendment that provision which would permit the Vice President, when he becomes President, to nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of the Congress. In the 6 years that I have been here I have never felt more keenly about any subject than about this particular provision. That is why I have taken the time to offer this amendment. It is my hope that the Congress is going to strike this language out of the bill.

This is a young country, as time goes. We are less than 200 years old. When we look at all of the other nations of the world and see the problems they have

had and the violent changes in their governments, the juntas and the overthrow of governments, we certainly have a right to reflect on this proposal. I have the highest confidence in the man who will occupy the Presidency, regardless of the party that he belongs to, in the future, but I think this proposal in this bill does open the door at some future time—perhaps 50 years from now or 100 years from now—to a phenomenon which has not bothered or plagued our country heretofore; namely, the problem of palace intrigue. The system we now have has the Speaker of the House succeeding to the Presidency. This succession is a good one.

It was recommended in 1947, supported in 1947 by President Truman. I know for many, many years, the next in succession was the Secretary of State. The Congress quite properly changed this in 1947. I think we ought to stay with this. The committee explains that this retains the principle of succession for the Speaker of the House. I do not see it that way. As I read this language if the Vice President becomes President, he will then send to the Congress his nomination for a Vice President and the Congress is going to vote it up or down.

As was mentioned here before by the gentleman from Maryland some day, in the days that follow a great tragedy when a President dies in office, there will not be very much discussion or debate. So it would appear to me that Congress would most probably, without too much debate, ratify the appointment made by the President.

It seems to me, as was mentioned earlier, that that invites all sorts of problems. I would strongly recommend that we proceed now with the inability provisions of this bill because this is extremely important and that we leave the succession as it has been up to now.

So far as I am concerned, I felt no great worry last year when the possibility arose that the Speaker might have to assume the Presidency. By his many years of experience, this House when it elects a Speaker, elects a man who is deeply rooted in the problems of our government. Certainly he knows the problems of the country. I think the system we now have gives this whole matter of succession stability. The people know what they are confronted with. It seems to me that we are inviting a great deal of trouble when we propose this change by way of a constitutional amendment.

For that reason, Mr. Chairman, I hope my amendment is voted up.

Mr. CELLER. Mr. Chairman, I rise to oppose the amendment.

One day during Abraham Lincoln's administration somebody breathlessly ran into the President's office and said:

> Mr. Lincoln, Mr. Lincoln—
> What is it?
> Senator Sumner on the floor of the Senate this morning said he does not believe in the Bible.

And President Lincoln said:

> Of course, he doesn't; he didn't write it.

I fear me that the gentleman who just spoke did not write this bill and is offering this amendment to a section which is one of the keystones thereof.

The coauthor of this bill with me in the Senate, Senator BAYH, said the following:

> Whatever tragedy may befall our national leaders, the Nation must continue in stability, functioning to preserve the society in which freedom may prosper. The best way to insure this is to make certain that the Nation always has a Vice President as well as a President.

The provision that would be stricken by the amendment would provide for the selection of a vice president if a vacancy occurred in that office. For more than 37 years, over 20 percent of its history, this Nation has been without a Vice President. Eight Vice Presidents have succeeded to the Presidency upon the death of the incumbent. Seven Vice Presidents have died in office and one has resigned. No procedure has ever been provided whereby a vacancy in the Vice Presidency could be filled when it occurred.

Now, Mr. Chairman, we seek to do just that. When the vacancy occurs in the Vice-Presidency, we want that vacancy filled. No longer is a Vice President a mere figurehead. He works in close harness with the President. He is a member of the National Security Council. He is Chairman of the National Aeronautics and Space Council. He is the Chairman of the President's Advisory Committee on Equal Opportunity in Employment. He represents the President abroad.

He has many other functions which are highly important and I am sure that you would all agree that we must and should always have a Vice President. We would not if the amendment which has been offered by the gentleman from Illinois [Mr. PUCINSKI] prevails, and God forbid something happening to a Vice President.

For that reason, Mr. Chairman, I do earnestly hope that the amendment will not prevail.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. I am sure that the chairman of the full committee, the gentleman from New York [Mr. CELLER] would also want to call attention to the fact that the basic premise stated by the distinguished gentleman from Illinois [Mr. PUCINSKI] may be faulty. Apparently the gentleman assumes that the adoption of section 2 would be the equivalent of a repeal of the present succession statute. This is a faulty premise. The succession statute would not be repealed.

Mr. CELLER. It would not. The gentleman is correct in his conclusion.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield to me?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Well, I would like to have the gentleman from Virginia [Mr. POFF] further explain this: If I understood what the gentleman just said and if what he said is correct, then why do we need this section 2? I do not understand how the gentleman arrives at the conclusion that the succession from the speakership will continue if you adopt section 2.

Mr. POFF. I would be glad to try to persuade the gentleman.

Mr. PUCINSKI. I would be glad to hear the gentleman's explanation.

Mr. POFF. Mr. Chairman, will the gentleman from New York yield to me at this point?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, the answer to the question is that the Constitution itself; namely, article II, section 1, clause 5, states that the Congress can——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the language to which I refer makes it possible for the Congress to adopt a sucession statute only when there are vacancies in both the Presidency and the Vice-Presidency and this succession law enacted pursuant to that language would continue in full force and effect after the adoption of this constitutional amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I must say that the chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], in his opening statement here in opposing this amendment said that the gentleman from Illinois did not write the bill and therefore he did not support it. I must say that with the explanation we have now been offered by the gentleman from Virginia, it clearly makes it apparent that if the gentleman is correct in what he is saying, then we do not need section 2 of this resolution at all.

Under what circumstances would the Speaker of the House of Representatives assume the Presidency under the gentleman's concept?

Mr. POFF. Under the same circumstances that prevail today, which is, namely, a vacancy in both the Presidency and the Vice-Presidency.

Mr. PUCINSKI. Simultaneously?

Mr. POFF. Yes. That is the law today and that would still be the law after the adoption of the constitutional amendment.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Maryland.

Mr. MATHIAS. I agree completely with what the gentleman from Virginia said about the constitutional effect of this amendment, if adopted. I think the rules on constitutional interpretation would make it clear. However, I am going to offer an amendment shortly which I think will spell it out so that the ordinary layman can understand it as well as the constitutional lawyer.

Mr. DINGELL. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, I had not intended to speak on this piece of legislation, but I rise to strongly support the amendment offered by the gentleman from Illinois.

For a number of years, Mr. Chairman, we have had legislation on the books which provided an orderly and effective succession to the high Office of the Presidency of the United States.

Let me point out that the legislation we have before us today in the form of a constitutional amendment is in real effect a slap at the Members of the House of Representatives, a slap at our elected leadership, and it in effect says that the Membership of the House of Representatives and our elected leadership are not capable to succeed to the high Office of the Presidency.

Let me rise to strongly point out to the Members of this body that this is not so.

From the House of Representatives has come the most effective and able leadership that this Nation has ever had, and from the House of Representatives have come the kind of men who are well capable of assuming the reins of government in time of crisis.

I want to say to all the members of the Committee on the Judiciary who have brought this legislation to the floor that they brought a good bill in all particulars except one, and that is section 2. Let me point out that men like Sam Rayburn, the gentleman from Indiana, CHARLIE HALLECK, the gentleman from Massachusetts, JOE MARTIN, the gentleman from Michigan, GERRY FORD, and men like our present beloved Speaker, the gentleman from Massachusetts, JOHN MCCORMACK, are far more able to assume the high Office of the Presidency than were many of the people who had been selected by the electors of this Nation. They are more able to assume the high Office of the Presidency and to give effective leadership to this Nation than are many who can be selected by the hurdy-gurdy processes, and the hurly-burly processes of a convention and compaign. These are men who have proven their worth by long service to our country, by their experience, by wise decisions in time of stress. These are the men who are most capable and most suited by training and temperament, and who have the respect of their peers, to give to the Government and to the Nation a good government.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Would the gentleman agree if we permit a President to name his own Vice President you are in effect setting up a form of dynasty where your Vice President will run for President? Are you not going to run into that problem?

Mr. DINGELL. This is the second point I want to treat with.

The most precious qualification and test of democracy is the ability of the people to participate in the selection of their leaders. It is on this basis that we in the House of Representatives are shortly to have before us legislation which is intended to protect the rights of all our citizens to vote.

Let me point out to you that to permit anyone to have the right to appoint someone else to an elective office, particularly the high Office of the President of the United States, is to deny the country, deny the electors of this Nation the ability, the right and power to choose their public servants, the privilege to choose the highest officeholder in this land.

Let me tell you, this is the reason section 2 is bad legislation. This is a device to permit a President to begin an orderly chain of successors through an appointive device, and to effectively deny the citizens of the Nation to decide who will serve in the highest office in the land.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The gentleman realizes that before the President can pick a Vice President he must be confirmed by the Congress of the United States. It says when they are given that authority he does not become Vice President until he is confirmed by the House and Senate. That is the authority that you as a Member of the Congress can exercise.

Mr. DINGELL. Let me tell the gentleman this: We now have this right, we now confirm the selection and the successor to the Vice President. This is done under a law which has existed in this Nation since the time of President Truman. It is one which has worked with the complete satisfaction of everyone. And, last of all, let me tell the gentleman not only has it worked well, but let me assure the gentleman it avoids the device of making the choice of President in times of stress under circumstances where all the tremendous pressures of politics and political pressures would come into play. We elect the Speaker in time of calm deliberation. He is the successor under present law. He and his successors are more than satisfactory to the needs of the Presidency.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have such profound respect for the Judiciary Committee that I feel a bit abashed as well as reluctant to take issue. But in support of the amendment offered by my good friend, the gentleman from Illinois [Mr. PUCINSKI], I am moved by conscience and conviction to say that I did not run for Congress and go through eight campaigns to come down here and downgrade the Speaker of the House of Representatives.

That is all I have to say. That is my argument. Section 2 as it now stands downgrades the high and elated office of Speaker of the House, and I did not come down here to be a party to such an unjustified proceeding and as long as I am here I shall uphold the dignity, the power, and the prestige of the House of Representatives, the Speaker of which is now and I believe always shall be the best qualified person in all the land to meet the responsibilities of the Presidency should tragedy remove both the elected President and the elected Vice President.

Mr. ICHORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to echo the words of the preceding speaker and the gentleman from Illinois. This is a constitutional amendment which the members of the Judiciary Committee have given much thought to and a lot of time. It is a good constitutional amendment if you are in favor of changing the line of succession to the Presidency of the United States, but I think it can be made a better constitutional amendment by adopting this amendment striking section 2.

It has been said, Mr. Chairman, that this joint resolution does not change the line of succession to the office of the Presidency, but as a practical matter it does change the line of succession. As a practical matter, the only times that the Speaker can succeed to the office of the President of the United States is when the President and the Vice President die simultaneously or the Vice President dies immediately after the President, before the machinery in this bill can go into operation, or if the President names the Speaker to be the next Vice President of the United States. I do not feel, Mr. Chairman, that we should change the line of succession. I feel that the holder of the office of Speaker, the principal officer of this House, should remain in the line of succession.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it would be most unwise if this amendment were adopted. I do not think it is necessary for this great body to be so politically insular that we should adopt an amendment out of subjective considerations that have no bearing or relevance whatsoever, under the guise of the pride of the Congress.

Gentlemen who have been speaking in behalf of this amendment discuss this subject as though we were living in the 19th century instead of the 20th. Their statements and arguments do not recognize the demands and the pressures and the speed of the last third of the 20th century. Congressionally speaking, I think it is an isolationist proposition that has been offered here under the heading of congressional importance that has nothing to do with the question. The author of the amendment suggested that the status quo has worked perfectly in the past and that there has never been any question raised before. Again, I submit this is irrelevant; but beyond this I do not think it is correct. Every time you have had this problem in the country, the question has been raised and the country has asked why something is not done about it. The chairman of the committee reminded us that eight Presidents have died in office and the office of the Vice-Presidency has been vacated, either because of death, resignation or succession to the Presidency, 16 times. The odds show it is an even chance that a Vice-Presidential term will not be completed. Now when we are in a hydrogen age, when decisions have to be made within split seconds, when an executive branch person quite separate and apart from the Congress in terms of power and authority devotes full time to questions of international importance, that person ought to be prepared to take over the Presidency on a moment's notice.

The argument that has been made for this amendment misses the point. The

question is the creation of an orderly succession consistent with the dangers and speed of the 20th century. The bill recognizes the separation of powers. It understands that no person can assume the awful responsibilities of President of the United States and make decisions of life or death in a few moments time unless he has lived with those executive powers on a very intimate basis.

Everyone has applauded the fact that in modern times Presidents have been wise enough to bring their Vice Presidents into the business of executive decisions. A Vice President must be prepared.

Lastly, Mr. Chairman, it is apparent I think that the country is not content with the situation as it stands. People are quite aware of the danger of the gap in executive power in this modern day. Political scientists, universities and experts from all parts of the country have suggested to the Congress, certainly to the members of the Committee on the Judiciary, that this question should not lie around unanswered any longer.

I think it is to the great credit of the leadership of the Congress on both sides of the aisle that insular attitudes have been cast aside and this proposition brought before the House of Representatives today.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman.

Mr. PUCINSKI. How does the gentleman intend to deal with this haste and speed in not losing a moment in this hydrogen age—how does the gentleman propose to deal with possible prolonged debates in the other body over the candidate who may be submitted by the President as his Vice President? There still remains the possibility for a prolonged filibuster.

Mr. LINDSAY. Obviously not—of course not. If the gentleman is so concerned about the shortcomings of the other body—which means the Congress as a whole—I wonder why he offered his amendment in the first place in the name of the pride of Congress. It seems to me it is very clear if that event should arise that then the monkey is on the back of the Congress to do its job.

The President does his job in the selection of a proper person to fill the office of the Vice-Presidency, and then Congress must answer to the country if it does not speedily perform its job.

Mr. JONAS. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, I will not use 5 minutes, but I should like to have the attention of the chairman of the great Committee on the Judiciary and the ranking minority member.

I am opposed to this section as it is now written and am inclined to vote for the amendment of the gentleman from Illinois, because I do not believe a Vice President should be appointed, even if confirmed by both Houses of Congress, to serve until the next general election.

I wonder if the committee gave any consideration to a provision that in case of such appointment, it would be an interim one until a Vice President could be elected by the people of the country in a special election.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from New York.

Mr. CELLER. Did the gentleman make reference to a special election for a Vice President?

Mr. JONAS. I asked if the committee gave any consideration to permitting a Vice President who was appointed to serve on an interim basis until there could be an election.

Mr. CELLER. We considered a special election along the lines the gentleman suggested, and it was turned down by the committee.

Mr. JONAS. Was it turned down on its merits, or because of difficulty in spelling out the time, place, and procedures for the election?

Mr. CELLER. Yes. I wonder if the gentleman realizes, following along the line of the suggestion, that there are other provisions of the Constitution which likewise would have to be amended? This would not apply only to the amendment, but would affect other parts of the Constitution concerning the election of a President and a Vice President. For example, the 12th amendment and many other amendments of the Constitution concern the election of the Executive.

Mr. JONAS. I assume, from what the Chairman says, that the difficulties involved in amending several sections of the Constitution caused the rejection of the suggestion.

I believe it would be meritorious if we could do that. I should like for the people to have the right to elect the President and Vice President, instead of having either one of them appointed, even if confirmed by both Houses of Congress. If the gentleman says that was considered and rejected because of the practical difficulties, I have nothing more to say. I will consider the merits of the amendment of the gentleman from Illinois in comparison with my objections to the language of the section as it is now written.

I yield back the remainder of my time.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in part to take the onus off the three gentlemen—Mr. PUCINSKI from Illinois, Mr. O'HARA from Illinois, and Mr. DINGELL from Michigan—whom the gentleman from New York inappropriately referred to as isolationists. The gentleman might call me an isolationist, I do not know; but I do not believe he should call those three gentlemen isolationists.

I agree with those gentlemen completely that we now have a clear line of succession, and I see no reason whatever for downgrading the Speaker of the House of Representatives.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. CELLER. I believe the gentleman is mistaken. I did not use the word "isolationist." My very distinguished colleague from New York, Mr. LINDSAY, used it.

Mr. GROSS. I am well aware of the fact that the gentleman from New York [Mr. CELLER] did not so describe his colleagues.

Mr. Chairman, as I have said, I see no reason for section 2 in the resolution, and I agree wholeheartedly with those who have spoken in behalf of the amendment to strike it out.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I referred to the gentleman. I am glad to yield.

Mr. LINDSAY. The burden of my comments was that the line of approach taken by the distinguished gentlemen was politically insular.

Mr. GROSS. You also used the word "isolationists."

Mr. Chairman, I yield back my time.

Mr. McCULLOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have have not spoken before in order to save the time of the committee. I rise in opposition to the amendment. I should like to comment upon the proposal that an election be held to select a new Vice President. Such an election in the United States, in accordance with a quick computation which I just made, would cost somewhere between $25 million and $35 million. Mr. Chairman, if there were an election for a new Vice President, a member of the opposition party might be elected. We have had some strange and rapid changes in political opinion in America in my time.

I would like to comment on the statement that was made that we might be providing for a presidential dynasty. History does not indicate such danger.

Now, Mr. Chairman, I took the floor not to downgrade my beloved Speaker, the great JOHN McCORMACK. Back where I come from he would be described as "the like of which there is no whicher."

Mr. Chairman, it was my good fortune to serve as speaker of the House in Ohio longer than any man who ever served, until the time of the present speaker. My friend, Speaker McCORMACK, I would rather be speaker of the House of Representatives in Ohio than Lieutenant Governor of that State, and I would rather be Speaker of the House of Representatives of the United States than Vice President of the United States.

Mr. Chairman, I hope that the amendment will be defeated.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike out the requisite number of words.

I would like to have the attention of the chairman of the committee and the distinguished ranking minority member in order to ask a question. Assuming this amendment is agreed to and assuming that the President then dies, moving the Vice President up to the Presidency, what effect then would sections 3 and 4 of his bill have? Would the disability provisions then be out of the window insofar as the new President was concerned?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. CELLER. I do not think it would make any difference, but I want to say if, for example, we have no Vice President and the President would die, then the succession law would come into play. The succession law applies when both the President and the Vice President no longer are in office. There is no Vice President.

Mr. EDWARDS of Alabama. I think the distinguished chairman misses my point. Assuming that the Vice President becomes the President. Then we have no Vice President to initiate any proceedings to point out the disability of the President.

Mr. CELLER. Sections 3 and 4 would be inapplicable. It would have no force and effect because there would be no Vice President to operate under the terms of 3 and 4.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. POFF. Mr. Chairman, I may say that I agree with my distinguished chairman. I may suggest also that under the Constitution as it is today it is possible for the Congress to deal with that situation by statute, because in that situation, if I understood the question the gentleman posed, both the President and the Vice President would be in a state of inability.

Mr. EDWARDS of Alabama. Who would bring into play the provisions of sections 3 and 4?

Mr. POFF. I say that I agree with what the chairman said. In such a case as the gentleman proposes it would be possible for the Congress to deal with it by way of statute and sections 3 and 4 of this constitutional amendment would not be applicable.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield.

Mr. CELLER. In my opinion, if the amendment of the gentleman from Illinois prevails and we strike out section 2, we would destroy the whole bill.

Mr. EDWARDS of Alabama. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. PUCINSKI) there were—ayes 44, noes 140.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MATHIAS

Mr. MATHIAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHIAS, of Maryland: Strike out section 2 and substitute a new section:

"SEC. 2. The Congress may by law provide for the case of a vacancy in the office of Vice President and for the case of removal, death, resignation or inability both of the President and the Vice President, declare what official would then act as President and such official would act accordingly until disability be removed or a President would be elected."

Mr. MATHIAS. Mr. Chairman, this amendment would do three things. It would do all that the amendment of the gentleman from Illinois would do in removing the possibility of an appointive Vice President; and I am opposed to an appointive Vice President. The Presidency since the history of this Republic began has been an elective office and I think it should continue to be an elective office. I believe that we should not have an appointive Vice President who would become the heir apparent of the Presidency and potentially the President.

Second, this amendment would have one advantage over the amendment just disposed of by the House. It would not allow a vacancy in the office of the Vice-Presidency.

Mr. Chairman, I feel that in the 20th century there should not be a vacancy in that office. I believe it is highly desirable in order to carry out the many functions of the Government today we should always have a Vice President. Under the provisions of my amendment the Congress could, by law, provide for the method of selecting a Vice President in anticipation of the possibility that the office ever become vacant.

Third, this proposed amendment restates the existing language of the Constitution with respect to the situation when both the President or the Vice President have died or have been removed from office or are disabled. It gives to the Congress the power to provide a continuing succession, by specifically readopting the existing language on this subject.

Mr. Chairman, I agree completely with the distinguished gentleman from Virginia [Mr. POFF], who is an able constitutional lawyer, in his interpretation of the situation if this amendment should be adopted as originally proposed, that the present succession laws would probably still obtain. But that is a matter of interpretation which constitutional lawyers reached after long years of study in reading the Constitution in the light of judicial rulings and precedents.

Mr. Chairman, I feel that the Constitution of this country belongs to the people. I believe what we have to say about the succession to the Presidency should be stated in one place where every American can read it and understand it. I feel that although there is some danger that under the strict rules of interpretation this may be redundant, we should readopt the section granting the powers of the Congress in the case of the simultaneous death of both the President and the Vice President. All Americans can then be clear in their own minds with reference to the course of Presidential succession by a simple reading of this basic document. Every citizen can then know exactly what is meant and intended and what will happen.

Mr. Chairman, I urge the adoption of this amendment because it does away with the appointed Vice President. It provides against a vacancy in the Office of the Vice-Presidency and it makes clear in one section of the Constitution exactly what our laws of succession and disability will be.

Mr. CELLER. Mr. Chairman, it is very difficult to oppose or even espouse amendments on the floor to a constitutional amendment because of the serious import of amendments.

It is very difficult to envisage what the repercussions of the amendment offered by the gentleman from Maryland would be.

Apparently, he would want the Congress, probably at some future time, to provide for the election of a Vice President in the event there is a vacancy. But the gentleman does not tell us how.

Now, under the Constitution, presently a Vice President is elected as a companion to the President. They are elected together.

Now, Mr. Chairman, it strikes me that if we want to split them and elect the Vice President separately from the President, we have to again amend the Constitution. I do not see how we could do it otherwise.

The gentleman from Maryland does not tell us exactly how it shall be done. In some far-distant future he is going to do it by Congress.

Mr. Chairman, it is like a blind man looking for a black hat in a dark room. I do not know how a blind man will find that black hat.

It is very difficult to envisage what the gentleman is trying to do.

Now, Mr. Chairman, there has been complaint offered here to the effect that we should do this by statute. We have taken years and years to get to the point where we are going to provide for some constitutional amendment concerning this entire important matter.

How long is it going to take before we reach what the gentleman wants with reference to the election of a Vice President? Beyond that, are we going to have the election of a Vice President by a special election? We answered that matter before when the interrogation was addressed to me about a special election. The gentleman from Ohio [Mr. MCCULLOCH] spoke of the enormous cost of a general election. I take it, therefore, because of the utter uncertainties involved in this amendment that we should vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. MATHIAS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. MOORE:

Page 4, line 17 after the word "shall" insert the word "immediately" and place a period after the word "office".

Line 18 strike out the word "unless" and insert the words "In the event".

Line 24 change period to a comma so as to read "of his office, thereupon".

Page 5, line 6, strike out "continue to" and place a period after the word "President" on line 7.

Strike the remainder of lines 7 and 8 on page 5.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOORE. Mr. Chairman, I have asked for the additional time for the reason I believe this to be an extremely important amendment and there were not so many Members on the floor during discussion of this particular amendment during general debate.

The proposed constitutional amendment would in section 4, in my opinion, completely isolate a man who has been elected to the Office of President of the United States.

My amendment would provide simply that once the President of the United States has been removed from office by virtue of the written declaration of the Vice President and a majority of the principal officers in the executive department he cannot again get into the office to which he has been elected unless the Congress makes a decision that he is capable of reassuming his duties.

My amendment seeks to place in this proposed constitutional amendment language which simply says that when the President transmits—that is, the one who has been removed from office—to the President pro tempore of the Senate and the Speaker of the House his written declaration that no inability exists, he shall immediately resume the powers and duties of his office. And I repeat the office to which he was elected by the people.

We have placed in section 4 of this proposed constitutional amendment the mechanism that the written declaration of a Vice President, which is concurred in by a majority of the principal officers of the executive departments shall be sufficient to remove the elected President of the United States from office on the alleged grounds that he is incapable.

My amendment seeks to give him the opportunity by written declaration to declare that he is capable of assuming the duties and responsibilities of his office. He then is again the President of the United States. My amendment preserves the right of the Vice President and the majority of the principal officers of the executive departments to challenge his declaration of ability. In other words, after the President has transmitted to the Congress—to the Speaker and the President pro tempore—that he is capable of assuming his duties, the Vice President can challenge that, but the individual who has been elected to the Office of President is in the Office of President.

I suggest that if we permit this particular constitutional amendment to remain as it is presently written, this is what will happen: The individual that has been elected President of the United States can lose the protection of that office.

I believe also that if a Presidential disability exists it should be immediately decided by the Congress of the United States. I can imagine that there could come a time when a man who has been declared incapable by virtue of the written declaration of the Vice President and the principal members of the executive department, will have no office from which to even plead his case that he is again capable of handling the duties of his elected office. It would not be an uncommon event to see a man who is President of the United States lobbying here in the Congress of the United States to get back the position to which the people elected him.

My amendment is very clear. It says if you have taken the job away from him by written declaration he shall have the right by written declaration to get it back, and then the Vice President could bring the issue to the Congress, if he feels the President is still incapable, by using the provisions that are within the framework of section 4 of this proposed constitutional amendment.

I happen to believe we should be very jealous of the Office of the President. I suggest the Acting President can bring about a complete transition of government at a time when the President of the United States has been declared to be incapable. It is not difficult to imagine that the Acting President could change the complete complexion of the executive branch and the President never could get his foot back into the office to which he was elected.

So I suggest that since we have taken this job away from him by virtue of this written declaration, I believe the President of the United States, once he feels he is capable of taking care of the duties of that office, should have the office by simply making a written declaration that he is capable of taking care of the duties of that office. It seems to me all presumptions should be in favor of the President of the United States, that all doubts about his capability to serve should be resolved by the Congress, with the elected President of the United States holding his office. I believe it is the duty of the Congress looking into the eyes of the man who has been elected as President of the United States, to declare that, for one reason or another, he is incapable of holding the office. In other words, I conceive that once the Vice President is made the Acting President, there is a possibility he could resort to many manipulations that would never permit the President of the United States, the one elected by the people of this country, to present his case to the Congress of the United States. So I want it built in—I want the provision for putting the President back in his job in the constitutional amendment. If we in the Congress want to throw him out or declare that he is incapable, then I think it is our responsibility to do it here in the Congress when the elected President and Vice President are in their respective positions in the executive branch of the Government, positions to which each was elected by the people

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. The gentleman has stated that he could imagine certain conditions. Can the gentleman carry his imagination just a little further and imagine a President who had had a nervous breakdown and who had been declared under the provisions in section 4 mentally incapable of performing the duties of the office, writing a letter nevertheless saying, "I am well, I am cured, I am sane." And immediately under the gentleman's amendment, as I understand it, he would, regardless of his mental condition, resume his office immediately? Would you have his own uncontested opinion of his mental condition to be the only controlling factor as to his resuming the duties of President?

Mr. MOORE. I agree with the gentleman that this could happen. I do not see any more danger, if I may respond to the gentleman, than that which we have at the present in case a President becomes incapable while in office. I have stretched my imagination—not to an extreme, because I do not think the gentleman's suggestion is extreme; it could very well happen. I just happen to think that this Congress can act expeditiously if that were the case. If the President under his signature says he is capable, at noon on a given day, the Vice President with a majority of the principal members of the executive branch of the Government can transmit that declaration to the respective bodies and that issue can be decided by the Congress of the United States immediately. I think the balance in such a situation—the presumption—should remain with the man who was elected President of the United States. It could very well happen today that any man elected could at some future time be mentally incapable. Today we live with this prospect and realize the matter is locked. That is why we are here today. As presented, the language before us lets the Acting President become mentally incapable and no one can get him out of the office. An incapable Acting President is locked in the office. So I cannot see the great concern as expressed by the gentleman from California.

I do not think the gentleman's suggestion is at all an extreme suggestion. I think it could happen, but I do not find myself too frightened by the fact. What we do here, we could immediately put to the congressional test.

I respectfully say, Mr. Chairman, that to do otherwise is to invite the suggestion of perhaps—and I hesitate to use the word—a coup among individuals in the executive branch of the Government to remove a President of the United States. This could be a very indirect way to impeach a President of the United States if you did not want to try him here in the Congress of the United States. I say this again, if we in the Congress are going to have to say "No" to a man who has been elected as President of the United States, I think that we should do it when he occupies that office and does have some measure of protection in the event that there should be some unexplained reason for the suggestion of his incapacity. I urge the adoption of my amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, let us clarify what the committee proposal does. We are talking about the constitutional amendment which is proposed. The gentleman suggested that once the Vice President and a majority of the Cabinet

removed a President from office that only the Congress could put him back into office. That is not correct. The President would be restored without congressional action, 2 days after his own declaration of renewed ability, unless his declaration was challenged by the Vice President and Cabinet.

Beyond that the gentleman suggested that this might be a scheme for the Vice President to remove the President and then never bring this issue to the Congress. That is not correct. The President returns to power in 10 days, over the objection of the Vice President and Cabinet, unless the Congress by a two-thirds vote sustains the validity of their challenge.

Now the committee considered very carefully what we do in this very sensitive area when there is a dispute between the President, on one hand, and the Vice President and his Cabinet on the other, as to the inability of a President to perform his duties.

It seems to me what we are really asking ourselves is, which is more fragile—a single human being or our system itself?

We talk about coups or the possibility of a Vice President and a Cabinet seizing power. I would point out to you the Presidency itself is very much protected by the committee's proposed amendment.

First, when we get into a dispute between the President on the one hand and the Vice President and the Cabinet on the other, the Vice President will retain power for 2 days. If the dispute continues beyond 2 days, Congress must act within 10 days. Unless two-thirds of the Congress agrees with the Vice President, at that point the President himself will resume his authority.

What would be the condition if we adopted the gentleman's amendment? There is no question that one of the things we are concerned about is mental incapacity of a President. It is generally accepted that when a man is mentally incapable, he is the last one to realize it. I do not believe, under any stretch of the imagination, the Vice President and the Cabinet will use this mechanism capriciously. When they make the very hard decision that the President is, for mental reasons, no longer able to act, that very great power of the Presidency will pass.

If we are to provide that he can get the power back by the simple writing of a letter, and then to start the process over again to remove that power, it seems to me there is a real hazard for a long period of time. It may be a long period of time, when we consider the possibilities of rather substantial actions by the President without there being any check on those actions. In this instance it seems to me to be very hazardous.

Then we get to the next question. Assuming he can come back by the simple writing of a letter, again the Vice President and the Cabinet may decide that he is not capable. Then we would have uncertainty.

One of the things the committee was most concerned about was that there never be any question at any moment about who the President is and whom we ought to obey within the realm of Presidential orders.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from New Jersey.

Mr. RODINO. Is it not entirely possible, under the gentleman's proposed amendment, that a President who had been declared unable to continue the duties of his office might then make such a declaration and assume the powers of the office and fire the heads of the departments; and, therefore, there would be no majority with which the issue might ever come to a test in the Congress of the United States?

Mr. CORMAN. Yes. It would seem to me that would be the result.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from West Virginia.

Mr. MOORE. The gentleman used the term, I might suggest, that we are going to start this process over and over and over again.

The language of the proposed constitutional amendment is very clear in that respect. It would be necessary to make the determination under the language of the proposed constitutional amendment.

I am just proposing to put in the hands of the elected President a means to get his job back during the period of the trial. There is no gap or abyss at all. This issue would be immediately resolved by the Congress of the United States.

Mr. CORMAN. I would ask the gentleman what period of time would have to transpire before the Vice President might start over again?

Mr. MOORE. There is not a starting over again. That is where I would suggest the gentleman is misleading the committee.

Mr. CORMAN. A day later? A year later? At some time the Vice President and Cabinet could initiate a new challenge.

Mr. MOORE. No. If we adopt the proposed resolution as it is, without my amendment, and the President makes a written declaration that he is capable, the Vice President would have to come forward with another written declaration that he was incapable. That is in this resolution as it is before the House today.

All I say is that with the transition of power involved, it should be upon a written declaration of the President for a reinvestment of the office. The Vice President would do exactly as he does in this proposal, if he says the President is incapable. The issue would be decided by the Congress.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

We have a very anomalous situation here, or will have if the amendment of the gentleman from West Virginia prevails.

After the Congress by two-thirds vote—that is a sizeable majority vote—plus a vote of the majority of the Cabinet, whose members know intimately well the President and know a good deal about his mental and physical condition, usually, and after a judgment that the President is still disabled, after that verdict of disability by that very high authority, the President would simply come in and make a simple declaration, "I am not disabled," and he would resume all the powers of his office and the duties of his office.

Now, I cannot conceive how we could put the imprimatur of our approval on that. The President may be as nutty as a fruitcake. He may be utterly insane. He may have had a paralytic stroke, such as Wilson did, and the Congress would say by a two-thirds vote then, "You are not able," and the Cabinet would say by a majority vote, "You are not able." Yet the President in that condition, as was President Wilson, for example, could say, "Yes, I am able." You may remember that President Wilson caused the resignation of his very able Secretary of State Lansing, not on good grounds but probably on coffee grounds. This same President could dismiss, insane as he is, every member of the Cabinet. If the gentleman's amendment would prevail, he could dismiss every member of the Cabinet. Over and beyond that we have a safety valve here also. We provide that the Congress can consult such other body as the Congress may by law provide. That might be a body of experts or men with expertise to determine whether or not the President is abled or disabled.

In addition thereto, the gentleman has indicated that there may be a coup d'etat by some usurping Vice President. I doubt whether in this day and age we could have any such thing as a coup d'etat with our mass media of communication, with our public knowing instantly what happens inside and outside of Washington. There is not a secret here. As the woman said with reference to the situation in Washington, "I can keep a secret, but the people I tell it to cannot." That is the situation in Washington. There is nothing secret here and there would be no secrets. The public would know. However, even over and beyond that, if we would have some rogue, some devilish person, who would be there, then we have the power to take care of it. We have the power of impeachment. We can impeach for high crimes and misdemeanors, and these high crimes and misdemeanors can mean anything that this Congress wants it to mean. It is like Alice in Wonderland. When Alice asked the queen, "How can you make words mean so many different things?" the answer was "It all depends on who is in power." We are in power and we can make the words "high crimes and misdemeanors" mean anything we wish and apply it to some roguish, usurping Vice President.

I am not afraid of a coup d'etat in that regard, but I am fearful if we give the President the power of the sort envisioned in the amendment of the gentleman from West Virginia.

I hope that the amendment will be voted down.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Now I yield to my distinguished colleague.

Mr. MOORE. May I ask my chairman, for whom I have great affection, if it is not possible under this proposed constitutional amendment for the Acting President to fire everybody in the executive branch of the Government that is friendly to the deposed President.

Mr. CELLER. Yes. That is possible, but the contrariwise is also possible.

Mr. FLYNT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I support the amendment offered by the gentleman from West Virginia and I do so because, among other reasons, I feel that it gives to the elected President of the United States the presumption, whereas the language of the committee amendment would give to the Vice President who may be serving as President during the disability of the President the presumption that he is better qualified to determine the disability or the ability of the President than the President himself.

The situation might not be cause for concern except for the possibility that under conditions where the President were still in life, the Vice President might successfully remove every member of the Cabinet who was not friendly to him. That, Mr. Chairman, would provide an open invitation to an ambitious, certainly to an overly ambitious Vice President, to strive for the coup d'etat to which the chairman of the Committee on the Judiciary referred just a few minutes ago.

As between vesting the presumption of discretion and judgment in either the elected President or the elected Vice President it occurs to me, Mr. Chairman, that the presumption ought to be in favor of the President of the United States as long as he is in life.

I support the amendment.

Mr. McCLORY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I think there is a great appeal which can be made for the amendment propsed by the gentleman from West Virginia, but I think if we consider this subject logically we will see that it would be extremely unwise to adopt the amendment.

In the first place the opportunity is afforded already in section 3 for the President voluntarily to give up the office of the President and let the Vice President serve as Acting President and then for the President voluntarily to resume his duties. The situation which is involved here in section 4 is simply where the President is involuntarily removed. It seems to me that we want to sustain the continuity of the office of President and the stability of government which is going to follow once there is an involuntary removal of the President from office. And if that does occur then the Vice President will remain until the Congress acts contrariwise. That is exactly what the proposed amendment does now.

If we adopt this amendment we would have instability which would come with the presumption which follows the resumption in office of the the President without the Congress having acted. Since the Congress would be acting later, instability would follow from a temporary restoration of the President in office and his subsequent removal by action of the Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 58, noes 122.

So the amendement was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS to the committee amendment: On page 3, line 23, after the word "Congress" strike the period, insert a comma, and add the following: "and the votes of both Houses shall be determined by the yeas and nays and the names of the persons voting for and against shall be entered on the Journal of each House respectively."

Mr. GROSS. Mr. Chairman, the adoption of my amendment would make section 2 read as follows:

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress, and the votes of both Houses shall be determined by the yeas and nays and the names of the persons voting for and against shall be entered on the Journal of each House respectively.

Mr. Chairman, I have taken the language which is added to the bill from page 37 of Jefferson's Manual and Rules of the House. It is the language which requires a rollcall vote upon bills or resolutions which may be vetoed by the President of the United States.

Mr. Chairman, it seems to me that if it is mandatory to have a rollcall vote upon a vetoed bill, certainly there ought to be the requirement for a rollcall vote in Congress when it is called upon to confirm or reject a President's selection of a Vice President of the United States. I can think of scarcely nothing more vital.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Missouri.

Mr. HALL. Would the gentleman suggest the same wording after the two words "both Houses" in line 5 of page 5?

Mr. GROSS. Yes. The gentleman from Iowa is prepared, if this amendment is adopted, to offer the same amendment to page 5, line 5.

Mr. HALL. I thank the gentleman. I believe his amendment is worthy of support.

Mr. CELLER. Mr. Chairman, I rise in opposition to the pending amendment.

The gentleman seeks to do something rather extraordinary in a constitutional amendment, or a portion of a constitutional amendment. I suggest that the gentleman from Iowa seeks to amend the rules of the House. In any event, when a proposition is presented to this House or to the Senate the House or Senate can demand a record vote. That right is always present, the right to demand a record vote, and certainly there is no need to place such a provision in a constitutional amendment. There is no need to break down this amendment with details of that sort, particularly since the right already exists to demand a record vote.

Mr. RUMSFELD. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, the distinguished chairman of the Committee on the Judiciary has indicated this amendment is clutter and excess freight. However, I strongly disagree. The Constitution includes these same words where it says "in all such cases"—referring to a veto—"the vote of both Houses shall be determined by the yeas and nays," and so forth, as the amendment reads. The text of this amendment is already in the Constitution. I would suggest it is not clutter, and I would further suggest it is not clutter to demand that the public business be conducted publicly. The Committee on Government Operations' Subcommittee on Government Information has been meeting to consider legislation to require the executive branch of the Federal Government to make public more of the public business. How can the Congress justify conducting its business in private. Certainly, a vote on a matter as important as a Vice President or on this difficult question of presidential disability should be by record vote in both Houses of the U.S. Congress.

I think we can all recall instances where important pieces of legislation, such as the railroad arbitration legislation have passed this body by something other than a record vote. I would strongly urge that the amendment offered by the gentleman from Iowa be agreed to, so that the people of this country have the opportunity to know definitely who voted yea on an issue as important to our nation as this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 92, noes 102.

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GROSS and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were—ayes 115, noes 130.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF to the committee amendment: On page 4, line 25, strike out the word "immediately" and after the word "assembling," insert the words "within forty-eight hours".

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. POFF].

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I am glad to yield to the distinguished chairman of the committee, the gentleman from New York.

Mr. CELLER. I would accept that amendment. It is a very good amendment.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, we are pleased to accept the amendment. It has been thoroughly discussed and it is agreeable to us.

Mr. POFF. Mr. Chairman, I have been asked to make a brief explanation of the amendment, after which I will yield to the distinguished minority leader.

Mr. Chairman, the amendment simply requires that the Congress as an automatic proposition will, if not in session, when it receives the Vice President's challenge of the President's declaration of restoration, assemble within a 48-hour period.

Now I would assume, and I will yield to the chairman of the Committee on the Judiciary in order to make legislative history on this point, that the Vice President who is then Acting President would as a matter of procedural necessity by proclamation, directive, or otherwise indicate a time certain and a place certain where and when the Congress would assemble. Is that the understanding of the gentleman from New York?

Mr. CELLER. That is exactly the understanding, that the Vice President would issue a proclamation and fix a time certain within 48 hours as to when the Congress must assemble.

Mr. POFF. May I ask the gentleman further, if for any reason the Vice President as Acting President should not do so, then the Speaker of the House would have the apparent power, as the Congress automatically assembled, to fix the time certain when the Congress would assemble?

Mr. CELLER. That is correct. In other words, if he does not summon the Congress, the Congress automatically gathers and assembles—and must assemble. But I take it in the ordinary course, the Speaker would issue a summons to the Members of the House to assemble and the President pro tempore would issue a summons to the Senators to assemble in the other body.

Mr. POFF. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, during the history of our country, the Nation has been without a Vice President 16 times, totaling 37 years, creating a vacuum in the executive branch of Government in particularly important and crucial times.

The Constitutional Convention wisely looked into the future to see the need for a qualified Vice President in the event of the Chief Executive's death or inability. However, the precise method of activating the line of succession has been clouded with legal and political uncertainties, controversy, and debate.

This resolution being considered by the House will amend the Constitution to clarify this vitally important issue, assuring a clear-cut method of action to result in proper succession.

A large number of bar associations in the country and some of the best legal minds in our Nation support this resolution, which is the result of long, indepth study by the Committee on the Judiciary. In the past, Attorneys General Herbert Brownell, William P. Rogers, and Nicholas deB. Katzenbach agreed that an amendment is necessary. The tragic death of John Fitzgerald Kennedy and the physical health of former President Dwight D. Eisenhower in our most recent history brought quick and urgent congressional and public attention to the need for an amendment.

Presidents Eisenhower, Kennedy, and Johnson made informal agreements with the Vice Presidents to fill the Chief Executive's position in event of inability. I stress that these were informal agreements, without constitutional definition.

The resolution before the House at this time, in my opinion, fulfills a vital need, especially at a vital and turbulent time in our Nation's history.

I support the resolution and urge my colleagues to do likewise in the national interest.

Mr. POFF. I thank the gentleman. I yield back the remainder of my time.

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I feel that I should make a few observations on this occasion because what we do here is not only a matter of importance but also could have a marked and tremendous effect in the future life of our Nation.

What we have said here today will be referred to by some future House of Representatives, particularly if the situation under section 4 of the pending resolution should arise.

We all know that a constitutional amendment is a very important matter involving a very sensitive question—sensitive not only to draft, but sensitive to consider, and sensitive to picture or contemplate all the human considerations which might arise in the future.

I agree with the statement made in that respect by the distinguished minority leader.

I favor strongly this resolution. I favor section 2 because we must be practical. We must realize, whether we like to or not, that great changes are taking place, have taken place within the past 30 years, and changes of a greater nature are going to take place in the years which lie ahead.

I have lived for 14 months in the position of the man who, in the event of an unfortunate event happening to the occupant of the White House, under the law then would have assumed the Office of Chief Executive of our country. I can assure you, my friends and colleagues, that a matter of great concern to me was the vacuum which existed in the subject of determining inability of the occupant of the White House, if and when that should arise.

I have in my safe in my office a written agreement. As has been well said, it is outside the law. It is an agreement between individuals. But it was the only thing that could be done under the circumstances, when we do not have a disability law in relation to the President in existence.

We have made a marked contribution by this resolution, and particularly by section 3 and section 4.

Section 3 will enable the President of the United States or an acting President or one who is in the office of the Chief Executive, when he is ill without being totally incapaciated, to declare his inability for a limited period of time. For example, a man might have a heart attack. He is mentally equipped and there is no impairment of his mental facilities, but there is a marked impairment of his physical facilities. If he has the knowledge that he can declare himself to be disabled or unable to perform the duties of his office in a broad sense and if he has the knowledge that on a statement by himself or a declaration by himself he can resume the office, and the duties of the office, then this could play a very important part, in my opinion, in the future life of our country.

Section 4 is a matter of vital concern, as I see it. I will not say this is the only vacuum but a great vacuum which has existed since the institution of our Government is the fact that there has been nothing on the statute books or in the Constitutional law whereby there could be a legal determination made of the inability or the disability of the President of the United States and of the restoration of his ability. I can assure you, as the one who for 14 months was next in line for the Presidency, that I know I could never have made the decision. There are so many human considerations involved. For example, my motives might well be impugned. Also there could be the feeling that I might be involved in a quest for personal power. As a result of those considerations, and others, I would have great difficulty in making the decision myself, because I could appreciate the fact and picture the fact that the whole legitimacy of government, if I were in the White House, would be clouded and could be affected very seriously. Therefore, I am very happy with the provisions of this resolution and particularly, as I say, with section 4 thereof. We cannot legislate for every human consideration that might occur in the future. All we can do is the best that we can under the circumstances. The considerations of the committee and the deliberations of the members of both parties have resolved the problem confronting us in the best manner possible, having in mind the fact that with all our strengths we have weaknesses as human beings.

I am glad that the gentleman from Virginia [Mr. POFF] offered his amendment because I recognize that we could establish in our minds or we could create there hypothetical cases in the future which no resolution and no law could avoid and the resolution did contain a weakness in the language which states: "Thereupon Congress shall decide the issue, immediately assembling for that purpose if not in session." Now, first of all, I would assume that a Vice President, as Acting President, if the provisions of section 4 should develop and a Vice President who assumes the Presidency and

the majority of the heads of the executive departments or the members of the Cabinet should disagree with the declaration or the proclamation of the President that his ability to function had been restored and thereby he could resume his office—I would assume in that case that the Acting President at that time would immediately call Congress into session within a reasonable period thereafter, by proclamation, as implied by this resolution, and as expressly provided for in other parts of the Constitution. But something might happen. The resolution provided and Congress intended that we should assemble immediately. But who is going to do the assembling? The Speaker will speak for the House of Representatives, whoever the Speaker may be at that time. The President pro tempore of the U.S. Senate will speak for that body.

One man may construe the word "immediately" differently from another. There may be a great deal of difficulty and confusion at that time. Who knows what human emotions might exist 10, 20, 30, or 40 years from now when some emotional situation has enveloped the people of our country?

I am anxious about this. In case there were no proclamation by the then Vice President as Acting President calling Congress into session, I was anxious that there be specific language in the resolution to bring Congress into session. The amendment of the gentleman from Virginia fills that vacuum and makes it specific; that is, that if a Vice President as Acting President does not by proclamation call Congress into session, Congress shall come into session automatically, without any call, not later than 48 hours.

For whatever benefit my opinion may be at some future time to some future Speaker, if this situation should arise, may I say for the record that if this were part of the Constitution today, and this situation arose, and if the Congress were faced with a situation today where a Vice President as Acting President had disagreed with the President on the question of his ability to assume office, and the President pro tempore of the Senate and the Speaker of the House had been notified, as provided by this resolution, and the 48-hour time limit in the amendment of the gentleman from Virginia were a part of the Constitution, if I were Speaker I would then consider calling the House into session within the 48-hour limit, but in any event, if the Speaker or President pro tempore failed to act Congress would have to come into session within 48 hours. If that did not happen the very purpose of this amendment to the Constitution, if adopted, could be defeated.

I wanted to make these few remarks to compliment the Members of the House who have participated in this debate which has been consistently on the highest possible level, in the consideration of any legislation, particularly that having to do with the Constitution. This debate will be of invaluable assistance some day in the future. The debate has occurred today but it will live for the future. If such a situation arises and this becomes part of the Constitution, Members of Congress at that time and others will look back to this debate, and they will see a high level debate to show what the intent of Congress was and certainly what the intent was of the House of Representatives in consideration of this resolution.

So I congratulate the committee and the House of Representatives. As Speaker I am proud of the debate that took place today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. POFF].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration House Joint Resolution 1 proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, pursuant to House Resolution 314, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

Mr. MATHIAS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. MATHIAS. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MATHIAS moves to recommit House Joint Resolution 1 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 368, nays 29, not voting 36, as follows:

[Roll No. 74]

YEAS—368

Abbitt	Anderson, Ill.	Arends
Abernethy	Anderson, Tenn.	Ashbrook
Adair	Andrews, Glenn	Ashley
Adams	Annunzio	Ashmore
Addabbo	Ashley	Aspinall
Albert	Ashmore	Ayres
Bandstra	Fuqua	Mink
Barrett	Garmatz	Minshall
Bates	Gathings	Mize
Battin	Gettys	Moeller
Beckworth	Giaimo	Monagan
Bell	Gibbons	Moore
Bennett	Gilbert	Moorhead
Berry	Gilligan	Morgan
Betts	Goodell	Morris
Bingham	Grabowski	Morrison
Blatnik	Gray	Morse
Boggs	Green, Oreg.	Morton
Boland	Green, Pa.	Mosher
Bolton	Greigg	Moss
Bow	Grider	Multer
Brademas	Griffin	Murphy, Ill.
Bray	Griffiths	Murphy, N.Y.
Brock	Grover	Murray
Brooks	Gurney	Natcher
Broomfield	Hagan, Ga.	Nedzi
Brown, Calif.	Hagen, Calif.	O'Brien
Broyhill, N.C.	Haley	O'Hara, Ill.
Broyhill, Va.	Hall	O'Hara, Mich.
Burke	Halleck	O'Konski
Burleson	Halpern	Olsen, Mont.
Burton, Calif.	Hamilton	Olson, Minn.
Burton, Utah	Hanley	O'Neill, Mass.
Byrne, Pa.	Hanna	Ottinger
Byrnes, Wis.	Hansen, Idaho	Patten
Cabell	Hansen, Iowa	Pelly
Cahill	Hansen, Wash.	Pepper
Callan	Hardy	Perkins
Cameron	Harris	Philbin
Carter	Harsha	Pickle
Casey	Harvey, Mich.	Pike
Cederberg	Hathaway	Poage
Celler	Hawkins	Poff
Chamberlain	Hechler	Pool
Chelf	Helstoski	Powell
Clancy	Herlong	Price
Clark	Hicks	Pucinski
Clausen, Don H.	Holifield	Quie
Clawson, Del	Holland	Quillen
Cleveland	Horton	Race
Clevenger	Hosmer	Randall
Cohelan	Howard	Redlin
Collier	Hungate	Reid, Ill.
Conable	Huot	Reid, N.Y.
Conte	Irwin	Reifel
Conyers	Jacobs	Reinecke
Cooley	Jarman	Resnick
Corbett	Johnson, Calif.	Reuss
Corman	Johnson, Okla.	Rhodes, Ariz.
Craley	Johnson, Pa.	Rhodes, Pa.
Cramer	Jonas	Rivers, Alaska
Culver	Jones, Mo.	Rivers, S.C.
Cunningham	Karsten	Roberts
Curtin	Karth	Robison
Curtis	Kastenmeier	Rodino
Daddario	Kee	Rogers, Colo.
Dague	Keith	Rogers, Fla.
Daniels	Kelly	Ronan
Davis, Ga.	Keogh	Roncalio
Davis, Wis.	King, Calif.	Rooney, N.Y.
de la Garza	King, N.Y.	Rooney, Pa.
Delaney	King, Utah	Rosenthal
Denton	Kornegay	Roudebush
Derwinski	Krebs	Roush
Devine	Kunkel	Roybal
Dickinson	Laird	Rumsfeld
Diggs	Landrum	Ryan
Dingell	Langen	Satterfield
Dole	Latta	St Germain
Donohue	Leggett	St. Onge
Dow	Lennon	Saylor
Dowdy	Lindsay	Scheuer
Downing	Lipscomb	Schisler
Dulski	Long, La.	Schmidhauser
Duncan, Oreg.	Long, Md.	Schneebeli
Duncan, Tenn.	Love	Schweiker
Dwyer	McCarthy	Secrest
Dyal	McClory	Selden
Edmondson	McCulloch	Senner
Edwards, Ala.	McDade	Shriver
Edwards, Calif.	McDowell	Sickles
Ellsworth	McEwen	Sikes
Erlenborn	McFall	Sisk
Evans, Colo.	McGrath	Skubitz
Everett	McVicker	Slack
Fallon	Macdonald	Smith, Calif.
Farbstein	MacGregor	Smith, Iowa
Farnsley	Machen	Smith, N.Y.
Fascell	Mackay	Springer
Feighan	Mackie	Stafford
Findley	Madden	Staggers
Fisher	Mahon	Stanton
Flood	Mailliard	Steed
Fogarty	Marsh	Stephens
Foley	Martin, Nebr.	Stratton
Ford, Gerald R.	Matsunaga	Stubblefield
Ford, William D.	Matthews	Sullivan
Frelinghuysen	May	Sweeney
Friedel	Meeds	Talcott
Fulton, Pa.	Miller	Taylor
	Mills	Teague, Calif.
	Minish	Tenzer

Thomas	Utt	Willis
Thompson, La.	Van Deerlin	Wilson, Bob
Thompson, N.J.	Vanik	Wilson, Charles H.
Thompson, Tex.	Vigorito	Wolff
Thomson, Wis.	Vivian	Wright
Todd	Waggonner	Wyatt
Trimble	Walker, N. Mex.	Wydler
Tuck	Watkins	Young
Tunney	Watts	Younger
Tupper	Whalley	Zablocki
Tuten	White, Idaho	
Udall	Whitener	
Ullman	Widnall	

NAYS—29

Andrews, George W.	Gallagher	Mathias
Baring	Gonzalez	O'Neal, Ga.
Brown, Ohio	Gross	Passman
Buchanan	Hays	Patman
Callaway	Henderson	Rogers, Tex.
Dent	Hull	Teague, Tex.
Dorn	Hutchinson	Walker, Miss.
Flynt	Ichord	White, Tex.
Fountain	McMillan	Whitten
	Martin, Ala.	Williams

NOT VOTING—36

Andrews, N. Dak.	Fulton, Tenn.	Pirnie
Baldwin	Gubser	Purcell
Belcher	Harvey, Ind.	Roosevelt
Bolling	Hébert	Rostenkowski
Bonner	Jennings	Scott
Carey	Joelson	Shipley
Colmer	Jones, Ala.	Smith, Va.
Dawson	Kirwan	Stalbaum
Evins, Tenn.	Kluczynski	Toll
Farnum	Martin, Mass.	Weltner
Fino	Michel	Yates
Fraser	Nelsen	
	Nix	

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert with Mr. Michel.
Mr. Carey with Mr. Belcher.
Mr. Nix with Mr. Gubser.
Mr. Smith of Virginia with Mr. Martin of Massachusetts.
Mr. Toll with Mr. Andrews of North Dakota.
Mr. Roosevelt with Mr. Pirnie.
Mr. Rostenkowski with Mr. Nelsen.
Mr. Jennings with Mr. Harvey of Indiana.
Mr. Kirwan with Mr. Fino.
Mr. Joelson with Mr. Shipley.
Mr. Yates with Mr. Colmer.
Mr. Fulton of Tennessee with Mr. Weltner.
Mr. Scott with Mr. Stalbaum.
Mr. Frazer with Mr. Dawson.
Mr. Purcell with Mr. Bonner.

The result of the vote was announced as above recorded.

Mr. CELLER. Mr. Speaker, pursuant to House Resolution 314, I call up from the Speaker's table for immediate consideration Senate Joint Resolution 1.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 1

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. Whenever the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"SEC. 5. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit within seven days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately proceed to decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

Mr. CELLER. Mr. Speaker, I offer an amendment to strike out all after the resolving clause and insert in lieu thereof the provisions of House Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to succession of the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, as passed.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: "Strike out all after the resolving clause of Senate Joint Resolution 1 and insert the provisions of House Joint Resolution 1, as passed by the House."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the Senate Joint Resolution was passed.

A motion to reconsider was laid on the table.

A similar joint resolution (H.J. Res. 1) was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESIDENTIAL INABILITY AND VACANCIES IN THE OFFICE OF THE VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to insert in the RECORD certain documents from the Association of American Law Schools, the Pennsylvania Bar Association, the Chamber of Commerce of the United States, the Law School of Harvard Univerity, and the U.S. Junior Chamber of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The documents are as follows:

ASSOCIATION OF AMERICAN LAW SCHOOLS,
April 8, 1965.

Hon. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

DEAR MR. CELLER: I am writing in connection with the proposed constitutional amendment pertaining to presidential inability and the filling of the office of the Vice President, which is at present pending before the House of Representatives.

At a meeting of the executive committee of the Association of American Law Schools last February, that committee, which is charged with the conduct of the affairs of the association, voted to lend its support to the sponsorship by the American Bar Association of the consensus of the conference on presidential inability and succession that had met in Washington on January 20 and 21, 1964. The consensus of that conference was in support of the amendment that is now pending before the House.

It will be appreciated if this expression of support for the proposed amendment could be appropriately brought to the attention of the Members of the House of Representatives.

Sincerely,

MICHAEL H. CARDOZO.

PENNSYLVANIA BAR ASSOCIATION,
April 9, 1965.

Hon. EMANUEL CELLER,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN CELLER: It is my understanding that House Joint Resolution 1, the proposed constitutional amendment pertaining to Presidential inability and filling the office of Vice President will be considered by the House of Representatives within a few days. This amendment would provide urgently needed procedures to assure uninterrupted continuity in the Executive leadership of our country.

House Joint Resolution 1 has received the most thorough attention by many of the outstanding constitutional lawyers and legal scholars in the country. It is the result of long study and debate by recognized students of the Presidency.

For many years, action to solve the problem of Presidential inability has been frustrated because of disagreement over how to best meet the need. House Joint Resolution 1 is the product of a national consensus

which has developed over the past several months.

The Pennsylvania Bar Association has taken a leading role in seeking, at long last, a sound solution to this serious constitutional void. We enthusiastically support the principles of House Joint Resolution 1. We are joined in this by a majority of State bar associations.

We hope that you will actively support House Joint Resolution 1.

Sincerely,

WILLIAM W. LITKE.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
April 9, 1965.

Hon. EMANUEL CELLER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CELLER: The Chamber of Commerce of the United States supports adoption of a constitutional amendment setting up procedures for handling cases of presidential inability and for keeping the office of the Vice President filled.

This view was submitted to members of the House and Senate Judiciary Committees in a letter dated March 1, 1965. A copy of the letter is attached.

The bill (H. J. Res. 1) as reported by the House Judiciary Committee is an improvement over the original version, in particular the language now incorporated in section 4 of the reported bill.

It is important to have procedures delineated precisely and that settlement of questions arising from presidential inability be resolved in the shortest practicable time interval to prevent an extended period of uncertainty. This also would enhance prospects of ratification by the States.

We recognize that no such amendment to the Constitution will cover all contingencies, but adoption of the present proposal would be a marked improvement over the existing situation which is so fraught with danger to the welfare of the Nation.

We urge favorable action by the House of Representatives on the proposed constitutional amendment.

Sincerely yours,

THERON J. RICE.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
March 1, 1965.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CELLER: The Chamber of Commerce of the United States supports adoption of a constitutional amendment setting up procedures for handling cases of Presidential inability and for keeping the office of Vice President filled.

The national chamber approves the method embodied in Senate Joint Resolution 1 and House Joint Resolution 1 and believes that any proposed constitutional amendment dealing with the above matters should clearly specify, as the aforementioned bills do, the precise method by which cases of Presidential inability should be handled.

One improvement should be made in section 5 of the measure passed by the Senate. Instead of allowing 7 days for the transmittal of a communication from the Vice President and the Cabinet to the Congress disputing a Presidential declaration that no disability exists, a shorter length of time would appear preferable in order to minimize the period of uncertainty.

The interval of time should be kept to an absolute minimum to permit the speedy clarification, if challenged, of a President's assertion that his disability has terminated.

We urge prompt action by the House Judiciary Committee so that adoption of a constitutional amendment on Presidential inability and Vice-Presidential vacancy may be ratified by the States in this calendar year.

Sincerely yours,

THERON J. RICE.

U.S. CHAMBER OF COMMERCE,
Tulsa, Okla., April 8, 1965.

Hon. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

MY DEAR MR. CELLER: The board of directors of the U.S. Jaycees feel quite strongly that the subject of presidential disability and vice-presidential vacancy is a critical national issue.

The enclosed resolution was overwhelmingly endorsed by our board. The Jaycees of America urge you to take positive action on the current pending legislation in this regard.

Very truly yours,

STAN LADLEY,
President.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 9, 1965.

Hon. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: May I express my support of House Joint Resolution 1, the proposed constitutional amendment pertaining to presidential inability and vice-presidential vacancy.

Having served as a member of the American Bar Association group which arrived at a consensus on the principles to be followed, I can testify to the full and careful thought that has gone into the measure.

In view of questions that have been raised, two points of clarification may be useful. The first is that the amendment does not in any way alter the present law of succession. Instead it reduces the likelihood that the law may come into operation, by providing for filling a vacancy in the office of Vice President.

Secondly, the amendment does not impose a rigid method for the determination of presidential inability. Instead it provides a specific method, centering on the Vice President and a majority of the Cabinet, but authorizes Congress at any time to substitute another body for this purpose. Thus the amendment combines concreteness with flexibility, assuring that a method will be in force as soon as the amendment is ratified but not depriving Congress of authority to make alterations in the light of further experience and consideration.

I hope that you will find it possible to lend your support to House Joint Resolution 1.

With all good wishes.

Sincerely yours,

PAUL A. FREUND.

RESOLUTION BY U.S. JUNIOR CHAMBER OF COMMERCE

Whereas the subject of presidential disability and vice-presidential vacancy is national in character, timely in importance to all Americans, including young men between the ages of 21 and 35 years inclusive, and general in application to the welfare of the people of the United States and to the members of the U.S. Junior Chamber of Commerce; and

Whereas the Constitution and laws of the United States do not clearly define procedures to be followed in the event of the inability of the President of the United States; and

Whereas the Constitution of the United States does not provide a means for filling the office of the Vice President when a vacancy occurs; and

Whereas these problems pose the greatest potential danger to our national welfare and effective government; and

Whereas these problems can only be resolved with certainty by means of an amendment to the Constitution of the United States: Therefore be it

Resolved, That the U.S. Junior Chamber of Commerce recommends that the Constitution of the United States be amended in accordance with the following principles:

1. In the event of the inability of the President, the powers, and duties, but not the office, shall devolve upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office;

2. The inability of the President may be established by declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of a majority of the Cabinet or by action of such other body as the Congress may by law provide;

3. The ability of the President to resume the powers and duties of his office shall be established by his declaration in writing. In the event that the Vice President and a majority of the Cabinet or such other body as Congress may by law provide shall not concur in the declaration of the President, the continuing disability of the President may then be determined by the vote of two-thirds of the elected Members of each House of the Congress;

4. In the event of the death, resignation or removal of the President, the Vice President or the person next in line of succession shall succeed to the office for the unexpired term; and

5. When a vacancy occurs in the office of the Vice President, the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall then become Vice President for the unexpired term; be it further

Resolved, That the U.S. Junior Chamber of Commerce urges the Congress of the United States to initiate an amendment to the Constitution of the United States in accordance with the foregoing provisions of this resolution.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. 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 Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for tomorrow.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. ALBERT. In response to the inquiry of the gentleman, as previously announced, tomorrow is Pan American Day.

We expect to consider two resolutions tomorrow, from the Committee on House Administration; one dealing with investigating funds for the Committee on Un-American Activities and the other dealing with funds for the Committee on Post Office and Civil Service. The committee will meet in the morning and it is expected that the committee will report these two resolutions.

I might advise Members that we do expect a rollcall vote on at least one of these resolutions.

Mr. FRIEDEL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Maryland.

Mr. FRIEDEL. Mr. Speaker, I wish to announce that the chairman of the full Committee on House Administration [Mr. BURLESON] has called a meeting of the full committee for 10:30 a.m. tomorrow. I would urge all members of that committee to be prompt so that we can have the bills before the House tomorrow afternoon.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, in order that we might further advise the membership about the program for later on, we will expect to announce the program for the week following the recess on this Thursday. We hope that the whip notices may go out on Thursday so that Members may be advised of the business of the House after the recess is completed.

A GREAT RECLAMATION ROLE IN WYOMING

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, there has been introduced in both Houses of the 89th Congress legislation to reauthorize the Riverton Extension Units of the Missouri River Basin project, to include the entire Riverton Federal reclamation project, to enlarge and to otherwise perfect that vital reclamation area in Fremont County, Wyo.

Following the regrettable buy out upon the third division lands several years ago, many observers of reclamation watched with deep interest the development of this particular area.

In support of this legislation it should be noted that 31 farmers, who believe in its future, put up over $75,000 of their own money to the Federal Government for 1 year's lease and water rent to use certain lands recently purchased by the United States of America from original settlers.

The Riverton Ranger of Riverton, Wyo., of Wednesday, March 24, set forth in an editorial entitled "A New Start" the story of this act of faith and makes the point that completion of this project should get a warm reception by Congress, and should not be compared in any way to the results of those who lost faith and failed in the old third division.

Mr. Speaker, I include this editorial as a part of my remarks:

[From the Riverton (Wyo.) Ranger, Mar. 24, 1965]

A NEW START

There's an old earthy adage, "Put your money where your mouth is."

Thirty-one farmers who believe in the Riverton project did just that when they advanced close to $75,000 for 1 year's lease and water rent for the third division farms.

These men have no assurance the land will be theirs beyond this year and next, if they choose to extend their temporary farming permit a second year.

Only a few of these men have had a chance to farm these lands before this year. Despite a 10-year barrage of adverse publicity about how bad the lands are in third division, these Midvale people bet their $75,000 that they can get that much back, and more, through application of the same principles of honest hard work that has made many of them successful elsewhere on irrigated farms in the Riverton area.

Faith, determination, optimism—and some new ideas on how to utilize these lands—prompted the lively bidding March 9 and again March 23 on the third division farm units by the Midvale farmers.

Third division lands, and indirectly the whole Riverton project, have been victimized by overstatement of deficiencies. This, coupled with underperformance by some operators, has left a real challenge to the new lessees. Some lands haven't been farmed for years.

To think that everything is going to be straightened out through 2 years of leasing isn't realistic. But the direction is set. People who want to farm have the lands now.

Future thinking should be directed toward operation of the irrigated areas, Midvale, North Portal, North Pavillion, and Cottonwood Bench, as one unit.

The soil needs tender, loving care, and such care comes most often through ownership. That should be the later step—returning these lands to private ownership with the Midvale people given the priority for purchase.

These established farmers who believe in this area and have demonstrated it beyond any doubt through their leasing action these past 2 weeks, should have their project finished. The bill pending before the Congress now would give them the chance they have earned through their diligent performance, this month, and through the last decades.

If there is any justice, any reasonableness, any reward for faith, hope, hard work, and devotion, the case for the completion of the project stated by Midvale should get a warmer reception by Congress than the case stated by those who lost faith, and failed, in third division.

Congress authorized spending of $3.2 million to buy back these farms. Midvale people have bet $75,000 that they can make a go of farming these lands as a part of Midvale. They deserve the chance the pending legislation for completion of the project would provide, the future legislation for purchase of the lands, could implement.

EDUCATIONAL BENEFITS FOR CHILDREN OF VETERANS

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, I have today joined the very able gentleman from Kentucky, Mr. CARL PERKINS, in the introduction and support of a bill to permit World War II and Korean veterans who have not used educational benefits available to them under law to transfer entitlement to their children.

The bill to amend the United States Code includes all educational benefits handled by the Veterans' Administration. The entitlement would go to children of veterans who have not themselves used the various educational programs open to GI's.

As a member of the House Veterans' Affairs Committee, I know his bill will both further extend the educational opportunities open to citizens and extend the Nation's gratitude to her veterans.

This bill will transfer the months of entitlement which have not been used to the veterans' children. The months of entitlement will be distributed in the amounts dictated by the veteran.

If the veteran is dead, the other parent or guardian of the veteran's children can request the educational benefits for the children. Eligibility begins on the 18th birthday or graduation from high school and extends to the 31st birthday. In certain circumstances, the period would begin before the 18th birthday.

The Veterans' Administration, under his bill, would then pay the parent or guardian of each eligible child an educational assistance allowance to meet expenses of subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

APPOINTMENT OF ADMIRAL RABORN AND RICHARD HELMS TO THE CIA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, last Sunday President Johnson announced the appointment of Adm. William Francis Raborn as Director of the Central Intelligence Agency and Mr. Richard M. Helms as Deputy Director.

In my judgment the President could not have made two finer choices for these very important posts.

I have known Admiral Raborn for many years. Although he was born in Texas, he grew up in Marlow, Okla. Former U.S. Senator Elmer Thomas, of Oklahoma, appointed him to the Naval Academy. He is well known to many Oklahomans, and they all share my great admiration for this fine gentleman, this man of dedication and of extraordinary abilities.

All Americans are indebted to Admiral Raborn for the job he did as head of the Navy's Special Projects Office some years ago. There is no question but that the timely development of the Polaris missile was due in large measure to Admiral Raborn's great managerial skills and unique abilities to lead by motivating people of all types to work together as a team. I am sure he will bring these same talents to the Central Intelligence Agency and that all Americans may be confident this Agency is working effectively, as a single unit, under the direction of a man utterly dedicated to our country.

The selection of Mr. Richard Helms as the Deputy Director of the Central Intelligence Agency is equally commendable. Mr. Helms has had long and impressive experience with the Agency. He has the respect of his colleagues, not only for his expertise but, more important, for

his judgment and abilities under pressure.

I congratulate Admiral Raborn and Mr. Helms. I am sure they will fill the grave responsibilities of their new positions with great distinction and high honor.

CLARENCE DARROW HUMANITARIAN AWARDS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, Clarence Darrow is remembered with deep personal affection especially in the Woodlawn-Hyde Park area of Chicago in the congressional district that I have the honor to represent and where he made his home for many years.

His home was less than a block from the home of my mother, father, and brother Frank, then in the Woodlawn ward but now in the fifth, or Hyde Park ward, which takes in the University of Chicago.

In the spirit of old neighbors, as well as that of a younger generation moved and influenced by one of the great liberals and humanitarians of our country, the community where he lived honors his memory with the good works of the Clarence Darrow Center and the Clarence Darrow Commemorative Committee which annually makes Clarence Darrow humanitarian awards.

Irene M. Smith, the dedicated director of the center, works with a staff of five and many volunteer workers to develop and implement programs, projects, and club activities designed to fit the specific needs of the community. The center provides recreational, educational, and counseling services for children, teenagers, and adults. Last year over 25,000 attended its functions for children and teenagers.

John A. Fitzwater is the president and Herbert M. Kraus the chairman of the Clarence Darrow Center. With other public spirited men and women they give unstintingly of their time and effort to carry on in this generation and in Darrow's old community the humanitarian works of the great liberal.

The complete roster of the officers of the Clarence Darrow Community Center follows:

Board officers: John A. Fitzwater, president; Herbert M. Kraus, chairman; Chester Kuttner, vice president; Rev. Richard L. Nash, vice president; Arthur Weinberg, vice president; Bismarck Williams, vice president; George W. Crank, secretary; Jack Harkins, assistant secretary; Winston E. Kennedy, treasurer; Marvin W. Mindes, immediate past president.

Board members: Frank S. Anglin, Jr., George Beslow, Robert Bolden, Earl B. Dickerson, Jerry Field, Murry Finley, Mrs. Kay Heyman, Rev. Raymond Hopkins, Joseph Jacobs, Louis Jacobs, Constantine Kangles, Gen. Julius Klein (retired), Ernest Knuti, Paul Levin, Edward Marciniak, Mrs. Jacqueline Ormes, Sol Polk, Elroy Sandquist, Jr., Mrs. Dorothy Schaad, Arnold L. Shure, Lawrence Tennis, Everett Tretbar, Wayne Williams.

Advisory committee: Marvin Berz, Hon. Archibald Carey, Jr., Rev. David H. Cole, Ralph Helstein, Warden Jack Johnson, Irv Kupcinet, Rev. John S. MacPhee, Arnold Maremont, Sterling Quinlan, Charles Swibel, Elmer Stevens, Rev. Donald Thompson, James C. Worthy.

Executive director: Mrs. Irene M. Smith.

The aims of the center are stated in this language:

As the great defender, Clarence Darrow was unequalled. As a humanitarian who lived his ideals in day-to-day action, his memory is an inspiration. His name and spirit live every day at the Clarence Darrow Community Center, which is dedicated to serving his humanitarian ideals.

Arthur Weinberg, internationally famed as an outstanding and authoritative Darrow author, presided at this year's presentation of the Darrow humanitarian awards to the Reverend Father James G. Jones, Dr. Lonny Myers, William H. Robinson, Rabbi Jacob J. Weinstein, Leo A. Lerner—posthumous—and Barratt O'Hara.

Mr. Speaker, I am extending my remarks to include my response:

It is with a deep sense of appreciation and of humility that I have come to accept the Clarence Darrow Award that you, in your gracious generosity, have voted me as not unworthy to receive.

I can only say that to the utmost of my effort I shall try to live up to the standards of brotherhood and of human understanding that constitute the heritage of Clarence Darrow to the ages.

That you have a right to expect of those upon whom you have bestowed the high honor of this award. And that is my pledge. With all that is in me I shall try to give warmth to the human touch as life moves on, and to give eternal combat to bigotry and discrimination in all their ugly faces.

Clarence Darrow was my good and close friend. I knew him in the hours of trial and in the hours of triumph. He remained unchanged by the circumstances of fortune and of misfortune because in his philosophy the tests of life and the invitations to communion with his fellows come both and equally when the rains were falling and the sunshine was penciling into every nook and corner.

My most vivid memory of Clarence Darrow was at Riverview Park where 50,000 persons had gathered to welcome him home from the harrowing experience of the Los Angeles trial. I was honored beyond, I am afraid, my worth by being selected as the chairman of that great meeting. As Clarence Darrow came up the stairs to the hastily improvised platform a cheer, growing into a mighty crescendo, rose and grew and grew from 50,000 throats.

I am sure it was one of the outstanding moments in Clarence Darrow's life. His faith in people—people like you and me and our neighbors—had proved out. And this after the weeks and the days at Los Angeles when one of weaker vision would have abandoned himself to despair.

Clarence Darrow has left us a precious heritage. From the bottom of my heart I thank you for this opportunity in some measure to touch the hem of that heritage.

TEMPORARY EMPLOYMENT OF CONGRESSIONAL INTERNS

Mr. MACHEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MACHEN. I am introducing a resolution today to provide for the temporary employment of congressional interns. In this day and age with college costs so high, almost every student must work during his summer vacation to carry him through the fall. Unfortunately, there is usually a shortage of jobs and particularly of those jobs that would contribute to the education of the young man or woman. I believe that we should do what we can to remedy this situation.

We all know that education is made up of theory and experience. During the school year, the student has the opportunity to learn the theory. However, some of the best and most practical experience can be gained by working in a congressional office during the summer months.

And the benefits are by no means limited to the students. There is no Member who cannot use the extra help in his office. But there is an additional reason that is perhaps the most important. We who are deeply involved in the political process ourselves have a responsibility to encourage the widest participation at all levels, and particularly among the youth of America. The enthusiasm and idealism of young people can be most constructive in providing a broad and informed base for political activity. And there can be no greater protection for a democracy than a widespread understanding of the legislative process.

It is unfortunate that the limitation on the number of persons who can be employed in a congressional office prevents many Members from hiring these young people even though funds are available within their allotment. My resolution would permit the hiring of up to 16 employees during the period June 1 to August 31, inclusive. I believe that this would satisfactorily take care of the situation without additional cost to the Government.

RE DRUG-STAMP PLAN

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, the medicare proposal, which we approved last week, is one of the most momentous pieces of social legislation to pass this House in years. It is a bill which has been desperately needed and one of which we can justifiably be proud.

I have one serious reservation concerning the bill, however, and that is the fact that it makes no provision for the drug expenses of our aged. This, I believe, is a serious omission.

Our elderly citizens spend, on the average, twice as much for medicines as does the entire population. The even

more critical fact is that almost 25 percent of the per capita health expenditures of these aged persons is made for drugs. For a goodly number, little hospital care is needed and almost the entire medical burden consists of drug costs. In overlooking drugs, we have seriously compromised a piece of legislation which is aimed at alleviating the financial burden of health care for our aged.

It is for this reason that I am introducing today, in conjunction with Senator HARTKE, a drug-stamp plan which I believe will meet this last important need. This bill would provide aid under a program modeled after the very successful food-stamp act. Eligible persons would be able to purchase drug-stamps, or coupons, at a fraction of their retail costs—but in no case more than 25 percent—which could then be redeemed for their drug needs.

The coupons would be valid for prescription drugs only and would be redeemable at any approved retail drugstore. In this way full freedom of purchase will be maintained.

Under this program, any individual who has attained the age of 65 years and is entitled to monthly insurance benefits under title II of the Social Security Act or is entitled to hospital and other health services under any program subsequently enacted by the Congress would be eligible for participation.

The program further provides that the Secretary of Health, Education, and Welfare may prescribe maximum income limitations for individuals and for a man and wife in order to be eligible for benefits under this act, and may prescribe such other reasonable terms and conditions for participation in the drug stamp program as he deems appropriate to facilitate the administration of such a program.

The plan is simple and has worked before in the area of food assistance. It would certainly be pointless to come this far in providing assistance for our senior citizens only to leave a small flaw in the program which could conceivably undo all of our efforts. This provision for drug costs is not an additional frill. It must be a part of any comprehensive assistance program, and I urge wholehearted support for its quick passage.

PROGRAM TO REDUCE CRIME IN NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, on Thursday, April 8, I brought to the attention of the House the fact that the New York Journal American, one of the outstanding evening newspapers in the United States, has been in the forefront of an effort to curb the seriously rising incidences of crime not only in the subways of New York, but in other areas of the city as well.

One of the programs suggested for action would be aimed at providing safety for the millions of New York subway riders and for those citizens using our parks and our neighborhood streets. These areas can be made much safer by using highly trained and skilled police dogs as a major deterrent to the armed thug, the mugger, the rapist, and the young tough.

The city of Philadelphia at the present time is requesting 100 additional dogs and 1,000 additional policemen to meet the crime situation in that city. Our experience here in Washington, particularly in our suburbs and in the vicinity of Capitol Hill, is evidence of the high regard in which the use of police dogs is held.

Today I have corresponded with the mayor of the city of New York to urge the incorporation of more extensive use of these dogs in the applicable areas of police work in New York City. One of the major problems confronting the mayor will be the public relations problem of selling the advantages of using this new weapon in the continuing fight on crime in our urban areas. With these dogs in our parks, subways, and neighborhoods, New York will not be permitted to become a "6 o'clock town" with people afraid to venture out at night.

A BLOW TO THE CONCEPT OF AREA REDEVELOPMENT

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, as a Member of the Committee on Banking and Currency for the past 10 years, I have supported the area redevelopment acts and the idea of helping our depressed areas But I have always insisted that we not use this program to take plants away from high-wage areas and encourage them to relocate in other areas of the country which feature low wages and substandard labor conditions.

The Department of the Interior has just made a policy decision which puts the Government in the incredible position of subsidizing a runaway plant. If this decision stands, many of us who have supported area redevelopment in the past will see little hope of preventing the use of industrial development incentive and aid programs to enable firms to flee from unionized, high-wage areas into low-wage havens.

The Interior Department decision in question involved the award of the Government's contract for processing of sealskins. All fur-bearing seals sold in this country must be marketed under Interior Department control. For more than 4 decades, the Fouke Fur Co. of St. Louis had exclusive contract rights to process the skins, and the seal auctions were held periodically in St. Louis where the entire fur trade came to make its purchases.

Three years ago, Fouke Fur Co. pulled out of St. Louis, leaving 175 longtime employees without work—skilled workers who had spent their entire lives in this trade. The company moved to South Carolina where wage rates are lower. The Interior Department thereupon took the necessary steps to cancel Fouke's contract, holding that the contract then in effect required that the work be done in St. Louis.

A St. Louis firm was organized to bid for the work following the termination of the Fouke contract. It engaged key craftsmen skilled in fur seal processing, and was prepared to hire all of the unemployed former Fouke employees. Thereupon developed one of the most fantastic back-stage intrigues ever seen in Washington to restore the contract to Fouke. Former Interior Secretary Oscar Chapman represented Fouke with great skill, and apparently with remarkable persuasiveness.

And Fouke has now been given a new contract for 5 years covering seven-eighths of the fur harvest. The St. Louis firm which was set up to employ the 175 former Fouke employees left behind by the runaway company has been informed that the best it can look for is a portion of the remaining one-eighth of the harvest, perhaps one-sixteenth altogether. And Fouke Fur, a runaway firm which deserted its employees and sought cheap labor in South Carolina, now enjoys a near monopoly on business which the Interior Department had previously decided it should not receive because of its flight from St. Louis as a runaway plant.

Mr. Speaker, this whole episode is distressing to everyone in St. Louis who believes in fair play and in a decent respect for good labor-management relations. But the consequences will be more far reaching if the end result is to discourage liberal Members of Congress from nondepressed areas from continuing our support for programs which can be misused to subsidize runaway plants in leaving our industrial centers to seek cheap labor in low-wage areas.

INTERGOVERNMENTAL COOPERATION ACT OF 1965

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, I am pleased to offer for the consideration of this body, a bill entitled "The Intergovernmental Cooperation Act of 1965." I ask that it be referred to the appropriate committee so that it might be considered.

This bill implements a number of the recommendations from the reports of the Advisory Commission on Intergovernmental Relations.

The proposals contained in this legislation were developed because of the inconsistent and often confusing procedures established by law and in the administrative practices of many Federal

departments and agencies administering grant-in-aid programs.

I would point out that many grant-in-aid programs have not been reviewed in light of today's needs. Sometimes Federal agencies overlook the fact that their program and those of other Federal, State, local, and private activities are closely related and could easily be coordinated to achieve desirable goals, without needless duplication and expense.

I believe that this bill would make a positive contribution to the efficient administration of Federal funds to the States and muncipalities.

I feel that the enactment of this legislation will make a major contribution toward improvement in the administration of these many programs.

I would point out that we face numerous problems resulting from a lack of effective coordination of many new and diverse grant programs. Problems have also resulted from a lack of effective coordination of these activities, both in content and in administration, with respect to their impact on metropolitan areas and local communities as well as upon the structure of State government.

I would call particular attention to title II of this bill, which provides for periodic congressional review of new Federal grant-in-aid programs to insure that such programs are examined systematically and are reconsidered in light of changing conditions and new program requirements.

This bill would meet a very real need in our Government today and I urge its very serious and favorable consideration by the Congress.

MEMORIAL TO PEACE AND GOOD WILL BETWEEN MEXICO AND UNITED STATES

Mr. WHITE of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE of Texas. I am today introducing a bill to establish a permanent memorial to commemorate the peace and good will between our country and the Republic of Mexico, reflected in the Chamizal settlement.

The international boundary between the United States and Mexico in the area of El Paso, Tex., and Ciudad Juarez, Mexico, has been fraught with contention for 115 years, and the Chamizal Treaty which resolved those differences is a worthy and notable example of how international disputes can be settled through friendly negotiations.

This bill would set aside a portion of Cordova Island to be established as a national memorial and appropriately developed by the Department of the Interior. It is appropriate that Cordova Island be chosen for the national memorial, because, first, the tract was transferred from Mexico to the United States by the Chamizal Treaty; second, it is located in El Paso, the focal point of the boundary history; and third, it forms a part of the proposed development by both nations of the area on both sides of the international boundary.

The Chamizal Treaty itself is a memorial to the work of two great Presidents of the United States. It grew from the triumphal visit of John F. Kennedy to Mexico City, where he and Mexico's great President Adolfo Lopez Mateos agreed upon the fundamentals of the treaty. It was developed under the leadership of President Lyndon B. Johnson, who met with President Lopez Mateos at the border in El Paso, September 25, 1964, to celebrate its successful conclusion. Just as the Chamizal Treaty stands as a landmark of diplomacy in the Americas, so will this Chamizal Treaty National Memorial stand as a visible symbol to inspire us today and in future generations.

INVESTIGATION OF ORGANIZED CRIME IN THE UNITED STATES

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, today I have introduced a resolution providing for the creation of a select committee of the House of Representatives to conduct an investigation of all aspects of organized crime in the United States.

The steady growth in this country of organized, interstate criminal activity is a matter of great concern to all. Through both the corruption of public officials and the invasion of legitimate business, financed by the fruits of subsurface criminal endeavors, hoodlum influence in our metropolitan areas and its effect on our interstate commerce is on the increase.

The President has recognized this growing problem and in his state of the Union message called for the recommendations and the constructive efforts of the Congress.

This select crime committee would constitute a positive forward step by the House in response to the President's call, and in recognition of the seriousness of crime in our society.

It was my privilege to introduce, while a member of the Illinois State Senate, a somewhat similar piece of legislation which was subsequently enacted into law, creating the Illinois Crime Commission. Because of the nationwide, interstate aspects of much crime, action on the Federal level seems necessary and appropriate at this time.

PHIL GOULDING: NEW DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, it is with great happiness, yet with much regret, that I congratulate Phil G. Goulding, of the Cleveland Plain Dealer, on his appointment as Deputy Assistant Secretary of Defense for Public Affairs.

We are going to miss Phil bounding through the office door. His grand entrances never fail to delight my staff, they are part of Goulding's irrepressible enthusiasm for whatever he is doing. Over the years, since I first came to Congress in 1955, Goulding has come to be an unofficial part of the Minshall family, handsome, witty, hard working, good natured, quick on the repartee trigger.

I have watched Phil's reputation grow as a military analyst, pleased as a friend and interested as a member of the Department of Defense Appropriations Subcommittee. He has a great knack of making and keeping friends and he has many congressional admirers who regard him as one of the Nation's best authorities on our military and its posture. Phil and I have bounced our views on world affairs back and forth through the years, often in total accord, but never, when we did differ, in rancor. Phil loves to argue, not for the mere sake of argument, but for the joy of a sharp clash of wits and the ideas it produced. I have always valued Phil's opinions. My respect is boundless for his integrity and insight into the tangled maze of Pentagon affairs. The Goulding byline in the Plain Dealer was a guarantee to Cleveland readers of reporting at its finest.

In his 15 years on the Washington scene for the Plain Dealer, Phil has covered the White House, the Department of State, and Capitol Hill, say nothing of numerous political campaigns. During the last 8 years he has been assigned to Pentagon military affairs almost exclusively. His newspaper has sent him to nearly every corner of the globe for first hand reports on world trouble spots.

Phil's new assignment probably will keep him deskbound on the Virginia side of the Potomac. His host of friends on Capitol Hill, not the least of them BILL MINSHALL and his staff, regret this.

But we are cheered that his tremendous ability has been recognized and rewarded with an assignment of such great importance.

Phil Goulding is on the launching pad of a career in Government which will bring new credit to himself and to the Department of Defense.

To Phil, to his beautiful wife, Anne, and their five lively youngsters the Minshalls extend their congratulations and affectionate regards.

The following Associated Press story from the Plain Dealer gives a recapitulation of the Goulding appointment:

PD'S GOULDING JOINS MCNAMARA'S STAFF

WASHINGTON.—Secretary of Defense Robert S. McNamara last night named Phil G. Goulding, military writer of the Plain Dealer, as Deputy Assistant Secretary of Defense for Public Affairs.

Goulding, 44, a staff member of the Plain Dealer since 1947, will take his post April 19. He will succeed Nils A. Lennartson, who

is resigning to become president of the Railway Progress Institute.

Goulding was a naval officer in World War II, serving in amphibious forces in the European theater, then later as commander of a landing craft in the Pacific.

He has covered military affairs at the Pentagon for 8 years, except for temporary assignment to politics during campaigns.

After joining the Plain Dealer staff in Cleveland, Goulding worked there for 3 years, then was transferred to the Washington bureau of the paper.

In the first 7 years in Washington, he covered various assignments, including the White House, State Department, and Congress.

Goulding attended public schools and high school in Shaker Heights and received a bachelor of science degree at Hamilton College, Clinton, N.Y.

Goulding, his wife, the former Anne W. Wright, and their five children live in nearby Bethesda, Md.

PHILLIP GOULDING LEAVES CLEVELAND PLAIN DEALER TO BECOME DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, next Monday, April 19, Phillip Goulding will leave his desk at the Washington bureau of the Cleveland Plain Dealer to become Deputy Assistant Secretary of Defense for Public Affairs. Phil has served his profession, Ohio, and the Cleveland community during his 18 years with the Plain Dealer.

Two years after joining the Cleveland Plain Dealer in 1947, Phil was transferred to the Washington bureau where he has served diligently ever since. In his field of military affairs he has mastered the maze of complexities during these crucial years of military development to keep Clevelanders and Ohioans well informed about the work of the Department of Defense and our worldwide Military Establishment.

At 44 years of age, Phil Goulding is now embarking on a new and challenging career as a top official "reporter" for the Department of Defense to interpret defense policies to the press and to the public. We wish him every success in his new endeavor.

DON'T HANDICAP THE HANDICAPPED

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, in contemplating the Easter season and all its significance, none but the cruel of heart could at some time during this week utter a sincere desire and a determined pledge to be more considerate of and more charitable to our fellow men.

By a coincidence developing out of the church calendar, the President's Committee on Employment of the Handicapped this week announced the winner of the 1965 Ability Counts Contest. It provides a most appropriate subject for community and individual thought during Holy Week.

The contest, now in its 17th year, is part of the Committee's education program aimed at making more persons aware of the problems facing the handicapped in obtaining jobs, the efforts being made to help the handicapped help themselves, and the admirable accomplishments of many severely disabled individuals.

This year's winner is a young lady from Salt Lake City whose first case history is a man whose left arm, mangled by bullets in the invasion of the Philippines, is a successful laboratory technician, basketball official, and baseball umpire. She is especially proud of his accomplishments, for he is her father. Her other examples are equally enlightening and inspiring, but the most important lines in her essay are statistics pointing out that 1 of every 10 Americans is physically handicapped and another in 10 is mentally retarded or has suffered from mental illness.

Are these individuals among us given full opportunity to develop their talents and earn their way in our economic society, or is prejudice still handicapping the handicapped?

Centuries ago it was common belief that anyone suffering from epilepsy was devil-possessed, that demons were responsible for the convulsions, and that all victims of the disease should be isolated. Over the years such superstitution has largely disappeared from the civilized world, yet here in the United States many persons with physical handicaps are deprived of human rights and opportunities to a shameful extent.

We are a generous and sympathetic people. We give freely to the annual Red Cross drives, to the March of Dimes campaigns, and to all other charity programs. When disaster strikes—in the form of tornadoes, earthquakes, floods, or warfare—America leads the way in providing assistance to victims regardless of the locale or nationality. But we have fallen too far when it comes to recognizing our own physically handicapped and their needs.

Some little children run to their homes when they see a person who has been enfeebled by a crippling disease or accident. Others stare curiously when a blind man feels his way down the street, or when an amputee attempts to light a cigarette with one hand. And still other youngsters find a sadistic pleasure in taunting a playmate who must shuffle alone awkwardly as a result of polio or a spastic condition.

Adults are guilty of no such maltreatment. They merely turn the other way when a maimed or deformed person approaches. Indeed they are so intent upon avoiding the necessity of facing physically handicapped persons that they unconsciously impose handicaps far worse than those of a physical nature. These prejudices constitute a segregation which deprives victims of educational, economic, and social opportunities that are supposedly a birthright of all Americans.

Carried into the business world by fellow workers and the consumer public, this attitude is a prime reason for management's reluctance to employ disabled persons. Some headway into overcoming the prejudice has been made by a few large industrial organizations which make it a policy to use physically handicapped workers wherever possible. The manpower shortage during the last war opened fields of employment to men who were unfit for military duty, and manufacturers learned conclusively that handicapped workers, when properly placed in jobs, are as good or better than nondisabled personnel on identical jobs.

If other large companies, as well as smaller merchants and business houses, would follow along these lines, not only would the economic aspects of the overall problem be improved, but the bias existing in our educational and social life would gradually decrease. As long as he remains aloof from reality, the average human being may look upon his physically handicaped brother as a social misfit, but when personal association has been established, deformities will actually disappear from recognition. During the last years of his life Franklin D. Roosevelt was unable to move around without assistance, yet those close to him were hardly conscious of his crippled condition.

Another factor—and a most unpleasant one—which is tending to make Americans more aware of the problem is the growing number of men and women who are becoming incapacitated each year. Added to the severely wounded in World War II, Korea, and Vietnam is the annual toll in factories, homes, and on the highways. When such tragedy strikes close to home, it tends to dilate the neglect which has prevailed over the years, and it emphasizes that—but for the grace of God—the list of casualties might include anyone of us.

Whatever brings about the transition, and Heaven help that it will come out of the goodness of man's soul rather than through continued maiming in battle and in accidents, it cannot come too soon for the millions of disabled men, women, and children whose burdens have been accentuated by fellow men choosing to remain blind to a most unfair situation.

Mr. Speaker, I congratulate the President's Committee and the cooperating AFL–CIO State federations and councils, as well as the Governors' Committee on Employment of the Handicapped, for their contributions to a most worthy cause. And I hope that with the coming of Easter greater love and understanding for the handicapped will open the doors and the opportunities wider than ever before.

SALUTE TO LITTLE LEAGUE BASEBALL

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. CAHILL] is recognized for 30 minutes.

Mr. CAHILL. Mr. Speaker, beginning on Sunday, April 11, and continuing through Wednesday, April 14, 1965, delegates from all regions of the country and from a number of countries outside the United States are meeting here in Washington at the International Congress of Little League Baseball.

The Little League Congress will conduct proceedings of an informative nature, will consider the revision and restatement on rules and policies, will elect delegates to the board of directors, and, generally speaking, will make every effort to improve the programs for the years ahead and to attain even higher achievements than it has in the past.

I think the formation, dedication, and accomplishments of Little League baseball have merited the full attention of the Congress of the United States.

What is Little League? Little League is best described in the words of Peter J. McGovern, president and chairman of the board. His words are:

WHAT IS LITTLE LEAGUE

Little League baseball is a product of happy, prosperous and free people who love their children and show pride in their every budding accomplishment. It is a gift of freedom, available to those who wish to take advantage of it voluntarily. It bears no compulsion excepting that those who wish to enroll are agreeable to abide by the democratic will of the majority.

Little League expects maturity enough in those who join that they may be exemplary to children who come to respect them as leaders and that they accept responsibility characteristic of the privilege in individual entity and freedom. It is a demanding but also rewarding experience for those who wish to serve in definitely forming their youngsters', and their neighbors' youngsters, nebulous futures with feeling and sensitivity. It is a somewhat strenuous and adventuresome challenge to adults and youngsters alike.

In Little League there resides some of the native American elements of self-reliance and basic urge to make a better lot for those who inherit and who may sustain our freedoms exemplified through sportsmanship and fair play.

Little League is dynamic, if not monumental, in that it characterizes a burgeoning ferment of expectations in a population explosion. It has paved new conceptions of education, thriving upon competitive urges and unfolding new horizons of athletic skills.

Little League is a lesson in practical idealism. Its sights are high, its methods commonsense. As a leadership image, it is exposed in the brilliant white light of publicity, parental concern and public esteem. It is serious but yet full of fun. It is international in scope, but local as any fireside. It is proud and yet humble. In its dedicated and volunteer aspects, its heart is as large as the hearts of families, communities and the nations that have taken it under their unselfish wing.

From the ranks of little leaguers—these hundreds of thousands of boys—who now stand on the morning side of the hill undoubtedly will come great ballplayers and many outstanding national leaders of the future. Though Little League is the basic platform under all of baseball, this is only a vehicle, an instrument of magnetic appeal, but no part of the main goal. Properly operated at the local level, Little League will speak for itself as a top-drawer democratic youth movement which bespeaks discipline, builds spirit to win and inspires poise through physical well-being in millions of growing boys everywhere.

This is Little League.

P. J. MCGOVERN,
President and Chairman of the Board.

Mr. Speaker, as one who has had two sons actively participate in Little League and has, therefore, been a personal observer of all facets of this organization for the past 10 years, I can personally attest to its accomplishments and the contribution Little League Baseball has made to the American way of life. I was delighted, therefore, to sponsor in the last Congress legislation which granted to Little League Baseball Federal incorporation. All of the Members of this House and of the other body, as well as the President, can take pride in this legislation which advanced the cause of Little League and which, according to the leaders of the Little League movement, was very vital for the general welfare and future success of Little League Baseball.

Little League Baseball, Inc., is a nonprofit corporation with its headquarters located in Williamsport, Pa. Little League Baseball, as a matter of fact, began in Williamsport in the year 1939. From a very modest beginning of three teams in its first year of operation, the program expanded on an unprecedented basis, particularly since 1949. The program has taken root in thousands of communities across the country and has started to develop in countries abroad.

It is interesting to note that more than 500 district administrators will attend the conference of Little League being held this week in Washington, that each district administrator represents about 15 leagues and that each league enrolls approximately 200 boys and 30 to 50 adults. This does not include parents and relatives of the participants. I would believe that every congressional district will be represented here in Washington by these local representatives of Little League Baseball.

I have been reliably informed that conservative estimates indicate that over 1¼ million young boys annually participate in the approximately 6,000 charter leagues in the Little League program.

Little League has likewise served as a model and source of stimulation for other similar organizations, not only in the field of baseball, but in many other sports activities. The Pony League, the Babe Ruth program, and many regional organizations formed to operate athletic programs for the youth of our Nation involving not only baseball, but basketball, football, and hockey, have been patterned after Little League.

The board of directors of Little League Baseball, Inc., consists of 14 men from various sections of the country, all of whom are, in their own right, outstanding Americans and all of whom have an abiding and sincere interest in the youth of our Nation. It is to the everlasting credit of the Little League movement that it can attract men of such caliber as the men who serve on its board of directors and on its board of trustees.

At the present time, the board of directors of Little League Baseball, Inc., consists of the following outstanding men of our Nation and an outstanding citizen of British Columbia. The board is as follows:

James E. Axeman, of Williamsport, Pa.
Col. Theodore P. Bank, of Chicago, Ill.
Donald P. Berger, of Rockville, Conn.
J. Wilfred Cain, of Victoria, British Columbia.
John K. Conneen, of Bethlehem, Pa.
Ernest A. Erickson, of Brighton, Mass.
Dr. Arthur A. Esslinger, of Eugene, Oreg.
M. M. Galloway, of West Columbia, Tex.
Dr. Creighton J. Hale, of Williamsport, Pa.
G. Herbert McCracken, of New York City.
C. W. Pennington, of New York City.
Robert T. Roy, of Beaumont, Tex.
John R. Tingle, of Cambridge, Ohio.
Dr. Elmon L. Vernier, of Baltimore, Md.

In addition to the corporation, there is also a Little League Foundation, the purpose of which is to stabilize and insure the future of Little League baseball by making possible broader services and benefits and where necessary through assistance to local leagues. The chairman of the board of trustees is Harry E. Humphreys, Jr., of New York City, and the following outstanding men are serving as members of the board of trustees:

Philip R. Clarke, of Chicago, Ill.
Robert Considine, of New York City.
Walt Disney, of Burbank, Calif.
James A. Farley, of New York City.
Jesse V. Honeycutt, of Bethelehem, Pa.
J. Edgar Hoover, of Washington, D.C.
Peter J. McGovern, of Williamsport, Pa.
Walter O'Malley, of Los Angeles, Calif.
Samuel F. Pryor, of New York City.
William A. Shea, of New York City.
Alfred J. Stokely, of Indianapolis, Ind.
Orville Taylor, of Chicago, Ill.
Daniel R. Topping, of New York City.
Gen. Albert C. Wedemeyer, of Boyds, Md.

Heading up this organization is one of the most dedicated, capable, and personable men it has been my pleasure to meet. He is Peter J. McGovern, president of the corporation, who also serves on the board of directors.

Mr. McGovern heads up a headquarters office which is located in Williamsport, Pa. The annual world series is played at this site and I can heartily recommend to the people of this country a visit to Williamsport on the occasion of this tournament. I have personally visited Wililamsport and have seen the facilities, have observed the boys, and have witnessed the games. It is an experience never to be forgotten.

Mr. Speaker, there are many attributes of Little League baseball which recommend it to the people of our country and to the Congress of the United States. Certainly it builds character, promotes fairplay, and a competitive spirit amongst the youth of our country. Most assuredly it provides community pride and interest. Undoubtedly it serves as an ideal preparation for participation in high school, collegiate, and professional sports. There is little doubt that it has a tremendous effect on all who actively participate in the program.

I have come to believe, however, that just as important as are these contributions is Little League's very vital role in the field of international relations. In this day and age when the tensions are great and the world is fraught with danger because of lack of understanding and lack of communication between the peoples of all nations, Little League is playing a very vital role in this all-important field—and truly, Little League is an international activity.

While it is fundamentally an American movement, just as baseball is fundamentally an American sport, we now find 400 chartered leagues outside the United States. In my judgment, the visit of the youngsters from Japan and Europe to participate in the World Series in Williamsport, Pa., as well as the participation of all of the youngsters in foreign lands in this program throughout the year, is playing a very vital role and contributing greatly to the improvement of the American image abroad. More importantly, it is letting the youth of our Nation meet face to face on the field of competition with the youth of other nations. How much better it is that they should fight their battles with a baseball rather than a bullet.

Little League has set a pattern which most certainly can be followed in all other sports and which certainly should be encouraged by the Congress. I am satisfied, Mr. Speaker and Members of the House, that the granting of Federal incorporation by an act of Congress has confirmed our confidence in Little League and that it will be encouragement for Mr. McGovern and all of his associates in Little League baseball to continue their dedicated effort to improve and expand this delightful and all-important contribution to the American way of life.

I congratulate all associated with Little League Baseball. I welcome all of the delegates to the International Congress. I wish Little League Baseball, its directors, its staff, all of the participants, and especially the youth of the world who are actively participating in this great project, continued growth and success in the years ahead.

Mr. SCHNEEBELI. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, I wish to commend and thank the gentleman from New Jersey [Mr. CAHILL] for taking this special order to outline to his colleagues and to the Nation, the rightful place which Little League Baseball has on the American scene.

Congressman CAHILL's initiative, leadership, and guidance provided the necessary impetus to produce the legislation for a national charter for Little League under Public Law 88–378, which was passed by the two Houses of Congress and signed by President Johnson on July 16, 1964.

Congressman CAHILL has a native interest in this activity since he has two boys in his own family who have participated in Little League baseball. Additionally, his cousin, Peter J. McGovern is the dynamic president of the entire league. The Congressman recently was named as the first honorary Director of Little League; and this distinction was well earned.

It is appropriate to present at this time some background on this most unusual and fine organization. Little League started in 1939 with only three teams in Williamsport, Pa., which is in my congressional district. The founder, Carl Stotz, was trying to keep two nephews about age 11 or 12 out of mischief and organized a league of three teams to keep them and some neighbors occupied for the summer vacation months. It was a local activity for several years; later became a State affair. Annual tournaments were held on this Pennsylvania State basis for some years and then it began expanding in all directions from Pennsylvania.

The U.S. Rubber Co. became interested in the movement and supplied the financial backing required to advance and promote the organization work and the first national tournaments. It gave the organization one of its leading lawyers, Mr. Peter J. McGovern, to run it, and he is still the international president.

Gradually, as it began to sustain itself, the U.S. Rubber Co. withdrew its guidance and financial support although it had invested several hundred thousand dollars to launch it successfully. The league is now on its own feet financially, with support of the public and private companies interested in this worthwhile project.

It now covers all 50 States and more than a score of nations. There are 6,000 chartered leagues with membership of approximately 1¼ million American boys.

Starting in 1956, it began through its National Congress, to hold a meeting every 2 years, which is attended by district representatives who are elected to represent approximately 20 leagues. These delegates establish the policy, rules and regulations and nominate the board of directors for all 6,500 local Little Leagues. This year, the Eighth International Congress of more than 400 district representatives from all over the world is holding its meeting in Washington, April 11 through 14. This is the first meeting held since it became a federally incorporated agency through Public Law 88–378, and the city of Washington was chosen for this reason.

The record and accomplishments of the Little League Congresses since its inception in 1956 have brought credit and stature to this movement. The momentum generated by its biennial Congress with its democratic approach to supervision of a worldwide youth movement has had a sustaining impact at every level.

Little League international headquarters is established at Williamsport, where the World Series is held each year in August. The adult leadership responsible for promoting and furthering this fine national organization comes under President McGovern's guidance in Williamsport. In these days of concern about juvenile delinquency, we have here an organization which has created a positive, beneficial effect, through the medium of organized baseball, to develop in our youth their qualities of citizenship, sportsmanship, and manhood. Little League is the biggest baseball organization in the world, but we have every reason to believe that the movement has contributed greatly to the spirit and well-being, disciplines, and decency, reverence, and respect for law of almost 5 million boys who have participated in its brief span of 25 years—many of whom are now fathers of their own Little Leaguers.

Little League has had a powerful, and positive impact upon millions of our young boys and it is fitting and proper that such recognition be observed at this time. I am grateful to Congressman CAHILL, as is Little League baseball, in making possible this presentation of its aims to our colleagues and to the American public.

TO REFORM THE IMMIGRATION, NATURALIZATION, AND REFUGEE LAWS OF THE UNITED STATES

The SPEAKER pro tempore (Mr. FASCELL). Under previous order of the House, the gentleman from New York [Mr. LINDSAY] is recognized for 30 minutes.

Mr. LINDSAY. Mr. Speaker, I rise today, as I have in every Congress since 1958, to plead for reform of our antiquated, demeaning and prejudicial immigration law.

It would be bromidic to say reform is overdue; only once have we effected any drastic changes in our 40-year-old immigration policy, and that was 13 years ago. The last Congress did not pass a major piece of immigration legislation. We continue on our indifferent course, although the foundation of the Immigration and Nationality Act betrays our national and international aspirations.

We are, perhaps more than any country, a Nation of immigrants. People of all lands—more than 41 million of them—established, sustained and fulfilled the United States. All aspects of our national life—politics, religion, commerce and the arts—have been molded by this, the greatest folk-migration in history. America has done much for the immigrant. The immigrant has done even more for America.

Yet we adhere to a blatantly discriminatory immigration policy that evaluates human beings not on the basis of what they are, but where they were born. Our policy resembles nothing so much as a national real estate covenant. It is something we tacitly enjoy, but prefer not to discuss. Because it violates our fundamental moral precepts, we do not even like to think about it—unless we feel the covenant may be broken. I am reminded of Mr. Dooley's observation:

As a pilgrim father that missed the first boats—

Said Mr. Dooley—

I must raise my clarion voice agin the invasion of this fair land by the paupers and anarchists of effete Europe. Ye bet I must—because I'm here first.

I raise the issue again with some trepidation, for it is a popular but erroneous belief that reform of the immigration laws would throw open the United States to a flood of slave traders, hashish chewers, coolies, witch doctors, mountain bandits, and camel drivers. This xenophobic concept envisions the typical immigrant as an illiterate, cholera-ridden pagan, who would either usurp the job of an American workingman or go on the relief rolls; who would subsist on fish heads and rice, father 13 children, and refuse to learn to speak English; who would lower property values wherever he lived; who would vote against school bond issues, hoard his money in tin cans and, who, in his idle hours, would run numbers, smoke opium, and revive the Tong wars.

This somewhat fanciful description has no basis in fact. Neither I nor anyone else seriously suggests that we permit unlimited immigration. We cannot return to the open-door policies of a happier and less complex age. To promise entry to all who wish to come here would create insurmountable problems for the United States and would do little to solve the problems of the countries from which the immigrants came. Our friends abroad certainly understand our position.

Our immigration policy must conform with our capacity to absorb; I do not question that commonsense approach. I do, however, strongly object to the unconscionable practice of restricting immigration by placing quotas on individual nations. The national origins system reflects a sad and unnecessary conflict with our national ideals. As long as the quota system is based on national origins it will be a source of pain and of shame. It can and should be corrected—not only because it is parochial, degrading, and inequitous, but because, as I hope to show, it is the atavistic symbol of an attitude this country has outgrown.

I have introduced a bill, H.R. 93, which I believe represents a reasonable, fair, and comprehensive revision of our immigration laws. Its primary aim is not to increase the present level of immigration. Rather, it is designed to bring about the elimination of the national origin quota system and aline other of our policies with this Nation's principle of human equality. The bill would give the law a flexibility and honesty it now lacks and which causes a great deal of humiliation and suffering.

Before discussing the merits of the bill, I would like to talk briefly about the history of our immigration laws and the compelling reasons for change:

The young United States had a very liberal immigration policy. We proclaimed the principle that a religious test would not be required for public officeholders; we held every public office in the country—with the exception of the Presidency itself—open to naturalized citizens. Both policies were established primarily to stimulate immigration.

Most laws enacted since that time have either set or retained limitations on immigration. The first were the Oriental Exclusion Acts originally passed in 1882, which placed a flat ban on the Chinese and Japanese. In 1917, over President Wilson's veto, the Congress created the Asiatic Barred Zone, which was the forerunner of the national origins system. It excluded persons from India, Burma, Siam, and other countries located in what came to be called the Asia-Pacific triangle.

With these exceptions, our immigration laws were qualitative; that is, they excluded only those persons who failed to pass certain minimal tests of health, literacy and good conduct. The quota law of 1921 and the Johnson-Reed Immigration Act of 1924 changed all that.

The Johnson-Reed Act limited the total number of immigrants who could enter the United States in any one year to 150,000. The act also provided that the annual quota for any nationality should bear the same ratio to 150,000 as the number of persons of that nationality in this country bore to the total population of the United States. The most recent census, in 1920, was taken as the base for determining nationality population ratios. "Descendants of slaves"—in other words, virtually the entire Negro population of the United States—were not counted in computing the ratios.

The purpose of the act was to freeze the then existing national structure of the American population. Its innate bias against southern and eastern Europeans and nonwhites from Asia and Africa, as expressed in the national origins quota system, has not been substantially altered. Johnson-Reed remains to this day our basic immigration statute.

The year following passage of the act, total immigration to the United States fell from 706,896 to 294,314. Although immigrations continued at about that level until the depression, it is only within the last 15 years that the figure has consistently exceeded 200,000. For the last 10 years, it has averaged about 280,000.

The most important single revision of our immigration laws was the Immigration and Nationality Act, commonly known as the McCarran-Walter Act, which was enacted over President Truman's veto in 1952. The act attempted to codify the plethora of laws, amendments, regulations, proclamations, executive orders, rules, operational instructions, classifications, dispensations, and circumventions that had grown up around the Johnson-Reed Act over the years. Indeed, the act made a number of worthwhile changes: It eliminated discrimination between the sexes and gave preferentional status to skilled aliens. It repealed the Oriental Exclusion Acts by setting token quotas for nations in the Asia-Pacific triangle. It gave Asian spouses and children of American citizens nonquota status. It eliminated race as a bar to naturalization. But it did not abrogate the humiliating and inflammatory racial philosophy by which we overtly discriminate against more than one-half of the world's population; the national origins quota system emerged intact.

Let us look at the record, for a moment, to see what the quota system does in practice. According to the annual report of the U.S. Immigration and Naturalization Service, which was released a few weeks ago, 292,278 aliens were admitted to the United States as immigrants or permanent residents during the 1964 fiscal year. Of these, only 102,877 came from quota countries. Of the other immigrants, more than 140,000 came from Canada, Mexico, and other independent nations of the western hemisphere, none of which has ever been subject to quotas. Wives, husbands, and children of U.S. citizens accounted for about 33,500 nonquota admissions.

Thus we see immediately that immigration from quota countries represents only slightly more than one-third of the permanent admissions to the United States. Even if the full quota for all countries—currently 158.161—was utilized, immigration from quota countries would only make up a little more than half our annual inflow.

Of the worldwide quota of 158,161, Europe receives 149,597 quota numbers. Asia is allotted 3,690, and Africa receives 4,074. In other words, we award about 94 percent of our total quota to Europe and give the rest of the world about 6 percent.

In Vietnam, we are spending $1.5 million a day and have suffered more than 2,000 casualties in support of the Saigon government. The annual quota for South Vietnam is 100. The population of South Vietnam is approximately 15 million. Evidently we are willing to commit the full strength of this Nation's resources to the defense of liberty in Vietnam. At the same time, our immigration law makes it abundantly clear that while we may risk war for the right of the Vietnamese people to live freely and independently, we do not want them to live with us.

During the Kennedy administration, we intervened in Laos to save that country from Communist subversion. President Eisenhower sent marines into Lebanon for the same purpose. Yet both these countries are assigned the same token quota of 100. As an instrument of foreign policy, our immigration law clearly is at odds with our international commitments.

India is frequently described as the bastion of democracy in Asia, the major country which would be lost to the West if Red China's aggression is not contained. The country, with a population of more than 442 million, is the largest English-speaking nation on earth. The quota for India is 100—the same as Iceland's.

We encounter similar injustices and irrationalities in the European quotas. The Marshall plan, by which the United States pledged itself to a course which has made it the worldwide defender of Western democracy, originated in Greece. The population of Greece is almost 9 million. The annual quota for Greece is exactly 308. The backlog of applicants is more than 100,000.

Italy, a country of about 50 million, has a quota of 5,666. More than a quarter million people are on the waiting list for those 5,666 quota numbers, including more than 140,000 relatives of U.S. citizens. The Italian quota is less than one-tenth that of Great Britain, which has never filled its quota. Last year, for

example, Great Britain used less than half of its 65,361 quota.

Spain, which has a population of about 32 million, has six times as many people as Switzerland. The Swiss quota, however, is about six times that of Spain's.

Ireland currently uses about 35 percent of its quota of 17,756. Yet its allocation is more than twice as large as the quotas for Asia and Africa combined.

I could describe at some length the disparities and capriciousness of the national origins system, but I do not wish to burden the House with a statistical recitation. After reviewing the record, however, I am constrained to ask: How can we possibly do it? Where is our conscience? Why do we continue to base one of our most far-reaching policies on the explicit, arrogant assertion that a man is superior or inferior to another because of his race? Our law says a Moroccan is less deserving of our citizenship than an Indonesian. We rank a Spaniard above the Indonesian, but he must defer to a Greek. We favor the Italians over the Greeks, but the Swiss take precedence over the Italians. We prefer the Germans to the Swiss and the British to both. Finally, we welcome the Irish above all other races.

I can see no justification whatever for such a flagrantly discriminatory policy. It vitiates our heritage. It undermines our foreign relations. It presents to the world a totally wrong image of the American character. The law should be changed, and I, for one, will not cease my advocacy of reform until the national origins system is struck from our body of law.

I said earlier I hoped to show that the system has outlived what usefulness it originally possessed; that it is a relic we have readily ignored. The Immigration Service's report substantiates the argument:

Japan, for example, has a yearly quota of 185. During 1964, 3,680 Japanese arrived in the United States as immigrants. Italy's quota is 5,666, but 13,245 Italians emigrated to this country last year. Spain's quota is 250; yet 2,252 Spanish immigrants were admitted.

The great majority of the immigrants who entered the country over and above their national quotas were admitted because they were the wives, husbands, or children of U.S. citizens. Persons in any one of these three categories last year alone accounted for almost 28,000 immigrations from Europe, almost 8,000 from Asia and about 1,000 from Africa. We accepted 189,404 nonquota immigrants in 1964.

Even a fleeting perusal of the patterns of immigration into this country points up the mystifying nature of our immigration policy. We adamantly cling to an arbitrary quota of 308 for Greece, but we ignore the quota every year by admitting 10 times as many Greeks who are married to, or the children of, a U.S. citizen. Preferential treatment of relatives of our citizens conforms with our natural instincts and has a rightful place in our immigration policies. It stems from precisely the opposite impulses that govern our rigid, unfeeling quotas.

Preferred treatment for relatives and quota exemption for our neighboring American countries are but two of the many mature aspects of our immigration laws which override and repudiate the national origins system.

Among the enlightened amendments to our immigration laws have been the Displaced Persons Act of 1948, the Refugee Relief Act of 1953, the Hungarian Parolee Act of 1958 and the Fair Share Refugee-Escapee Act of 1960. Each act exempted refugees from the quota restrictions which would have delayed their entry into this country for many years. Moreover, Congress has granted nonquota status to quota immigrants on five separate occasions since 1957.

As a result of these and other liberalizing measures, roughly two-thirds of the immigrants who came to this country during the last 10 years arrived outside the quotas. Among them were 200,000 refugees from the Castro government in Cuba.

Despite the compassion the American people have shown for the people of other nations by the enactment of these humane measures, and although they have had the laudable effect of subverting the national origins system, we continue to employ a largely discredited numbers game which tells the Republic of India, bluntly and unequivocally: We want only 100 of your people a year.

Mr. Speaker, I prefer not to believe that the national origins system represents the wishes of the American people; that it is the calculated, supercilious insult it appears to be. I believe, instead, that the system is an anachronism—somewhat like a cracked and dirty window we can't see through very well, but have not taken the trouble to wash or replace.

The fact that so much special legislation has been passed to nullify or suspend the quotas implies a deep dissatisfaction with existing law. That the measures have been necessary suggests that the country is ready for reform. Partisan politics have nothing to do with it; since passage of the McCarran-Walter Act, Presidents from both parties have called for revision.

President Johnson has said of reform:

> No move could more effectively reaffirm our fundamental belief that a man is to be judged and judged exclusively on his worth as a human being.

President Kennedy called for a law "that serves the national interest and reflects in every detail the principles of equality and human dignity to which our Nation subscribes."

President Eisenhower used these words:

> A better law must be written that will strike an intelligent, unbigoted balance between the immigration welfare of America and the prayerful hopes of the unhappy and oppressed.

Congress has been content to prune the branches of our immigration law. Not much has been done to the roots. The reason, I think, is indifference. We may rouse ourselves, however, as more Americans become aware of the injustices of the national origins system and of its deleterious effect on foreign policy. It must be remembered that our immigration policies often make up the first and only personal contact that peoples of other countries have with the United States.

It is one thing to say to the thousands of people who wish to become U.S. citizens: "We are sorry, but we have no more room." It is something altogether different to say: "We are sorry, but we have no more room for Italians."

Now I should like to discuss how the immigration law can be reformed within the framework of H.R. 93. The first and most important change is revision of the national origins quota system. My bill contains two other principal reforms:

One is the removal of the quota restrictions on parents of U.S. citizens. They would be placed in the nonquota category.

The second makes provision for the relief of world refugees and Communist escapees. I wish to make it clear at this point that my bill sets fixed and definite limits on the number of refugees who could be paroled or otherwise admitted into this country. In this respect, it differs from the administration bill, which would give the Attorney General almost unlimited authority to admit refugees and escapees.

The bill makes other changes in the immigration law, but they are fairly technical and I will not take up the time of the House to discuss them. They are described, however, in a section-by-section analysis which I will insert in the RECORD following these remarks.

The logical first step toward reform of the national origins quota system is to replace the original formula on which it was based. That formula, enunciated in the Johnson-Reed Act, was predicated on the 1920 census of the United States. It apportioned the quotas according to the racial ancestry of the white population of the country 45 years ago. My bill proposes that the 1960 census be used to allocate immigration quotas, that the nonwhite population be included, and that the annual worldwide quota be set at a number equal to one-sixth of 1 percent of the 1960 U.S. population.

The additional quota numbers that would become available because of the increase in this country's population since 1920 would be assigned to the three quota areas—generally speaking, Europe, Asia, and Africa—according to the actual quota immigration into the United States from those areas between 1920 and 1960. Thus the quota distribution would more accurately reflect the patterns of immigration during those four decades.

During 1964, some 55,000 quota numbers were not used by the nations to which they were assigned. The average over the past several years has been about 50,000. The unused quotas are assigned chiefly to Great Britain, Ireland, Sweden, and other northern European countries. My bill provides that these unused quota numbers be placed in a pool and awarded on a first-come, first-served basis to oversubscribed quota

areas. The allocation of surplus numbers, however, would be subject to the preference categories now written into the law.

The four preference classes, I might explain, are set up as follows:

First preference goes to immigrants whose special skills are in short supply in the United States and would prove valuable to the country. I might point out, parenthetically, that 15 of this country's Nobel Prize winners in chemistry and physics have been immigrants.

Second preference is awarded to parents and unmarried, adult sons and daughters of U.S. citizens. Third preference is reserved for brothers, sisters and married sons and daughters of U.S. citizens and their spouses and children.

Fourth preference is assigned to brothers, sisters and married sons and daughters of U.S. citizens and their spouses and children.

Based on the U.S. 1960 census poplation of 180 million, the total annual quota which H.R. 93 would establish would be about 300,000. The pooling arrangement for unused quota numbers probably would mean that all of the 300,000 quota would be used each year. Of the present annual quota of about 158,000 only about 103,000 actually are used. Thus the bill would result in an additional quota immigration into the United States each year of almost 200,000 persons.

I am not quixotic about this bill; I recognize that many Members of the House will feel that this figure is too high. Very well, then, let us amend the bill. Let us say: the United States can absorb only x number of immigrants each year. Congress, if it wishes, can base the yearly annual quota at one-tenth of 1 percent of the 1960 population. This would establish an annual quota of about 180,000, an increase of only 22,000 above the existing quota.

Mere numbers are not the problem. I am concerned, not with statistics, but with a philosophy. My objective, which is shared by a good many Members of this body, is to give the country an honorable policy with which to govern our immigration and to move toward the abandonment of the national origins system. It should have been done long ago. The system is unworthy of the United States.

The second major change in H.R. 93 would place alien parents of U.S. citizens in the nonquota category. They now are subject to quotas, and receive second preference standing. A family relationship is the most important standard of all in assigning immigration priorities. Wives, husbands, and children of U.S. citizens are not subject to quotas, and I think parents should be similarly favored.

The third major immigration policy overhaul proposed in my bill concerns the relief of refugees and escapees from Communist-dominated countries. Of all immigration problems, one of the most explosive and tragic is posed by refugees.

According to the most reliable evidence available, there are up to 10 million unsettled persons outside the Iron Curtain. In the years since World War II over 40 million human beings have been involuntarily uprooted from their homes and have crossed frontiers, artificial or traditional, in search of asylum. The tragic proliferation of refugees all over the world is one of the legacies of an era of global wars, revolutions, civil conflicts and surging nationalist movements. Refugees are both the product of political tensions and the cause of new unrest. Wherever there is an unsolved refugee problem, there is both a tragic human situation and a potentially explosive political situation. When refugee problems are neglected—as they all too often have been—human misery abounds and political tensions are aggravated.

In the autumn of 1956, I served as the representative of the Attorney General of the United States in Austria and West Germany in setting up the machinery under which almost 40,000 refugees from Communist tyranny in Hungary were brought into the United States. Many an early dawn I stood on the Austrian side of the bridge at Andau, walked the Hungarian border, and saw courageous freedom fighters, women and children, come over the freezing swamps and canals. It was a sight and experience that I shall never forget. Anyone who has witnessed the chaos, the fear, the suffering of human beings in mass flight from their homeland can never again think of the plight of uprooted peoples as anything less than an urgent and compelling demand on individual conscience and human compassion.

In the autumn of 1960 I had the opportunity in the course of a world tour of refugee camps to study the living history of four significant concentrations of refugees; Arab refugees in the territories around Israel, Tibetans in India, both Moslem and Hindu refugees in India and Pakistan, and Chinese in Hong Kong.

In crowded wretched camps—in bitterness and often in deprivation—individuals, children and adults exist without hope in a world they cannot understand, without the conditions of human dignity which we Americans have come to accept as a basic part of our birthright.

To any refugee problem, there are three possible solutions: repatriation in the country of origin, integration in the country of asylum, or resettlement elsewhere. Some combination of integration, resettlement, and repatriation is essential in meeting all refugee problems.

In suggesting lines of action to alleviate the world refugee problem, we should, wherever possible, encourage programs of relief and rehabilitation under the auspices of the United Nations and through the machinery and resources of the International Committee on European Migration—ICEM—which has done excellent work with European migration problems. The United Nations and ICEM should expand their mandates to encompass all world refugee problems instead of limiting themselves to the declining problem of Europe.

I would like to pay credit to the remarkable work that has been done by voluntary agencies in each of these areas. They have accomplished miracles in the distribution of food and supplies, transportation and relocation.

The enactment of Public Law 87–510 in 1962 enabled the United States to continue its participation in certain refugee programs to provide assistance to refugees after they have arrived in the United States. It authorized the President to use up to $10 million to meet unexpected refugee developments which are outside the scope of regular appropriations.

This was helpful legislation but again, as in the case of stopgap immigration measures, piecemeal temporary solutions are being sought for permanent, festering problems. The refugee problem should be considered as an integral and essential facet of overall immigration policy.

To make some headway toward meeting this tragic and tension-ridden world problem, my proposed legislation moves away from the piecemeal approaches of the past. The legislation first tackles the knotty problem of definition. It defines "refugee" to mean any alien who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee from any Communist territory or from a country in the general area of the Middle East. The definition also includes persons who because of war, political upheaval, or natural calamity, are unable to return to their former homes.

The bill then empowers the President to parole into the United States 10,000 refugees in emergencies like the Hungarian revolt. After a period of time, these persons would become eligible to apply for permanent residence. Congress at all times would receive detailed reports and would retain veto power over all admissions.

Apart from emergency situations, 20,000 special refugee visas would be authorized for a 2-year period in order to relieve some of the pressure on existing unsolved refugee concentrations. Up to 10,000 of these special visas would be available for unsettled hard-core refugees now in refugee camps under the auspices of the United Nations High Commissioner for Refugees. Finally, the bill authorizes the Secretary of State to make limited grants to public and private agencies in the United States to finance the resettlement of these refugees in the United States. Our country can scarcely press other countries for meaningful solutions to world refugee problems without offering to accept a fair share itself. Some of these unsolved refugee concentrations are explosive and it is to our own interest to remove the fuse. We have an obligation, in advancing an overall resettlement plan, to participate in such a plan by offering refuge within our own country to a reasonable number of refugees. By so doing, we will let the world know of our desire to bring this problem closer to a solution and we will be giving notice that America's belief in freedom and humanity remain enduring tenets of our democratic credo.

Let me emphasize that the provision for refugee and escapee immigration in my bill in no way resembles the provi-

sions of section 13 in the administration bill. Section 13 would give the Attorney General almost unlimited authority to admit, by parole or otherwise, as many refugees and/or escapees as he deems proper. My bill writes definite limits into the law and they may not be exceeded except by a subsequent act of Congress. My bill is hardly the carte blanche the administration would give to the Justice Department.

I wish to call the attention of the House to two other aspects of H.R. 93.

First. The bill strikes from the Immigration and Nationality Act a provision that naturalized citizens could be deprived of their citizenship for taking up residence in a foreign country for a specified period of time. This provision has been found unconstitutional by the Supreme Court of the United States and should be expunged.

Second. The bill revises a provision under which any citizen, born or naturalized, loses his citizenship if he votes in a foreign election. My bill states that citizenship be revoked only if such voting is done with the intent to renounce U.S. nationality or to acquire the nationality of a foreign state.

Mr. Speaker, I ask unanimous consent to insert in the RECORD following my remarks today a section-by-section analysis of H.R. 93, a resolution in support of reform recently adopted by the National Council of Churches of Christ in the U.S.A. and three tables showing the number of immigrants admitted to the United States since 1921; total immigration broken down by categories during the year ended June 30, 1964, and the number of admissions under quotas from 1960 through 1964.

Mr. Speaker, I believe that this legislation, which I and other Members are sponsoring, is the best omnibus reform of the McCarran-Walter Act that has yet been offered. It is comprehensive, progressive, and reasonable; it should command wide support; and it can pass. I commend it to all of my colleagues and especially to the Subcommittee on Immigration of the House Judiciary Committee. I am not a member of the subcommittee, but I am the full Judiciary Committee, and I pledge my full and complete support to enactment of this much-needed reform.

Mr. Speaker, if America is to live up to her ideal of freedom and justice we should move ahead in this vital area. We must correct our deficiencies and strengthen the heritage that has made us great. We must hold ourselves out to the world as a proud and unafraid people who care deeply about basic liberties and stand for justice and reason so far as these noble goals are attainable in this troubled world.

Mr. Speaker, following is a breakdown of H.R. 93, a bill to amend the Immigration and Nationality Act, and for other purposes.

SECTION-BY-SECTION ANALYSIS OF H.R. 93—A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT, AND FOR OTHER PURPOSES

The first section of the bill provides that the act may be cited by its short title (the "Immigration and Nationality Act Amendments of 1965")

The remainder of the bill is divided into eight titles, as follows:

Title I: General;

Title II: Quota system;

Title III: Changes liberalizing visa requirements for nonimmigrant visitors to the United States;

Title IV: The admission of persecuted peoples;

Title V: Changes in provisions relating to ineligibility to receive visas and exclusion from admission;

Title VI: Provisions relating to entry and exclusion; deportation; adjustment of status;

Title VII: Loss of nationality;

Title VIII: Miscellaneous.

TITLE I. GENERAL

Section 101. Definitions: Section 101(a) of the bill amends section 101(a)(27)(A) of the Immigration and Nationality Act (hereinafter, the act), which grants nonquota status to spouses and children of U.S. citizens, to extend nonquota status to parents of U.S. citizens as well.

Section 101(b) of the bill amends section 101(a)(27)(C) of the act to extend nonquota status to all natives of independent Western Hemisphere countries.

Section 101(c) of the bill amends section 101(a)(3) of the act, by deleting language governing the meaning of the term "residence" as it is used in sections 350 and 352 of the act. This is a conforming amendment to section 701(a) of the bill which repeals sections 350 and 352 of the act.

Section 102. Powers and duties of the Secretary of State: This section of the bill amends section 104(a)(1) of the act, relating to the powers and duties of the Secretary of State in administering the act and all other immigration laws. Under existing law the Secretary's authority extends to the powers, duties and functions of diplomatic and consular officers of the United States, but not to the granting or refusal of visas. This section of the bill would extend the Secretary's authority to cover the powers, duties and functions of consular officers relating to the granting or refusal of visas.

TITLE II. QUOTA SYSTEM

Section 201. Determination and allocation of annual quota: Section 201(a) of the bill revises the language of section 201 of the act, making the following changes in the law.

The annual quotas of quota areas would be equal to one-sixth of 1 percent of the entire 1960 population of the United States, rather than one-sixth of 1 percent of the white population of continental United States in 1920 as under existing law. This would change the size of the aggregate annual quotas, which are currently set at 156,987, to approximately 300,000. The minimum quotas would be raised from 100 to 200.

Each quota area would continue to receive the quota numbers it receives under existing law. The additional quota numbers created by the bill, after deducting those necessary to increase the minimum quotas from 100 to 200, would be distributed among the several quota areas in proportion to the actual immigration of immigrants chargeable to each quota area between July 1, 1920, and July 1, 1960.

The Secretary of Labor would be added to the list of officials (Secretary of State, Secretary of Commerce and Attorney General) who are responsible for determining annual quotas for quota areas. The new quotas would be determined as soon as practicable after enactment of the bill and would take effect on the first day of the fiscal year, or next half fiscal year, following the expiration of 6 months after the date they are proclaimed by the President.

Section 201(e) of the act would be amended to reflect the effect of section 10 of the act of September 11, 1957, which terminated the reductions in annual quotas under the Displaced Persons Act of 1948.

The bill would add a new subsection (f) to section 201 of the act providing for the pooling and redistribution among oversubscribed quota areas of quota numbers unused at the end of a fiscal year. The pool would be on a worldwide basis, no distinction being made on an area or country basis, and would be allocated on a first apply, first considered basis. In other words, immigrants with the earliest registration date on quota waiting lists would be the first to receive immigrant visas from the worldwide quota pool. The preferences would apply to those issued from the pool. Quota numbers from the pool which are not used within a year after they are proclaimed would lapse.

Section 201(b) of the bill amends the heading for section 201 in the table of contents of the act.

Section 202. Determination of quota to which an immigrant is chargeable: This section of the bill abolishes the Asia-Pacific triangle provisions of the act and eliminates the maximum limitation of 100 which applies to subquota areas.

Sections 202(a)(5) and 202(b) of the act contain provisions regarding the quota chargeability of aliens who are attributable by one-half ancestry to peoples indigenous to the Asia-Pacific triangle. These provisions would be abolished by section 202 (a) and (b) of the bill. In addition section 202(a) of the bill amends the language contained in 202(c) of the act relating to the quota chargeability of aliens born in a colony or dependent area and places it in 202(a)(5). As amended the existing provision limiting the number of persons chargeable from colony or dependent area to 100 a year would be eliminated thus making the entire quota of a governing country available to persons chargeable to its subquota areas.

Section 202(c) of the bill contains conforming amendments.

Section 203 eliminates parents of citizens of the United States from the second preference category. This change conforms the act to the amendment made by Section 101 of the bill making parents of such citizens nonquota immigrants.

TITLE III. CHANGES LIBERALIZING VISA REQUIREMENTS FOR NONIMMIGRANT VISITORS TO THE UNITED STATES

Section 301. Nonimmigrant visas: Section 301(a) of the bill amends section 212(d)(4) of the act to authorize the Attorney General and Secretary of State, acting jointly and on the basis of reciprocity, to allow nonimmigrants to visit the United States temporarily for business or pleasure without the necessity of having in their possession a nonimmigrant visa or border crossing identification card.

Section 301(b) would authorize medical officers of the Public Health Service and immigration officers to serve at consular posts overseas in order to examine and inspect aliens seeking to visit the United States temporarily for business or pleasure for whom the requirement of a visa or border crossing identification card had been waived.

Section 301(c) repeals a provision in section 214(b) of the act creating a presumption that every alien applying for a visa or for admission is an immigrant until he proves that he is entitled to nonimmigrant status.

TITLE IV—THE ADMISSION OF PERSECUTED PEOPLES

Section 401. Refugee relief: Section 401(a) of the bill amends section 212(d)(5) of the act (which grants the Attorney General authority to parole aliens into the United States) by adding a new subparagraph (B) which defines the term "refugee" as used

therein, and authorizes the President, whenever he finds that a situation has arisen creating a class of refugees, to direct the Attorney General by proclamation to parole into the United States such refugees selected by the Secretary of State. The Attorney General is further authorized in the absence of a Presidential proclamation to parole up to 10,000 such refugees into the United States in a fiscal year upon selection by the Secretary of State.

Section 402. Adjustment of status of certain aliens: Section 402(a) of the bill adds a new paragraph (9)(A) to section 212(d) of the act, authorizing the Attorney General, upon application of an alien paroled into the United States under section 212(d)(5), to adjust his status to that of an alien lawfully admitted for permanent residence. If the Attorney General is satisfied that the alien has remained in the United States for at least 2 years, is a person of good moral character, and that such action is not contrary to the national welfare, safety, or security, he may record the alien's admission for permanent residence as of the date of the alien's last arrival. The Attorney General must submit a complete report to Congress in the case of each alien whose status is adjusted. Either the Senate or the House of Representatives may pass a resolution disapproving the adjustment of status prior to the close of the following session of Congress, in which case the alien will be required to leave the United States in the manner provided by law. If neither House of Congress passes such a resolution within that time the alien's status will be adjusted as of the date of his last arrival.

Section 402(b) of the bill authorizes the issuance of 20,000 special nonquota immigrant visas to refugees during the 2-year period July 1, 1964, to June 30, 1966. These admissions are to be in addition to the admission of refugees on parole under section 212(d)(5) and under the "Refugee Fair Share Law" provisions of Public Law 86–648.

Section 402(c) of the bill provides especially for the admission of up to 10,000 "hard-core" refugees (as determined by the U.N. High Comissioner for Refugees) as nonquota immigrants including those who are afflicted with tuberculosis. Such refugees must be otherwise admissible and their admission is to be subject to such terms, conditions and controls, excluding the giving of a bond, as the Attorney General may prescribe in consultation with the Surgeon General of the U.S. Public Health Service.

Section 402(d) provides that, except as provided in subsection (c), an alien must meet all eligibility requirements of the act in order to be admitted as a refugee under this section of the bill.

Section 403. Issuance of visas: This section states that any special nonquota immigrant visas issued under the bill, with the exception of those issued under section 402(c), must follow the requirements of section 221 of the act which sets forth the general procedures to be followed in issuing visas.

Section 404. Resettlement of refugees: Section 404(a) authorizes the Secretary of State to make grants to public or private agencies in the United States to assist them in resettling within the United States needy hard-core refugees admitted under section 402(c) of the bill, including the furnishing of care and rehabilitation services. Section 404(b) authorized the appropriation of up to $2,500,000 for this purpose.

Section 405. Immigration and Nationality Act definitions: This section applies the definitions contained in section 101 (a) and (b) of the act to the administration of title IV of the bill.

TITLE V—CHANGES IN PROVISIONS RELATING TO INELIGIBILITY TO RECEIVE VISAS AND EXCLUSION FROM ADMISSION

Section 501. Pardon for crimes: This section of the bill amends paragraphs (9) and (10) of section 212(a) of the act (which declare aliens who have been convicted of or who admit having committed certain crimes ineligible to receive visas and excluded from admission) to provide that an alien shall not be so ineligible or excluded on the basis of a crime for which he has received a pardon.

Section 502. Other excludable aliens: Subsections (a), (b), and (c) of this section eliminate existing language in the act which gives controlling effect to the opinion of a consular officer or the Attorney General in determining the excludability of certain aliens.

Section 502(a) amends section 212(a)(15) of the act (which declares excludable aliens who, in the opinion of the consular officer at the time of application for a visa or the Attorney General at the time of application for admission, are likely to become public charges) by eliminating language referring to the opinion of the consular officer or the Attorney General.

Section 502(b) similarly amends section 212(a)(27) of the act relating to the excludability of aliens who might be seeking entrance to the United States to engage in activities which would be prejudicial to the public interest or endanger the welfare, safety or security of the United States.

Section 502(c) similarly amends section 212(a)(29) of the act relating to the excludability of aliens who might engage in espionage, seek to overthrow our Government by unconstitutional means, or participate in the activities of certain subversive organizations.

TITLE VI. PROVISIONS RELATING TO ENTRY AND EXCLUSION; DEPORTATION; ADJUSTMENT OF STATUS

Section 601. Inspection and deportation: Section 601(a) repeals section 235(c) of the act, which vests in the Attorney General special authority to exclude aliens for security reasons under paragraphs (27), (28), and (29) of section 212(a), on the basis of confidential information and without inquiry by a special inquiry officer.

Section 601(b) contains a conforming amendment to section 235(b) of the act, deleting a reference to section 235(c).

Section 601(c) of the bill amends section 241(a)(8) of the act (which provides for the deportation of aliens who, in the opinion of the Attorney General, have become public charges within 5 years after entry), by striking out the words "in the opinion of the Attorney General."

Section 601(d) repeals section 241(d) of the act, which applies the grounds for deportation contained in section 241 retroactively to aliens who entered the United States prior to the date of enactment of the act and to events that occurred prior to such date.

Section 602. Grounds for deportation; record of admission: Section 602(a) amends section 244(a)(2) of the act (which authorizes the Attorney General to suspend deportation and grant permanent resident status to aliens who are deportable for certain of the more serious grounds specified in section 241 of the act and who have been in the United State continuously for 10 years and prove good moral character during that time), by changing the test supplied by the Attorney General in determining the effect of deportation on the alien or his family from one of "exceptional and extremely unusual hardship" to one of "extreme hardship." This amendment would apply the same test to the aliens affected as is applied to other aliens deportable on less serious grounds.

Section 602(b) repeals section 244(f) of the act which prohibits certain classes of aliens (crewmen, exchange students and professors, and natives of contiguous countries or adjacent islands) from having their deportation suspended and status adjusted under section 244 of the act.

Section 602(c) amends section 249(a) of the act (which authorizes the Attorney General to create a record of admission for permanent residence for certain aliens who entered the United States prior to June 28, 1940) by extending its application to those who entered prior to December 24, 1952 (the effective date of the Immigration and Nationality Act).

TITLE VII. LOSS OF NATIONALITY

Section 701. Loss of citizenship; special proceedings: Section 701(a) of the bill relating to loss of nationality by a citizen of the United States for voting in a foreign election is amended to add the proviso: "if such voting in a political election or such participation in an election or plebiscite is done with the intent to renounce U.S. nationality or to acquire the nationality of a foreign state."

Section 701(b) of the bill repeals sections 350, 352, 353, 354 and 355 of the act, which provide for or relate to the loss of nationality by dual nationals and naturalized U.S. citizens and nationals.

Section 701(c) would make several changes in section 360(a) of the act, which provides for declaratory judgment proceedings for a person claiming U.S. nationality. The existing provision applies only to persons who are within the United States; as amended by the bill it is not so limited. Existing law applies only to persons who are denied a right or privilege as a U.S. national by a department, agency or official of the Government; under the bill the denial is not limited to such a Federal source. The provision presently provides only for the initiation of a declaratory judgment proceeding; as amended by the bill, judicial review under the Administrative Procedure Act would also be made available. The bill would eliminate provisions in the existing section stating that no action may be instituted if the issue of the person's nationality arose out of or is in issue in an exclusion proceding. Finally, the existing 5-year period of limitation within which suit must be brought would be eliminated.

Section 701(d) amends section 360(c) of the act by striking out the second sentence (which provides that a final determination by the Attorney General that a person who has applied for a declaration of nationality is not entitled to admission to the United States may be reviewed judicially only in habeas corpus proceedings and not in any other manner).

TITLE VIII. MISCELLANEOUS

Section 801. Powers of immigration officers: This section amends section 287(a)(1) of the act which empowers authorized officers and employees of the Immigration and Nationality Service, without warrant, to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States. As amended by the bill, the interrogation of a person believed to be an alien would have to be based on probable cause.

Section 802(a) Statute of limitation: This section of the bill would add a new section 293 to the act providing a statute of limitation for deportation proceedings, whereby no alien could be deported by reason of conduct occurring more than 10 years prior to the institution of proceedings.

Section 802(b) contains a conforming amendment to the table of contents to reflect the addition of the new section 293 by subsection (a) of this section.

THE PEACEFUL DESTRUCTION OF REPRESENTATIVE GOVERNMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. EDWARDS] is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, after 3 months serving in the House of Representatives in Washington there are a good many impressions I have about our Federal Government, about Congress, about the House itself, and about Washington.

But there is one impression which stands out in my mind far above any other. It is this: We in this country today are much farther down the road toward the destruction of representative government than I had previously thought, or than is generally recognized.

We are in the midst of a powerful trend towards concentration of power in the executive branch of our Federal Government. In my judgment this trend is more dangerous than many of us realize. It is a trend that is recognized and understood in Washington by many people, but it does not come through to the public in its full extent.

We are moving so forcefully in the direction of big government at the Federal level that I find it hard to be optimistic regarding any possible remedies. It is difficult to know, based on events of the past 3 months, just how we can merely slow things down, much less reverse the trend.

There are powerful forces in Washington and elsewhere working for big government. These people believe sincerely in three ideas:

First. They feel that State and local governments have failed in their responsibilities and are unable or unwilling to meet what these people think of as the needs of the time in government action.

Second. They believe Congress is also unable to act. They think of Congress as a kind of picturesque and quaint old institution made up of incompetent, vain, and hostile people who are completely unable to understand the modern world.

Third. They believe that their kind of action can only be undertaken successfully by the executive branch of the Federal Government; that the country needs forceful direction from the top in a way which bypasses obstacles of any kind, including Congress, State, and local government, and often public opinion. In their view public opinion is not the foundation upon which the authority and direction of government is built, but rather is a fact of life which can be troublesome if not "educated" and manipulated to support the larger objective of centralized government power.

Who are these people?

They are led by two major groups: educators and Federal bureaucrats. The educators—not all of them by any means but a large proportion—seem to believe that profit in business dealings is somehow dirty and shameful, that private enterprise is outmoded, and that the only way to bring righteousness to the United States is to build greater Central Government direction of commercial and community affairs. They also, of course, believe in greater individual freedom of expression and some believe in obeying only those laws which they consider to be just. They evidently see no inconsistency between the two concepts of excess government authority on one hand, and greater executive power in the attainment of special objectives on the other. In international affairs they are inclined to believe that the United States is the aggressor in Vietnam, Panama, the Congo, and other areas of conflict. They believe the Communist international conspiracy is largely a myth or in any case is basically defensive in nature, and therefore we must continually offer evidence of peaceful intentions regardless of the fact that our many efforts to do this have resulted in greater frictions, not less.

The bureaucrats—and their army is growing fast—are engaged in interagency rivalries, and efforts to build the budgets and the staffs of their own organizations. For many of them the whole world is the Federal bureaucracy. A second generation is coming in now for whom the bureaucracy is the only world they have ever known. It is natural that they come to think of the rest of the country about as foreign to them as say, England or Argentina. Their attitude comes to be patronizing toward all Americans outside the Government. Where we think of the Federal Government as the servant of the people, they think of the people as existing to support the Government. Two agencies sometimes enter into a battle with each other for control of a program, and the conduct of the battle becomes the primary objective in the lives of hundreds of skillful, well paid Government employees. The major project in many departments every year is freely acknowledged to be the fight with Congress for more operating funds.

After these two influential groups come the politicians who play the same game. It is amazing to learn how many congressional candidates, for example, campaigned in 1964 on a platform of complete and unquestioning support for the executive branch of Government. Paying no heed to the constitutional function of Congress as a coequal branch of Government they promised rubberstamp support for the President. They were successful to a large degree, and they now control both the House and the Senate by comfortable margins.

And fourth, the average voter across most of the country has evidently come to fall into line with this thinking. Whether it is because of the press media, because of educators making their mark on public attitudes about Government, because of the political failures of those of us who feel differently, or because of some basic characteristics of the American people, I do not know. But there can be no question that a majority of our citizens find themselves joining hands with the move to bigger government.

Maybe our people do want to be told that they will be taken care of by the Federal Government and that the Congress is old fashioned so that the executive branch has to do the job. Perhaps, even though Americans have prided themselves on being a responsible and independent people, the fact is that our responsibility and independence is basically a national or group trait. And as individuals we are prepared to give up our independence and responsibility to the Federal Government in the hope of achieving security.

Whatever the reasons or background it is clear that the forces of big government marked a great triumph in November 1964. The campaign was skillfully designed to ridicule the political element which attempted to show the country what is wrong with the big government trend, and how it could be changed. With that election victory, the White House and the rubber-stamp leadership of Congress have proceeded at a frightening pace to build Federal Government power and to concentrate that power in the executive branch where vital decisions are made by individuals the people cannot know, and often are made without the people even being able to know they are made.

What are some of the actions which have been taken? Both the House and Senate have passed an education bill which goes far to establish a separate public education system financed and administered by the Federal Government. The bill also requires Federal Government approval for any programs established under the new program, and allocates funds according to a formula designed to put the Government into nearly every school system across the country regardless of differing needs for financial help. Many Members of Congress concerned with providing effective help to schools where the need is the greatest, were completely rebuffed in attempts to improve the bill by retaining school control at the State level, or to change the formula to direct funds where the need is the greatest.

The big government forces have also enacted the Appalachia bill, part of which is designed to bypass State governments and pays no heed to State boundaries. It selects certain counties for special programs: among other provisions it lays a whole new Federal highway program on top of the existing highway programs we already have. When this bill passed in the House, many observers doubted whether a majority of Members really favored it. But a majority voted for it, many because the White House had either pressured them directly, or else promised that new programs especially designed for other areas of the country would be recommended in due course.

The President has directed that Congress enact a voting rights bill which responsible people all over the country feel may be unconstitutional. The bill discriminates against just a few Southern States; it would prohibit literacy tests even though such tests are clearly in accord with the Constitution; and it would give the Attorney General complete power to appoint voting registrars who would then have full discretion to register or not to register voting applicants. Apparently the bill will now even do away with all poll taxes even though the Congress only recently felt that this tax could only be attacked by constitutional amendment. The President recommended this bill in an emotional address. And not only a large majority of Members of Congress but most Supreme Court Justices as well sat in the

audience and applauded enthusiastically as the President proclaimed this measure which so clearly overwhelms the integrity of the legislative and judicial branches of our Federal Governments, as well as State government.

The so-called medicare bill has been pushed through the House after the Ways and Means Committee had held hearings which were closed to the public. The bill has 296 pages, and was before the House last week on a rule which permitted no amendments. It will compel us to pay higher social security taxes—the tax will go above 10 percent within 8 years—and it takes a giant step toward socialized medicine.

Soon there will be a big effort by the executive branch to establish a new Department of Urban Affairs, putting many decisions about city government into the hands of Washington bureaucrats, bypassing State governments. Secretary of Agriculture Orville Freeman is quoted as saying that he thinks his Department's responsibilities should be broadened to include consumers in the cities as well as the crops on the farm. On at least two occasions this year Congress has been asked to give up its annual authorization and appropriation responsibility on vital Government programs, and provide a 4-year authorization plan, giving the executive branch more leeway to operate without congressional review. I have joined with some other Members of Congress, including a few brave Democrats, in supporting legislation to provide greater public access to Government information. But the executive branch insists on retaining what is almost a total power to withhold information on its own judgment as to what comprises the public interest, and will probably prevail in its opposition to new legislation in this important matter.

On and on it goes: the White House asking expansion of its own control, the congressional leadership rushing to comply while yielding its primary lawmaking responsibility to the White House, and the American public either unaware of the issues at stake, or perfectly willing to go along with the trend.

And yet it is in the history books for all to see: the peaceful destruction of representative government occurred in Germany in the 1930's when the executive authority persuaded the elected legislature to yield its responsibilities in the name of the national interest. The people either did not know what was happening or else welcomed the development because they were busy with their own pursuits and willingly passed along responsibilities to a popular, politically skillful executive who seemed to be acting in the interests of all citizens. Today's popular demand for centralized government authority is tomorrow's dictatorship.

Richard Nixon said a few evenings ago in Washington that Lyndon Johnson is the most politically skillful President of this century, and perhaps in our whole history. I believe this is true. His skill is fantastic. But what frightens many people today is not so much his political skill but his failure to grasp the full significance of what he is doing.

The real fear is that the trend established over the past 4 years, and due to continue, is concentrating so much power in the hands of the White House that at any time in the future, under one President or another, we will find that our Government has passed into an autocracy; representative government will have lost its struggle and will be gone. The country will be under the thumb of a Chief Executive who is not only politically skillful, able to rally national sympathy with the help of the television screen and other communication media, but also power hungry, uncompromising, ruthless, ambitious; in short, a dictatorship. We may be closer to that point than we realize.

What are the things we can do which might help?

There are no easy solutions. With the forces of big government well organized, and with the others either apathetic or very disorganized, the task of reversing the trend is very difficult.

Basically what is needed is a gigantic effort to grasp the real significance of representative government. More of our people, young and old alike, need to understand exactly why it is that our Government was set up with a system of checks and balances; how it is that elected representatives are to function as responsive to the people; why it is that government exists with the consent of the governed, and just how our Federal system is designed to keep much of government close to home where the citizen has a recourse, while giving some functions necessarily to the National Government.

As a nation we owe our origin to the hard struggle against authoritarian government. We fought hard for elected representation and for citizen participation in a government established to serve the people, not dominate them. And yet we seem now to take for granted these objectives. It does not occur to us that democracy might be only temporary. We seem to assume that representative government is not only a birthright, but also a very natural and normal state which always has prevailed and always will. We must learn that constant vigilance is absolutely necessary if we are to retain our system of government.

We need to demonstrate to many of our educators who are rightly concerned with freedom of expression and academic freedom of all kinds that when autocracy supplants representative government, when an excess of authority is given to the Executive, freedom of expression, and academic freedoms as well as other objectives of the individualist, are the first to suffer.

It is easy today on the college campuses to show how Congress does not always work as it should, and then proceed to the conclusion that the congressional function should be downgraded and more flexibility given to the White House. We should try to show instead that where Congress fails, the remedy lies in correcting the failure, not in doing away with Congress or in bypassing this great body. With the news media and others focusing the glamour of public life on the White House and on Cabinet officials promising executive actions of all kinds to cure real or imagined evils, it is natural that our attentions tend to be centered on the personalities of the executive branch. The function of Congress as an independent lawmaking body is not so colorful, and yet this function must somehow be elevated in public attitudes. We need to make Congress work effectively and well and to show that the national interest depends on it.

We also need to improve the workings of State and local governments where we can. The responsibilities there are very real, and when they are not met, the big government people use the failure as powerful ammunition. We who believe in States rights must also urge States responsibilities at the same time.

In all of this we need to bring the political talents and time of more and more able people into public life. Too many are sitting back busy with other activities. We need politically alert people with an eye for constructive progress in representative government to step forward and offer their services. Those of us wanting to prevent the destruction of representative government will have to work on an organized basis utilizing all the political skill possible.

The message I want to bring to you today is that now, in April of 1965, the peaceful destruction of representative government in America may be closer than we think.

Somewhere in history a wise man said:

> Better to understand and master the art of politics, or you fall at the mercy of those who do.

These words have never had more significance than they do today. It is my hope that we will heed them.

REPORT ON FLOOD CONTROL PROJECT FOR LICKING RIVER BASIN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 40 minutes.

Mr. ASHBROOK. Mr. Speaker, one of the matters of greatest interest in Licking County, Ohio, is the status of the flood control project which the Corps of Engineers is preparing for the Licking River Basin. Over 6 years have passed since the disastrous January 1959 flood which caused over $8 million in damage to local property owners and demonstrated the need for a new comprehensive program to prevent future disasters of this type. No matter has received more attention from myself than flood control projects in the 17th District and I feel it would be worthwhile to outline all that has transpired in the Licking project.

Up to the time of the 1959 flood, the Licking River Basin had received some local protection work in the Newark area but no comprehensive program had been envisioned. As a part of the overall Muskingum River Basin work, Dillon Dam had been authorized and completed. The January 1959 flood represented the worst flood in the history of the Newark and Licking County vicinity.

The levee that had been built at Newark in 1941, while it was not overtopped, was skirted at its upstream terminus on Raccoon Creek and on North Fork. Thus it was clearly shown to be ineffective in serving the purpose for which it had been built.

BRIEF HISTORY OF PROJECT

Primarily as a result of the 1959 flood, a resolution by the Committee on Public Works was adopted on June 3, 1959, which directed the Corps of Engineers and the Board of Engineers of Rivers and Harbors to review the previous reports and determine whether in view of the damages caused by the 1959 flood any new plans should be considered to prevent such a situation in the future. My predecessor, Representative Robert W. Levering, was very diligent in promoting this survey and securing funds for it.

On the face of it, one quite naturally thinks that the Corps of Engineers has been dilatory in its work. On the contrary, as one who has been closely connected with their efforts during these past 4 years, I can say from first-hand knowledge that the corps has never relented in its work on this project. The study contains many facets beside flood control in the Newark area. Upstream water situations in Utica, St. Louisville, and all of the towns and villages along the tributaries of the Licking River have been studied. Many plans have been considered, such as small reservoirs, levees, channel improvement, and combinations of these methods. While flood control was a prime consideration, attention was also directed in their study to other allied water problems and benefits such as water supply, pollution abatement, fish and wildlife benefits, and recreational benefits.

I would like to point out here, Mr. Speaker, a factor that is not generally known by the public and one which has caused some delay in this meritorious project. This business of flood control is not a boondoggle or pork barrel, as some like to derisively allege. It is a hard-headed business proposition and the Corps of Engineers cannot proceed where a project is not economically justified. In other words, if it would happen to take a $20 million project to prevent a $8 million flood loss, the corps would not proceed. The corps works under a formula wherein they cannot spend a dollar of public funds to obtain less than a dollar's worth of benefits or protection. They figure the cost-benefit ratio on every individual project and if from the damages that we are going to alleviate weighed against the total project cost that the corps proposes, they derive a ratio that is less than dollar for dollar, the project is not recommended.

At this point, I can attest to the professional manner in which the Corps of Engineers addresses their talents toward the projects they survey. I only wish our foreign aid money—indeed, most of our Federal expendiutres—were dispensed with such high standards and by such dedicated public servants. If Licking County were a foreign country, we could probably get a concrete levee from Utica to Zanesville.

Many civic groups such as the Newark Area Chamber of Commerce have given unstintingly of their time and effort to this project. No one has labored harder than Al Milliken, chamber manager and executive vice president. The board of county commissioners and Newark city officials have patiently imparted their intimate knowledge to the survey report and have assisted at every turn. Mayor Dave Evans, along with Al Milliken, have probably done as much for this project as any other Licking County residents.

SURVEY REPORT PREPARED

Col. Harrington W. Cochran, district engineer in Huntington, W. Va., prepared the survey report pursuant to the authority granted him by Congress and forwarded it to the division engineer, Ohio River Division, Cincinnati, on March 13, 1964. The report was returned to the Huntington office for revision including the development of additional information not contained in the original report. The revised report was resubmitted on December 4, 1964. The review is now in progress and I would like to outline some of the problems involved in this report.

Detailed consideration was originally given to a $30 million flood control measure which would have included a 3,500-acre reservoir on the North Fork above Utica and an 820-acre reservoir on Raccoon Creek near Johnstown. Levee improvements in Newark and dredging projects on the South Fork near Hebron were also considered. Local flood control work in Newark would include new levees along both sides of the North Fork from Everett Avenue north to the Manning Street bridge. A concrete wall at the Everett Avenue Bridge and a pumping station at the point where Log Pond Run joins the river were included in preliminary plans. The pumping station would allow water from the run to be pumped over the levee when the river is at a high point. An additional pumping station was considered along the South End levees.

After considering these proposed projects, the Corps of Engineers tentatively came up with the conclusion that a local flood control project could be justified on an economic basis for the city of Newark but the North Fork and Raccoon Reservoirs could not. Under no circumstances could a dry dam be justified on the North Fork but a strong possibility existed for development of a comprehensive multipurpose dam.

At this point, the entire picture was analyzed by your elected officials—city, county, State, and Federal—as well as civic groups, the Licking River Flood Protection Committee, businessmen, and private citizens who have been affected by flood waters in the past. We all agreed that the best course of action was to work for a comprehensive, multipurpose project which would combine flood protection with water supply, recreation, and incidental uses. Newark City Council passed resolution 65–16 on March 1, 1965, which urged action for the construction of a reservoir north of the city of Newark.

A harmonious spirit prevailed, Mr. Speaker. Some who might well have taken a narrow point of view could have said, "Let's take the local flood control project while we can and forget the rest of this project." Despite the fact that industries like fiberglas, for example, would have immediately benefited by local protection project in Newark they properly took the broader point of view and subordinated their own immediate interest—which I might add is considerable—and are working for the comprehensive multipurpose project.

On March 15, 1965, a group flew to Cincinnati to discuss the future of this project with Brig. Gen. Walter P. Leber, division engineer. This group included your Congressman, Mayor David Evans, and Galen Gault, water and sewage treatment superintendent, representing the city of Newark, and C. Allen Milliken, of the chamber of commerce. We were plainly told that the North Fork project was not included in the recommendations at that time because the benefit ratio was unfavorable. The door was not closed, however, and the utilization of the Utica Reservoir for future water supply and other uses might possibly effectuate a favorable benefit ratio. The city of Newark has progressively improved its water supply by development of new wells and this use was not as attractive as it would be in cities where their administrations were not so forward looking. Nevertheless, Mayor Evans and Superintendent Gault took the matter under advisement.

General Leber also informed us that at that point, the local protection project would contemplate the expenditure of $3.9 million of which $600,000 would be in non-Federal responsibility for land, right-of-way, changing utility lines and so forth. The $30-million project had been dropped to $19 million with an alternate plan including water supply set at $21 million. Only the Utica Reservoir was being considered and the corps felt that regardless of any additional uses which could be attributed to the project to improve its feasibility, from their point of view the Johnstown Reservoir could not be justified under any circumstances they could envision in the immediate future.

This was discouraging news because there is a great need for flood control protection along Raccoon Creek. Denison University, for example, has experienced serious interruption of its activities on several recent occasions when flooding forced a shutdown of their heating plant in order to save the boilers. Many other examples can be cited. While the threat from flooding in Raccoon Creek would be averted under local protection projects in the city of Newark, upstream damages would continue.

We all expressed concern at the total Newark picture. Without overall coordination, one project could assist one section of Newark and possibly aggravate the problem in another. Diversion from Log Pond and Sharon runs might cause additional problems in the Raccoon Creek area, for example. The local protection project ruled out the possibility of upstream protection in Utica, St. Louisville and areas of Newark and Newton townships which will mushroom in

population during the next decade. From every point of view, the multipurpose project which would combine flood control with recreational features was desirable. We even gave consideration to the feasibility of taking the local project now and hoping that standards would be changed later to accommodate the rest of the county. This was ruled out. It is fairly certain that completion of the local protection project would mean that a benefit ratio would never justify other portions of the project.

MEET OHIO OFFICIALS

On Thursday of that same week, we met with Fred E. Morr, director of natural resources for the State of Ohio. The same delegation which went to Cincinnati was present in addition to our State representative, John C. McDonald, who has worked on this project with particular emphasis on Ohio's responsibilities in this joint effort. Col. C. T. Foust, staff coordinator of the Corps of Engineers' programs for Ohio was also present. This meeting actually had two purposes. In the first place, we could not decide anything oblivious to their position on the matter because in the final analysis they would have the power to approve or disapprove of the course of action we determined.

Second, from a sheer aspect of cooperation we wanted to know the extent of participation which we could get from the State of Ohio.

We found they had already decided informally to do exactly what we had determined. Further, they felt that proper water management and use for the entire State of Ohio would rule out a local flood control project which would block a multipurpose water project. They were not only cooperative, they informed us that Gov. James A. Rhodes had taken a personal interest in this project and felt it was so important that $500,000 had been set aside on a tentative basis pending voter approval of issue 3 on the May 4 ballot.

Director Morr, a dedicated conservationist, pointed out that the State was vitally interested in this project from a recreation and conservation standpoint. It would be developed into one of central Ohio's best facilities. It would relieve the pressure on Buckeye Lake and be an integral part of the $30 million his department would spend if issue 3 provides the $290 million which Governor Rhodes is asking. He reminded us that Ohio has an average of 90 people per acre of surface water as compared to 5 people per acre of surface water in the Nation as a whole. Ohio is a small State in area with a population explosion facing us. Consequently, Director Morr has been thinking about the future and includes the Licking River Basin project as one of the most important overall projects on the drawing boards today.

COOPERATION PROMISED

We were gratified to get this splendid cooperation and it meant that $500,000 would be forthcoming from the State of Ohio rather than Newark and Licking County. Director Morr made his position very clear. From the point of view of the State of Ohio, the December report of the Corps of Engineers was absolutely not acceptable. Colonel Foust, the Governor, and Director Morr were therefore on our side in the battle we now have facing us. All of us returned to Newark with the feeling that we could substantiate this project by including water supply, pollution abatement, fish and wildlife benefits, and recreational benefits in addition to the basic flood control provisions. We directed Mayor David Evans to speak for us as a group and inform the division engineer of our decision to fight for the multipurpose project rather than yield to the temptation to take the offer of the corps for immediate action in the limited area of flood protection. I should point out that this action in no way prejudices the chance of flood control protection for the city of Newark. We can always get this and the only chance we are taking is that our fight for the multipurpose project may slightly delay flood control work which could otherwise go forward at this time.

Mayor Evans immediately sent the following communication to the Corps of Engineers:

MARCH 22, 1965.

Re multipurpose reservoir on the North Fork of the Licking River.

Brig. Gen. WALTER P. LEBER,
U.S. Army Corps of Engineers,
Federal Building, Cincinnati, Ohio.

DEAR GENERAL LEBER: At our March 18, 1965, briefing with Mr. Morr, director of Ohio Department of Natural Resources, it was decided to support the further study of the above reservoir. It is the understanding of this office that, with the inclusion of water supply in the project, it is very likely that it will receive your department's approval. It is also our understanding that this reservoir will provide flood protection for Newark and its metropolitan area, as well as low flow augmentation and recreation.

Obviously we have been and are vitally concerned with the prospects of any delay in obtaining flood protection. For this reason we respectfully ask that you support us in our effort to accelerate all aspects of this proposal.

Should your study be completed at an early date, we have hopes that this project could become a part of this year's omnibus bill. If you desire or find a need for assistance in expediting your study and report, please call on us.

We are vitally interested in seeing this project become a reality at a very early date.

Sincerely yours,

CITY OF NEWARK, OHIO,
DAVID R. EVANS, *Mayor.*

It can easily be seen that a great amount of time and effort is required to complete even the most preliminary work on a vast flood control project such as is needed for our Licking River Basin. The hydrology of the area must be studied. At this point it is not certain whether the earth properties in the proposed Utica Dam area are such that water can be impounded. Further foundation exploration will be necessary. Stream characteristics are studied. Population expansion is projected. Other Government agencies are involved such as the Soil Conservation Service, U.S. Fish and Wildlife, and U.S. Public Health Services. All in all, this represents a herculean endeavor and I know it has been fashionable to complain at the length of time which the corps has taken in studying the needs and propounding solutions. I never let anyone criticize the U.S. Corps of Engineers because I personally know of the hard work which has gone into their survey. Our best interests have always been considered. I find it impossible to conceive how they can be so intimate with every facet of our Licking project when they have hundreds of other projects in other areas of their division which they must professionally consider at the same time.

SCS SURVEYS IN PROCESS

At the same time this survey report is being revised, work is going ahead on the Log Pond Run and South Fork small watershed surveys. Soil Conservation Service survey crews have been at work in these areas during the month of March and are expecting to make a preliminary report in May of this year. SCS is considering a reservoir site near the tuberculosis sanitorium as well as a diversion channel to Sharon Run. The reservoir is in the same general area that has been proposed for an Ohio State University branch.

Log Pond Run affects 6,300 acres or 9.8 square miles, all within Licking County. The South Fork of the Licking River covers 117,500 acres or 184 square miles in Licking, Fairfield, and Perry Counties. They are studying urban flood damage, recreational development, and watershed protection. In the latter project, consideration is also given to flooding conditions on Interstate 70 and Buckeye Lake feeders.

CONCLUSION

That is where the project stands now, Mr. Speaker. I believe that we can be successful in our efforts to solve not only the flood control problem in Newark and Licking County but we can also produce a forward-looking multipurpose project which is consistent with conservation and sound water management practices. This Congress has already passed a historic piece of legislation this year, H.R. 1111, which provides for coordinated water use planning. In Licking County, Ohio, we have already been on record as working for a program which will meet not only the immediate needs of our people but fulfill the expectations of future generations. As the Representative to Congress from Licking County, I can assure you that every effort will be made to accomplish this goal at the earliest possible date. A great amount of work by a great number of people has already gone into this effort. A great amount of work lies ahead but I can visualize already a completed project which will give an added impetus to Licking County as a safe place to live, work, and play.

THE HISTORIC ACHIEVEMENTS AND CONTRIBUTIONS OF THE LATE DR. ROBERT HUTCHINGS GODDARD

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONTE. Mr. Speaker, on March 16, 1965, I joined with the President and my fellow Americans in commemorating the historic achievements and contributions of the late Dr. Robert Hutchings Goddard.

Today I wish to call the attention of my colleagues to a House joint resolution I have introduced which would provide for the erection of a memorial statue to this father of American rocketry—this pioneer to the stars.

Since the dawn of civilization, men have erected statues and memorials to their gods and their heroes. There are few, if any, civilizations worthy of this name that have not built such monuments to memorialize the deeds of their great, to honor their achievements, and to inspire future generations to new greatness.

In an age that is reaching out into the heavens to conquer new horizons, I believe that it is fitting that we build a monument to the person who through his untiring efforts and research has made this grand adventure possible.

Mr. Speaker, I ask that the Members of this House give me their support so that a fitting monument to this outstanding American can be created.

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE: PRESERVING THE FREEDOM OF SPEECH

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman man from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS. Mr. Speaker, on February 8, 1965, I placed in the CONGRESSIONAL RECORD, pages 2126–2131, some correspondence I had with the House Un-American Activities Committee and the National Committee To Abolish the House Un-American Activities Committee. On February 23, 1965, I made some further comments on the subject, pages 3406–3407.

On March 25 I received the comments of Thomas I. Emerson on the reply of Mr. Francis McNamara, the director of the HUAC to the original petition to abolish the House Committee on Un-American Activities. Dr. Emerson was the coauthor of this petition.

I am happy to place Dr. Emerson's comments in the CONGRESSIONAL RECORD, as I stated I would do. I am forwarding a copy of these comments to the House Un-American Activities Committee for its further response. I shall continue to do what I can to carry this dialog further so that we can get to the bottom of this very important issue.

I would still emphasize, however, that the best way to get to the bottom of an issue is through the congressional committee process. Let those with differing viewpoints come before the committee in public hearing to present their views and have these views submitted to cross-examination and to rebuttal witnesses who in turn are under cross-examination.

There are two standing forums available to reduce the differences of opinion on the present issue. The House Rules Committee and the House Administration Committee. As I stated in my previous remarks I am tired of the battle of press releases which has been going on for years in respect to this issue. This has been largely an exchange of ignorance which obfuscates rather than clarifies the issues.

At this point in the dialog I want to interject some views of my own on the substantive issue at hand.

First. Propaganda is a basic threat to freedom of speech and freedom of thought. In the 20th century new and powerful national and international news media, radio, and television, have been added to the many new techniques of the printing press to mold public opinion.

Second. Concomitant with the development of these mechanisms for disseminating information and ideas has been the conscious effort of political governments within certain societies to utilize them, not to disseminate truth, but to disseminate propaganda, both inside their own society to maintain control and outside of their society to gain new control over others.

Third. Among the political governments pursuing this conscious course of perverting the truth were those which were and seem still to be dedicated to imperialism. They sought and some still seek to undermine and take control of the political governments of societies outside their boundaries. Propaganda to them is as important as military force in attaining their objectives. In the 1930's when the House Un-American Activities Committee had its origin the Nazi-Fascist governments of Germany and Italy were the most virulent in pursuing this course and almost the entire work of the HUAC of those days was devoted to studying the Un-American activities of the Nazis. In the late 1940's, the 1950's, and in the 1960's up to date, the primary work of the HUAC has been studying the activities of Soviet Russia and the international Communists.

Fourth. It is important to those who believe in freedom of speech, of assemblage and to petition the Government to understand that willful distortions of the truth on a planned basis supported by the economic, political, and military power of a strong society outside is a danger and threat to these freedoms.

Fifth. If these premises are correct then it is important for a society trying to preserve these freedoms, at a minimum, to understand the propaganda techniques employed by their enemies and at a maximum to do all within its power, with proper means, to thwart these efforts. The dilemma posed to the supporter of these freedoms rests in the words "proper means"; because if in its endeavors to protect the freedoms the society curtails the very same freedoms it merely exchanges domestic tyranny to avoid alien tyranny. The issue is, can a society protect against the loss of these freedoms without curtailing them—knowing that the frontal attack against the freedoms lies partly in the insidious and debilitating use of them, which improper use itself, if not inoculated against, will infect and destroy them.

Sixth. My own conclusions are that it is entirely possible to protect against the disease of propaganda without catching it, and without curtailing free speech, free assemblage and petitioning whatever the motives or views of the persons exercising these freedoms might happen to be. The first step is to pledge not to distort the truth oneself. The way to catch the abuser of truth is by pointing up the specific abuses.

Seventh. If we in the American society have lost the moral, to seek the truth, and have substituted for it the philosophy that the ends justify the means, then our society has already been successfully subverted. Freedom of speech, of assemblage and to petition have already been curtailed.

It is not fully agreed apparently, by Americans that the Congress is a set of procedures whereby our society gathers together the available knowledge to apply it, and to reach judgments, through debate and deliberations, on the problems that affect our society. Instead increasingly it is believed and being taught in our colleges and universities that the Congress is a place where pressures should be applied to transmit into political operation judgments reached in the society elsewhere.

Judgments made outside the congressional process are made without the protections to freedom of speech, freedom of assemblage, and the freedom to petition the body making the decision. How can these freedoms be preserved if it is not known where in the society and who in the society is making these judgments? Once the judgment is made all the people can do is to apply pressures on the Congress to accept or reject these judgments. It is only the application of these pressures that the freedoms remain in partial existence. Yet this very process unlike the study and deliberative process encourages the pressures to be those of truth distortion rather than truth seeking.

It is clear from reading Dr. Emerson's reply as well as other material prepared by many of those who have been foremost in the criticism of the HUAC that they are unfamiliar with congressional procedures. It is hard to understand how they can criticize that which they have not troubled themselves to study. See CONGRESSIONAL RECORD, volume 104, part 7, pages 9261–9263, in which I criticized the U.S. Supreme Court decisions in the Watkins case for its lack of knowledge on the subject of congressional procedures and therefore its lack of scholarship because the basic issues involved congressional procedures.

Apparently Dr. Emerson is as unfamiliar as was Chief Justice Warren with the Joint Economic Committee which from its inception has had no legislative jurisdiction, and still has none. The extent to which the JEC is effective in the legislative process is the extent to which the knowledge it gathers and the wisdom it expresses on economic matters is publicly disseminated and utilized by

the legislative committees. In the same way it might be argued that the effectiveness of the HUAC is to the extent that the knowledge it gathers and the wisdom it expresses about the utilization of propaganda techniques by alien societies seeking to undermine the freedoms of our society are available and utilized by the legislative committees.

I want to stress another relevant point. I understand that the HUAC interviews all persons who may have information about the propaganda techniques employed by the Communists or others who seek to subvert the freedoms in our society, which perforce must include the basic structure of their organizations, privately and that it preserves this privacy. The only exception is when a person refuses to cooperate with the committee in giving what information he may have, or gives information which seems to be at variance with the truth. In other words, the only persons who appear in public before the HUAC are those who for some reason or other prefer it, or do not wish to cooperate with the committee in developing the information about subversive propaganda techniques.

I think the critics of the HUAC should suggest from time to time what improvements in procedures should be made in studying the propaganda techniques employed by Communists, Nazis, or others in their efforts to undermine the freedoms in our society. Or do the critics think it is unnecessary for our society to study and understand the propaganda techniques of these oraginzations? If this is the case, it should be clearly stated, because then the quality of the committee procedures is not really at issue. Possibly the critics think there is no deliberate effort on the part of the Communists, or was on the part of the Nazis, to subvert the freedoms in our society. This issue should be resolved. I believe most Americans thought it had been resolved some time ago. Yet many of the HUAC critics seem to think this is a point still at issue. This is proper on their part, but then let us have a fresh study and a new resolution based upon this updated study. Or do they think that a mechanism other than the Congress is better suited for this study process?

I think there is much room for improvement in the congressional study process, but I must point out that a great deal of the difficulty in improving the techniques is the unscholarly criticism which is being promulgated, notably by these very critics.

I think it is important for people who wish to participate in public dialogs, and I hope all of our people wish to so participate and do participate—this is the essence of government by the people—to realize that when they do participate they are relinquishing a bit of their right to privacy. There is nothing private about public disscusion nor should there be. When representatives of a group appear before a congressional committee to testify, the first things a committee wishes to know is, what is the group, how is it organized, how much study, if any, did it devote to the issue on which it seeks to inform the Congress, how did the group go about obtaining a consensus of its members on the subject under discussion? I thought one of the most unreasonable positions advanced by a group petitioning the Congress was that advanced by Dr. Linus Pauling in resisting Congress' attempt to find out how a petition he and his group had submitted was circulated and how the signatures were obtained. All petitions submitted to the Congress or any public body should be subject to these kinds of questions as a matter of routine inquiry and usually are. What value is a petition if this kind of information is not readily available? Indeed, thoughtful petitioners supply this information in the petition itself for the benefit of those petitioned.

Freedom of speech carries with it a modicum of the renouncement of privacy, certainly in the area where the words have been spoken. There is a freedom to be silent, but if speech is used to challenge an idea, a person or an institution, then to remain silent when the truth is sought is improper.

I shall place in the RECORD any response the HUAC wishes to make to Dr. Emerson's remarks or to my remarks. I shall also be happy to place in the RECORD any further remarks Dr. Emerson wishes to make to what I have stated in a preliminary manner here.

Hereafter follows the reply of Dr. Thomas Emerson to Mr. McNamara's observations:

YALE UNIVERSITY LAW SCHOOL,
New Haven, Conn., March 23, 1965.

Hon. THOMAS B. CURTIS,
New House Office Building,
Washington, D.C.

DEAR MR. CURTIS: In accordance with my letter of February 19, I enclose my comments on the reply of Mr. Francis J. McNamara to the petition requesting abolition of the Committee on Un-American Activities. I regret the delay in submitting this response but, as I indicated in my previous letter, other commitments have prevented me from preparing these comments until now.

Sincerely,

THOMAS I. EMERSON.

COMMENTS ON MR. MCNAMARA'S REPLY TO THE PETITION TO ABOLISH THE COMMITTEE ON UN-AMERICAN ACTIVITIES

INTRODUCTORY NOTE

In December 1964 a petition was addressed to the House of Representatives by 100 authorities in the public law field, urging abolition of the Committee on Un-American Activities. At the request of Congressman THOMAS B. CURTIS a reply to this petition was prepared by Mr. Francis J. McNamara, director of the committee, which was printed in the CONGRESSIONAL RECORD for February 8, 1965 (pp. 2127–2131). Mr. McNamara's reply has been forwarded by Congressman CURTIS to me, as coauthor of the petition, for comment. The comments set forth below are my own, and are not necessarily endorsed by the other signers of the petition.

I have not undertaken to document or illustrate at length the statements made in the petition or in my comments. I believe they are fully supported by the committee's own records and by the extensive literature dealing with the committee. That literature includes: Father August R. Ogden, "The Dies Committee" (2d ed., 1945); Francis Biddle, "The Fear of Freedom" (1951); Robert K. Carr, "The House Committee on Un-American Activities" (1952); Alan Barth, "Government by Investigation" (1955); Telford Taylor, "Grand Inquest" (1955); Frank J. Donner, "The Un-Americans" (1961); American Civil Liberties Union, "The Case Against the House Un-American Activities Committee" (1964).

1. THE POWER OF HUAC TO INVESTIGATE IN AREAS OUTSIDE OF PROPAGANDA ACTIVITIES

The petition states that the "sole power conferred on the committee is to investigate 'un-American propaganda activities' and 'subversive and un-American propaganda' in the United States." Mr. McNamara says, "This claim is false."

Mr. McNamara does not say that paragraph 18 of rule XI, which is the only basis of the committee's power, refers to anything other than "un-American propaganda activities" and "subversive and un-American propaganda." He cannot say this, for no other language appears in paragraph 18. What he asserts is that the committee has exceeded the jurisdiction conferred in paragraph 18 by investigating all kinds of "un-American" activities, whether they constitute "propaganda" or not. Such a claim hardly instills confidence in the committee.

Mr. McNamara argues that the Supreme Court has approved this usurpation of authority by the committee. But the Watkins and Barenblatt decisions, upon which he relies, hardly support his contention. Neither case involved investigation outside the field of expression (including association for purposes of expression). The observation of Mr. Chief Justice Warren in Watkins, which Mr. McNamara quotes, was not made in approval of the committee's actions, but to show the vague character of its mandate. And the quotation, from Mr. Justic Harlan in Barenblatt was intended to demonstrate that the committee's jurisdiction over "un-American" propaganda activities extended at least to such "Communist" activities, and to that extent could not be deemed unconstitutionally vague.

Furthermore, even if Mr. McNamara is correct that the committee's extension of its authority is now sanctioned by legislative or judicial acquiescence, the fundamental point made by the petition is nevertheless valid. The fact is that the committee's original mandate, primary purpose, and virtually all its activities are directed toward investigation of ideas, opinions, speech, association, and other forms of expression. This was, and remains, the basic objection to the committee.

Mr. McNamara commits another error when he argues, if I understand him correctly, that freedom of speech encompasses merely the words themselves, and that other "kinds of activity" related to the "creation and dissemination of propaganda" are not included in the constitutional protection of expression. As the Supreme Court, speaking through Mr. Justice Brennan, made clear in *NAACP* v. *Button*, the constitutional guarantee extends to many forms of "cooperative, organizational activity" necessary to make speech effective (371 U.S. 415, 430). Investigation into membership in an association which engages in expression, or into the organizational conduct of such an association, is just as much an abridgement of freedom of expression as investigation of the actual speech. Hence Mr. McNamara cannot justify the conduct of the committee on the ground that it is investigating the sources and methods of propaganda but not the expression itself.

Contrary to Mr. McNamara's statement the petition did not imply that the Supreme Court has held that all "matters embraced by first amendment * * * are absolutely prohibited." The authors were fully aware of those Supreme Court decisions which have

upheld some committee inquiries into these areas. The petition did undertake to state a fundamental principle of democracy: "We believe that the existence of a legislative committee with such authority is irreconcilable with a system of free expression in this country."

2. VAGUENESS OF "UN-AMERICAN" AND "SUBVERSIVE"

The petition states that "no precise meaning has been, or can be, given to such vague terms of 'un-American' or 'subversive.' "

Mr. McNamara first asserts, "Precise meanings have been given to the terms 'subversive' and 'un-American.' These terms are not vague." He then says, "While it is true that there is some vagueness in terms such as 'un-American' and the 'principle of the form of government as guaranteed by our Constitution' " (apparently his definition of "subversive"), they are no more vague than "pursuit of happiness" and "the general welfare." And finally he argues that "the generality of the terms used in the committee's enabling resolution are (sic) a strength rather than a weakness, desirable rather than unfortunate or deplorable."

Mr. McNamara is right the second time, but wrong the first and third times.

That the terms "un-American" and "subversive" are excessively vague hardly needs demonstration. In the Watkins case Mr. Chief Justice Warren said, with express reference to these terms:

"It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of 'un-American'? What is that single, solitary 'principle of the form of government as guaranteed by our Constitution?'

* * * * *

"No one could reasonably deduce from the charter the kind of investigation that the committee was directed to make," 354 U.S. 178, 202, 204.

In *Sweezy* v. *New Hampshire* the Supreme Court held that an investigation authorized by the New Hampshire legislature into whether "subversive persons" were present in that State was so vague that "neither we nor the State courts have any assurance that the questions petitioner refused to answer fall into a category of matters upon which the legislature wanted to be informed when it initiated this inquiry," (353 U.S. 234, 254). And most recently in *Baggett* v. *Bullitt* the Supreme Court ruled that the Washington loyalty oath, which required a State employee to swear that he was not a "subversive person," was void for vagueness and hence unconstitutional (377 U.S. 360).

Mr. McNamara argues that "over the years, the courts of this country have defined and refined through their decisions the meaning of the term 'un-American.' " But this is not so. The courts have neither defined nor refined the term, nor attempted to do so. The most they have done is to rule that "Communist" activities are embraced within the term. The only case Mr. McNamara cites to support his contention—the Barenblatt case does no more than this.

Nor can it be said that the committee has defined the terms itself. Mr. McNamara does not put forward any official or unofficial definition of them. Rather he shifts his argument to the proposition—which we do not contest—that they are no more vague than "pursuit of happiness" or "general welfare."

Mr. McNamara is again wrong when he asserts that the generality of the terms is a strength rather than a weakness. The argument has no concern for the plight of the witness. Faced with a question from the committee or its counsel the witness must determine, on a moment's notice and at the risk of a prison sentence, whether or not the question falls within the committee's authority. Under such circumstances "generality" is scarcely "desirable."

3. EXPOSURE AND EXTERMINATION OF OPINIONS AND ORGANIZATIONS

The petition states that the committee "has taken as its main function, as indeed is inevitable from its grant of power, the exposure and extermination of ideas, opinions and organizations which it conceives to be 'un-American.' "

Mr. McNamara's reply, omitting irrelevancies, is (1) that the committee has never attempted "to exterminate the Communist Party"; (2) that it "is not concerned" with the "ideas, opinions, and beliefs" of suspected Communists "but rather with their acts"; and (3) that its main function has been "the development of facts about Communist Party operations and the activities of Communist fronts and party members for the purpose of enabling" Congress to legislate.

1. The assertion that the committee has never attempted to exterminate the Communist Party will come as a shock to most of the committee's supporters, as well as a surprise to the Communist Party. It is difficult to take this contention seriously.

The only support given for the position by Mr. McNamara is that the Internal Security Act requires merely registration of certain information and that, if the Communist Party would comply with this, "the party would be completely free to carry on all the activities it has been carrying on in this country for many years." This does not establish Mr. McNamara's point. Apart from the fact that the Communist Party could not comply with the registration provisions and survive, it is enough to say that Mr. McNamara has completely overlooked section 4(a) of the Internal Security Act. That provision makes it a criminal offense, punishable by 10 years in prison, to "perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship"—a provision designed to cover almost any Communist activity, whether otherwise legal or illegal.

2. Mr. McNamara's contention that the committee is not concerned with ideas of suspected Communists but only with their acts is essentially a play on words. The committee has devoted most of its time and effort to searching out and exposing to public opprobrium persons whom it claims are members, former members, or suspected members of the Communist Party, and persons whom it claims take positions which coincide with positions taken by the Communist Party; to denouncing organizations in which such persons have been active or which have expressed a view similar to a Communist Party view on any subject; and to compiling information on millions of individuals showing what associations they belong to, what petitions they have signed, what meetings they have attended, and the like. The committee has rarely directed its inquiry into overt actions of an illegal nature, such as the use of force or violence, sabotage, or espionage; or even into overt actions of a legal nature but which might be the subject of legitimate regulation by Congress. To describe the committee's activities as dealing only with acts is thus gravely misleading; it gives that word a meaning which includes virtually all aspects of expression.

The point can be illustrated by one recent example of the committee's investigation of acts. A short time ago it called for interrogation three citizens who had visited the State Department for the purpose of urging that agency to grant a visa to Professor Yasui of Japan. Professor Yasui had sought the visa in order to give a series of speeches to audiences in this country on issues of peace and disarmament. In one sense the visit to the State Department was an act. More precisely it was an integral part of expression, that is, making arrangements for Professor Yasui to speak. In our view the committee had no right to harass American citizens in this exercise of their right to freedom of speech, assembly, and petition. And no one can be so naive as to suppose the committee would have undertaken an investigation if Professor Yasui's ideas had coincided with those of the State Department.

3. The argument that the committee's main function has been to develop facts for purposes of legislation is not correct of the past and is only formally correct of the present. Until the Watkins case in 1957, the committee openly declared that its real purpose was to expose, as is fully documented by the dissenting opinion in *Barenblatt* v. *U.S.* (360 U.S. 109, 163–166). Recently the committee has been careful to state a legislative purpose before questioning witnesses. But there is no indication that the committee has in fact changed its objective or its activities. As will be pointed out later, the committee's role in dealing with legislation is minimal. And it is difficult to see how most of its conduct, including the continuing attempt to ferret out all present and past Communist Party members or its maintenance of files on millions of Americans, has more than a glancing impact on legislation. Viewing the committee's activities in any realistic way, one can only conclude that its main function continues to be exposure and extermination.

Nor can one accept, on any realistic basis, the assertion that the committee's investigations are confined to "facts about Communist Party operations and the activities of Communist fronts and party members." It is true the committee attempts to connect up most of its investigations with such Communist activity. But does anyone really believe that the millions of Americans upon whom the committee maintains dossiers are engaged in that kind of activity? Or that the activities of the late Bishop Oxman were of that character? The fact is that the committee casts its net so widely that its main effect, whether the committee intends it or not, is to discourage, harass, and intimidate a broad sector of opinion in this country which has no real connection whatever with the Communist movement.

Again, let me give a single example, out of my own experience. A few years ago I and some other citizens of the New Haven area signed a petition opposing U.S. policy in Vietnam. Within a week of publication of this petition a committee investigator from Washington called upon me and all other signers of the petition in the New Haven area, and demanded to know the author of the petition, the persons who circulated it, the source of its financing, and like matters. Conceivably the petition could have been a Communist plot to undermine U.S. foreign policy. But clearly the committee's action was a flagrant violation of our freedom of expression, an intrusion of our constitutional rights which no self-respecting citizenry or government should countenance.

4. THE FAIRNESS OF COMMITTEE PROCEDURES

The petition states that the committee's "methods have often been unfair." Mr. McNamara denies this and cites a commendation by the Special Committee on Communist Tactics, Strategy, and Objectives of the American Bar Association. He also asserts that the committee's rules are fair, and that the courts have never found them "unconstitutional or violative of witness rights."

The literature on the committee is replete with instances of unfair tactics by the committee. I will mention only two examples.

In 1950 the committee issued a 50-page report on the National Lawyers Guild, denouncing it as the "legal bulwark of the Communist Party." The committee gave the National Lawyers Guild no hearing of any kind, no opportunity for rebuttal or submission of evidence, no chance to confront adverse witnesses, no notice whatever prior to publication. Who would consider such methods fair?

A recent pamphlet of the American Civil Liberties Union gives another instance of committee methods, one condemned by another bar association committee:

"The committee's behavior can be gaged from a hearing held in Los Angeles in 1956; after it the Board of Governors of the California State Bar protested the HUAC's infringement of the principle of the right to counsel. The criticism dealt with HUAC Counsel Richard Arens' attack on attorney John W. Porter, who appeared before the committee along with a number of subpenaed clients. Counsel Arens departed from the scope of the hearing to ask the clients whether they knew their attorney 'as a Communist named Porter' in a relationship other than attorney and client. The HUAC counsel addressed a witness as 'Comrade' and repeatedly referred to Porter as 'Comrade Porter' (Porter was not a witness). In addition, Arens did not permit any of the attorneys for other witnesses to address the committee or to make objections to the manner in which the proceeding was being conducted. The attorneys were repeatedly told that their 'sole and exclusive right' was to advise their clients.

"The State bar was so disturbed by the 'courtroom' atmosphere that it recommended that the American Bar Association draft proposals to Congress for reforms in committee procedures. The group's board of governors stated in its formal report that the HUAC proceeding and its staff counsel's conduct were 'improper and lacking in the dignity and impartiality which should govern the conduct of agencies of the United States and * * * posed a threat to the right to appeal by counsel and to the proper independence of the bar'."

As to the committee's rules, two things should be said. While the courts have not held the committee's rules to be unconstitutional, they have held that the committee has not followed its own rules, *Yellin* v. *U.S.*, 374 U.S. 109. And, in any event, it is doubtful whether any committee rules can afford a really fair hearing in situations where, as is true of many committees investigations, the process essentially amounts to a judicial trial without judicial safeguards.

5. THE COMMITTEE AS AN INSTITUTION DESIGNED TO CENSOR OPINIONS AND ASSOCIATIONS

The petition states that the committee "has attempted to create in the legislative branch a permanent institution, consisting of staff, files, informants and similiar machinery, designed to serve as a bureaucratic 'big brothers' to censor the opinions and associations of American citizens."

Mr. McNamara, in reply, argues that he has already answered this charge so far as it concerns censorship of opinions. As to censorship of associations, he says that the committee has never attempted to censor associations or associational activities of "a purely social or innocent nature" but only to develop information concerning "conspiratorial activities and/or evil designs."

Mr. McNamara's answer reveals the fundamental inability of the committee to understand the nature of freedom of expression and association in a democratic society. He seems to think that it is proper for the committee to investigate associations and associational activity so long as they are not "purely social" but are "evil." He uses the word "conspiratorial" in the same loose sense, not as referring to an illegal conspiracy, but as embracing any association having what he considers "evil designs." Plainly the Government should not, and does not, have such sweeping powers. The right of association is protected as part of freedom of expression. And the power of legislative investigators should be limited to overt actions. It should not embrace associational expression in any form, whether the committee considers it "innocent" or "evil."

Moreover, Mr. McNamara's reply misses the point made by the petition. The petition was not simply repeating an earlier statement but was emphasizing the fact that the committee's interference with freedom of expression was not merely on an ad hoc basis but had become institutionalized. In such form it is far more dangerous. But Mr. McNamara has nothing to say about this.

6. CURTAILMENT OF DISCUSSION

The petition states that the result of the committee's activities "has been to curtail discussion of controversial issues and to hinder the development of new ideas and new approaches to troublesome questions which face us in a rapidly changing world."

Mr. McNamara's reply is that the discussion of controversial issues and new ideas "has increased tremendously" in the last 26 years, and that the committee has promoted this "in a minor degree" by making available "500 volumes of information on the subjects of communism, fascism, and nazism."

Mr. McNamara's conclusion that the discussion of controversial issues and new approaches has increased since the 1930's is a doubtful one. If so, it has been in spite of the best efforts of the committee and its 500 volumes. Certainly the production of 500 official volumes, all expounding a single orthodox line, hardly stimulates controversial discussion or new ideas.

The statement in the petition is, of course, a judgment of the signers. But it is supported by numerous eminent authorities, as the literature on the committee fully attests. And it stands to reason that the consistent committee attacks upon individuals and organizations questioning U.S. foreign policy, its excursions into "subversive" activities in religion, education, media of communication, and the like, its encouragement of economic and social sanctions against persons it labels "subversive," the use of its files to smear outspoken citizens—to mention but a few of its activities—have imposed a blanket of fear and silence upon the expression of unorthodox and dissenting viewpoints.

To give only one example again, can it be said that the committee's attack upon Women Strike for Peace advanced the dialog, "even in a minor degree," on the urgent problem of peace and disarmament?

7. THE ROLE OF THE COMMITTEE IN THE LEGISLATIVE OPERATIONS OF THE HOUSE

The petition states that the committee "serves no useful purpose," one reason being that "so far as the operations of the House of Representatives are concerned, the committee considers only a handful of bills each year, and all these fall within the jurisdiction of some other committee."

Mr. McNamara does not deny that the committee considers only an insignificant number of bills each session. This is not subject to dispute. In the 88th Congress (1963–64), for example, there were 12,829 bills introduced in the House; of these only 32 were referred to the Committee on Un-American Activities, of which 18 were similar or identical.

Nor is the committee's overall record any better. In all the years of its existence, from 1938 to date, the committee has been directly responsible for only three pieces of legislation: The Internal Security Act of 1950, an amendment to that act to correct an error made by the committee, and an act passed in 1964 to allow the Secretary of Defense to dismiss summarily any employee of the National Security Agency. From 1950 to 1959 the committee did not hold a single hearing upon any specific bill.

Mr. McNamara's only answer to the petition is that the few bills which the committee does handle "are of extreme importance to the Nation." Not only does this assertion fail to meet the point made by the petition, but it is highly questionable. The committee's major piece of legislation—the registration provisions of the Internal Security Act—has been held by the courts to violate the constitutional right against self-incrimination in such a way as to be wholly unenforceable. So far as accomplishing its purpose of registration is concerned, the law has been and remains a dead letter. The dismissal law, which denies fundamental rights of fair procedure to employees of the National Security Agency, would not seem to fit the category of "extreme importance to the Nation."

Mr. McNamara also argues that the committee has "an impressive legislative record" because "approximately 45 laws enacted by the Congress in the last 25 years have been based on the committee's recommendations," and "approximately 15 of the committee's recommendations" have been adopted by the executive branch of the Government. Responsibility for action in all these cases rested, of course, upon other committees or agencies. In any event the number of recommendations contributed by the committee to the Government's suggestion box, over a period of 26 years, is not impressive.

Ultimately, Mr. McNamara's defense comes down to the proposition that "the more than 500 volumes of hearings, reports and consultations published by the committee in its 26 years of existence serve as a continuing fund of source material for the Congress in considering legislation." Mr. McNamara does not mention any specific use of such material. It would seem most doubtful that any House committee should have a roving commission to collect enormous volumes of data, not related to any specific legislation, on the chance that it may turn up some information which might be useful at some later time in some unspecified way. The function of a House committee is to aid in the disposition of the pending business of the House. There are only a score of standing committees in the House. It seems not unreasonable to ask that each committee assume its share of the actual workload.

Finally, Mr. McNamara asserts that "the statement that all bills handled by the Committee on Un-American Activities are within the jurisdiction of other committees is obviously false," because if they were "they would be referred to those other committees." This is a patent non sequitur. The fact is that, if the Committee on Un-American Activities had been abolished at the start of the 88th Congress, all the 32 bills referred to it would have been within the jurisdiction of other existing committees. Specifically, the 23 bills dealing with amendments to the Internal Security Act would have gone to the Judiciary Committee; and the other 9 bills, proposing a Freedom Commission, would have gone to the Education and Labor Committee or to the Foreign Affairs Committee.

In short, the Un-American Activities Committee here pays the penalty for the vagueness of its mandate, which gives it jurisdiction over "un-American activities." Any subject within that uncertain category can find a home in at least one other House committee.

8. THE ADEQUACY OF EXISTING SECURITY LEGISLATION

The petition states that, "so far as the committee purports to serve the function of safeguarding internal security, it is quite unnecessary," because "we have adequate laws, regulations, specialized personnel and procedures for that purpose."

Mr. McNamara says that the legislative recommendations made by the committee "refute the above claim." To an outside observer, however, they would seem to confirm it. As already noted, the only major piece

of legislation ever reported out by the committee and accepted by Congress has been held, in its major parts, unenforceable and ineffective.

Mr. McNamara goes on to say, "Generally speaking, no country ever reaches the stage where it has all the laws and regulations needed in any area." I doubt that many Members of Congress would agree with this proposition, or its implications.

The position taken by the petition—that present laws and regulations are adequate to protect internal security—is a matter of judgment. But we submit it is a sound one. Of all the great issues confronting the Nation today—avoidance of nuclear war, disarmament, unemployment, poverty, civil rights, the advance toward a great society—the problem of protecting the Government against overthrow by force and violence or by similar overt acts would seem the least acute. Moreover, to devote our time, energies, attention, and resources to wholly negative efforts to achieve an abstract state of perfect security, at the expense of creating conditions in our society which alone make real security possible, is ultimately self-defeating. We do not say that no consideration need be given to internal security. Other House committees, particularly the Judiciary Committee, are available for this task. But we do say that the maintenance of a special committee, which concentrates on this single issue in the manner that the Un-American Activities Committee has done, in the long run diminishes rather than increases the real internal security of our country.

9. TRANSFER OF LEGITIMATE FUNCTIONS TO THE JUDICIARY COMMITTEE

The petition states that adequate authority to carry on necessary functions in the field of internal security is already vested in the Judiciary Committee, or could readily be vested there by giving that committee power "to investigate overt actions but not propaganda or other forms of expression, or association for those ends."

Mr. McNamara devotes more space to answering this proposal than to any other aspect of the petition. In substance, however, he advances two specific and one general objection.

Mr. McNamara's specific objections are that the Judiciary Committee is already overworked, and that a change in the Un-American Activities Committee mandate would destroy the present clarity of its jurisdiction and introduce new uncertainties. As to the first, since the Judiciary Committee would be empowered to investigate only "overt actions" and not "propaganda," most of the work performed by the Un-American Activities Committee would be eliminated. There is no reason to suppose the Judiciary Committee could not assume the burden of what remains, as it has done in the past. As to the second objection, it has already been pointed out that the present mandate of the Un-American Activities Committee is now hopelessly vague. Change would not add to existing uncertainties.

The general objection that Mr. McNamara advances is that the Judiciary Committee would be denied "the authority to investigate propaganda activities." The existence of such a power in government to curtail freedom of expression and association is, of course, the very evil that the petition protests. Nothing needs to be added to what has already been said on this point.

10. DISPOSITION OF COMMITTEE FILES

The petition proposes that the files of the Un-American Activities Committee be transferred to the Archives, "not to be open for official or public inspection for 50 years."

Mr. McNamara's reply is that the committee's investigative files are not now open to outside inspection, and that its "public source material" files are extensively used by the executive and legislative branches of Government. Mr. McNamara does not deny that, as the petition charged, these files constitute dossiers on the "beliefs, ideas, political views or associations" of millions of Americans. Nor does he deny that, apart from the "investigative files," the material frequently becomes available to the public. He denies that the data in the files are often inaccurate, although Congressman Walter has said, "It would be a virtually impossible task to 'prove' the many thousands of references in our files." The fact is that the data are often misleading and often publicly circulated in a manner that creates an unfair and misleading impression.

Quite apart from this, Mr. McNamara totally fails to answer the crucial point made by the petition: "Self-respecting citizens of a democratic country cannot allow their representatives in government to keep dossiers on their beliefs, ideas, political views, or associations. Such an enterprise is destructive of the sovereign rights of the individual and a perversion of the governmental process."

THOMAS I. EMERSON.

MARCH 23, 1965.

PRESIDENTIAL INABILITY AND DISABILITY

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHRIVER. Mr. Speaker, presidential inability and disability has been a serious problem a number of times in this country's history. I direct your attention to a few.

James A. Garfield was shot on July 2, 1881. He lay in the twilight zone between life and death for 80 days before succumbing to the assassin's bullet on September 19 of that year. During the disability his only governmental act was that of signing an extradition paper.

The Vice President, Chester A. Arthur, refused to assume any of the functions of the Presidency for fear that he would be charged with trying to usurp the office.

President Woodrow Wilson suffered a stroke on October 2, 1919. He was in virtual seclusion until the end of his term of office March 4, 1921, performing only a limited amount of official work. As with his predecessor, Mr. Arthur, Vice President Thomas R. Marshall declined to act. The failure of Executive leadership during this period is reflected in the Senate's rejection of American participation in the League of Nations and the fact that some 28 bills became law by default of any action by the President.

President Eisenhower's heart attack in 1955 and his ileitis operation provide a third test of disability. Although Vice President Richard M. Nixon did undertake certain Presidential functions, such as presiding at Cabinet meetings, yet as Presidential Assistant Sherman Adams points out:

All were well aware that a national or international emergency could have arisen during the President's illness to make this unofficial government by "community of understanding" entirely inadequate.

The statistics of vice-presidential vacancies are equally startling. On 16 occasions, totaling more than 37 years, that office has been vacant. Eight Vice Presidents have succeeded to the Presidency; seven died during their term of office; and one resigned. In all, Mr. Speaker, our Nation has been without a Vice President in excess of 20 percent of the time during its history.

The law as it now stands deals inadequately with the problem of presidential inability and not at all with vice-presidential vacancy. Its provisions with respect to who should exercise the powers of the Chief Executive if both the offices of the Presidency and the Vice Presidency become vacant have been the subject of continuing concern and controversy.

Early in this session of Congress, I introduced a resolution, House Joint Resolution 143, to amend the Constitution to clarify the ambiguities and the shortcomings of existing law. My proposal embodies the major recommendations of the "consensus" arrived at by the conference on presidential inability and succession sponsored by the American Bar Association.

History as well as commonsense indicate that we cannot insure against or be spared the sorrow of a fallen leader. We have it within our power, however, to remove the cause of great anxiety and apprehension that arises out of the uncertainties of the present law. Our failure to capitalize on the present opportunity will render meaningless the tragedies and near tragedies of the past and the sorrows of the American people which have inevitably flowed in their wake.

Mr. Speaker, a number of the weaknesses in the measure passed in the other body have been corrected in the House resolution. I am especially pleased that Republican members of the Committee on the Judiciary were instrumental in the drafting and strengthening of this vital legislation. But this is a bipartisan matter and is deserving of bipartisan support. I support House Joint Resolution 1 and urge its adoption.

FARM MESSAGE CRITIQUE LIKE GOP'S, BUT TIMES IGNORES PARTY'S EFFORTS

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, last week the New York Times published an editorial criticizing the President's latest farm message as "much ado about not much of anything." It is an excellent, short analysis of the Great Society's sterile, tremendously costly thinking on agriculture. The burdens, as they have

for so many years, apparently are to continue to fall upon the taxpayer and consumer while the benefits are to continue to go principally to the big agricultural interests.

The Times editorial is straight to the point. It broadly hints at the basic Republican position on agriculture, which we Republicans have been preaching and seeking to bring before the country for many years. I am sorry the Times did not take note of Republican efforts in this important area. The people, particularly those living in the great urban areas served by the Times, need to know that one major political party, the Republican Party, is dedicated to their interests. There is a great question of how long the urban majority of the country is going to be willing to bear the enormous costs in taxes and high prices of maintaining a wholly artificial farm policy benefiting relatively few. Unless communications media complete the story, however, the people will feel they have no alternative and must just grin and bear the burdens. They do have an alternative, however, in the Republican Party, which continues to represent the taxpayer, the consumer, the farmer, and the individual citizen against the domination of powerful economic combinations, not the least of which is the Government itself.

With this major reservation, I commend the Times for its editorial and offer it at this point for the RECORD:

FIDDLING ON THE FARM

The President's latest farm message amounts to much ado about not much of anything.

The administration proposes to continue its two-price program for wheat and extend it to rice. It would shift the burden of this subsidy from the citizen as taxpayer to the citizen as consumer. Wheat sold abroad would be deprived of a Government export subsidy and allowed to drop to the competitive world market price. But growers would be more than compensated by a higher price of wheat sold in the United States.

If this change were part of a broad policy to move all farm products back to competitive pricing in the marketplace, it would be a significant development; but it is not. The domestic market continues to be rigidly structured by the Government. The chief effect of this shift is to make the Federal budget look better by transferring part of the farm subsidy to the millions of individual household budgets.

The most striking portion of the message is its desperate silence on cotton and tobacco. Afraid to ask for yet a fourth subsidy for cotton and equally afraid to dismantle the existing structure of subsidies the message says nothing at all about cotton until the final paragraph. Then it gamely announces that "we are continuing to study and to discuss * * * the cotton program."

The tobacco subsidies will continue as before, even though another arm of the Federal Government is valiantly trying to discourage use of tobacco (in cigarettes) as patently injurious to the Nation's health.

The revival of the soil bank is not a new idea, but it is a valid approach to the problems of chronic surpluses and uneconomic farms. As such, it is the best expedient offered in this message. For the rest, obviously the President and the congressional farm bloc intend to go on fiddling with these subsidies while taxpayers and consumers burn.

REPRESENTATIVE BROOMFIELD AND THE RECENT VISIT OF THE STUDENT COUNCIL OF LINCOLN JUNIOR HIGH SCHOOL OF FERNDALE, MICH.

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, recently the Student Council of Lincoln Junior High School of Ferndale, Mich., visited Washington. Several days ago I received a letter from Dr. Lawrence L. Sophiea, assistant principal of the school, in which he praised the excellent cooperation of our good friend and colleague, BILL BROOMFIELD. In the letter, Dr. Sophiea congratulated Representative BROOMFIELD for taking time from his busy day to meet with the students, accompany them to the House floor, and answer their questions on current major issues in a direct, positive manner.

Dr. Sophiea praised Mr. BROOMFIELD for making a definite and lasting impression on the group of students from Lincoln Junior High School, who returned home with a better understanding of the dedicated elected officials who serve our Nation in Congress.

I join the students and Dr. Sophiea in saluting Representative BROOMFIELD for rendering this valuable service and in helping these young people to better understand and appreciate the processes of government.

A TRIBUTE TO BOB MOSES UPON THE REOPENING OF THE NEW YORK WORLD'S FAIR

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GROVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GROVER. Mr. Speaker, there resides in my district on Long Island in New York, in my village of Babylon, a man once described by me before the House as "cut in the classic tradition of Michelangelo, Galileo, Archimedes, and Sir Isaac Newton, who can run a bulldozer, compute with a slide rule and breathe poetic prose in Latin or Greek, and who will find his place in history as one of the most brilliant public servants of our century." This is the man, Robert Moses.

Since my remarks of a year ago, this master builder opened the New York World's Fair in the face of criticism of many who said it would never open on time, brought 27 million people to his fabulous exposition, the greatest number to attend any fair in the history of our Nation, drawing the largest gate in dollars of any other fair ever and contributing a billion dollars to the economy of the New York metropolitan area. Permanent benefits to the people after the fair will include a comprehensive expressway system, a fine Marina, the Shea Stadium, a zoo, a Hall of Science, and many other public improvements.

On April 21, the fair will reopen with many new attractions for this, its last season, including a Hall of Presidents, a notable Winston Churchill exhibit, and over 150 improved domestic and international exhibits, many new and most of them free.

While this man was building this greatest of all fairs, his Triborough Bridge and Thruway Authority completed and opened to traffic last November the greatest bridge in the world, the Verrazano-Narrows Bridge, connecting Long Island and Staten Island in New York City, built at a cost of $325 million, embodying the longest suspension span ever constructed by man.

Forty years ago, Bob Moses built the great public seaside improvement, Jones Beach State Park, renowned throughout the world. This he followed with the famed Long Island State Parkway System. Then he laid down a comprehensive expressway, bridges and tunnels, in the city of New York followed by the billion-dollar power developments at Niagara, and on the St. Lawrence, not to mention many other park, arterial, housing, and other public improvements in the city and State of New York. And now he reopens the great New York Worlds Fair for its final season.

I have said of him that "with a warmth that charms his friends and mesmerizes his enemies, he has fought with and worked with Presidents, Governors and mayors, with princes and kings."

For over 40 years, he has at times been the subject of violent criticisms, of vicious attacks, of summary demands for his removal from public office, but as he once said, "You've got to have the skin of a rhinoceros and an instinct for the jugular" if you want to survive and build for the people.

Recipient of 27 university degrees, decorated by innumerable institutions and governments here and abroad, Bob Moses, age 76, will live forever in the hearts of the people.

RED RIVER VALLEY

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LANGEN. Mr. Speaker, the Red River Valley of the North is an area along the border separating Minnesota and North Dakota that contains some of the richest soil for farming found in the entire world. If ever there was an area where farming should be profitable, this is one of them. But it is not. Our farmers in the valley are in trouble, a fact

I have called to the attention of the Congress on a number of occasions.

All of the words that so many of us have used, and the charts and figures we have quoted to substantiate the fact that American agriculture is in more trouble than the Nation realizes, seem completely inadequate compared to the words of a young man who recently decided to leave the land that has supported him and his family for so many years.

This young man is Andrew L. Watt of Leonard, N. Dak., who put forth his views in a letter to President Johnson. He kindly furnished me with a copy of his remarks, which I believe should be read and studied by every American citizen. Mr. Watt's remarks are at once a testimonial to America's greatness and an indictment of recent Federal actions that have stifled the initiative and potential of rural areas across our Nation.

It is unspeakably sad that a man of Mr. Watt's obvious ability and sincerity should finally be forced to abandon his vocation. His reasons for reaching that decision should be studied carefully by all of us, because in his words of wisdom we must challenge ourselves and all of America to face these problems squarely and seriously sit down to effect real solutions instead of the piecemeal programs that have created the current situation.

Mr. Watt's letter follows, and in reading it I hope you will join me in pledging your utmost cooperation in making sure that his decision does not become the decision of more of our young people in the future:

LEONARD, S. DAK.,
April 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am a 1953 agriculture graduate of North Dakota State University. I was recently named one of three finalists in the Outstanding Young Farmer contest sponsored by the Southwest Fargo (N. Dak.) Jaycees for Cass County (North Dakota's foremost county).

After much serious consideration, I have decided to quit farming. I find the present situation in agriculture so stifling to initiative and ambition as to be unbearable.

In order to continue farming, I feel that I would have to expand my operation to achieve the degree of success of which I think I am capable. In order to do this, I would be forced to assume all risk and pay a cash rental so exorbitant that, for our area, it is ridiculous. Why does this situation exist? Because I find myself in direct competition with the U.S. Government for rental of land. In turn, this has also driven the price of land beyond the limits of reason in relation to its potential earning power.

I urge you, Mr. President, to take positive action to force a reconsideration of the basic agricultural policy of our country. I think we are building a house of cards which could collapse at any time. If agriculture collapses, I am sure I need not spell out for you what will inevitable happen to the rest of the economy. I am also sure that you must agree with me that we really have no agricultural policy as such, but rather a hodgepodge fostered by a few special interest groups and rubberstamped by a largely nonagriculturally oriented Congress.

Our present agricultural programs are so unspeakably cumbersome and asinine that I must write no more on the subject, lest I exceed the bounds of good taste, except to note that they tend to perpetuate the inept and inefficient farmers at a uniform level of poverty, while at the same time providing unlimited speculative opportunity for the greedy individual at the other end of the spectrum.

I am proud to be an American. I am deeply grateful for the many opportunities which have been afforded me. I am proud to have been a working farmer for the past 10 years. I will always feel empathy for the man with manure on his boots and dirt in his eyes. I am proud of and grateful for our land-grant colleges, our Extension Service, Soil Conservation Service, and other agencies which have done so much toward making our country what it is. I am not proud of certain other agencies involved in agriculture, whose main aim seems to be self-perpetuation, rather than any constructive action.

This letter is a cry for help—not for myself, but for the many good, solid, hard-working people whose trust is being betrayed. Please give serious consideration to the points I have set forth.

Sincerely yours,

ANDREW L. WATT.

P.S.—Copies of this letter are being sent to all area Members of congressional delegations, area Governors, farm organization presidents, and local legislators. If its contents raise any question as to my loyalty, I must state that I received a complete background investigation by the FBI in 1954, and was at that time cleared for top secret.

NEW YORK CITY IN CRISIS—PART XLIV

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article, which appeared in the March 3, 1965, edition of the New York Herald Tribune, demonstrates one small facet of the kinds of problems facing New York City:

NEW YORK CITY IN CRISIS—NEW COAT OF PAINT FOR DOOMED LIBRARY

(By Sue Reiner)

The board of education has just put a new coat of paint on a library—in the section of the High School of Commerce the board plans to tear down this summer.

All work on the eastern wing of the building—the part scheduled for demolition—was halted yesterday. The principal of the school, Murray Cohn, said workmen had finished painting the library Monday.

However, Howard Dowling, director of the board's bureau of maintenance, said a telegram had been sent to the painting contractor last week ordering work to stop. Mr. Dowling said the firm would not be paid for work done after the telegram was sent.

DECIDED TO FINISH

A spokesman for the board said the contractor, Widart Painting Corp., 391 East 149th Street, the Bronx, had begun work on a $22,000 contract to repaint and repair parts of the building last December. The spokesman said Widart had acknowledged receipt of the telegram from the board last Thursday and repeated that the firm would not be paid for any work done after then.

Widart's president, Jack Widoff, said he had received the telegram Thursday—2 days after his men had started work on the library. He said he had decided to finish the job. "I couldn't see for the love of me leaving half the ceiling painted and half unpainted," he said. "If school hadn't been going on, I would have stopped. But as long as we were in the middle and school was going on, I couldn't see stopping."

Mr. Widoff said he regarded the board's threat not to pay him as a breach of contract.

The board had agreed informally more than 2 weeks ago to destroy half of Commerce this summer and build another school a block away from the old one, which is near Broadway between 66th and 65th Streets. Last Wednesday, the board gave its formal approval of the plan.

The entire school had been scheduled to be destroyed this summer, but parents protested that its replacement—the new West Side High School on 85th Street and Columbus Avenue—was too small. The site where Commerce stands has been promised to the Lincoln Center for the Juilliard School of Music.

Under the board's plan, agreed to by the Lincoln Center, half of Commerce will remain standing for 3 years. Another new school will be built during that time, and Juilliard would be able to begin construction immediately on the site of the half of Commerce to be demolished.

Commerce's library and auditorium are in the half scheduled for demolition. Mr. Cohn said yesterday he would not know whether there will be room for another library in the remaining half of Commerce until he knows how many students will be there next fall.

Mr. Widoff said he had been doing business with the board for 40 years "and I've had plenty of knocks." One fresh in his memory, he said, occurred in the fall of 1961, when he was doing painting at Public School 119 in Harlem, the famous "rat school." It got that name because, earlier in 1961, a rat crossed Mayor Wagner's path as he was visiting the school.

In the fall of 1961, parents at Public School 119 kept their children out of school for 3 days because they contended that the repair program ordered by Mayor Wagner should have been done during the summer when school was out instead of the fall. In the compromise plan that ended the boycott, Mr. Widoff's paint job was shelved.

"I'm sorry I ever saw this place," Mr. Widoff said then. "I wish they'd torn this school down before I ever saw it," he said yesterday.

NEW YORK CITY IN CRISIS—PART XLV

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, as previously reported in the series on "New York City in Crisis," 70 prominent New York businessmen have formed a private industrial development corporation to halt the flight of factory jobs from the city.

The following article from the March 3, 1965, edition of the New York Herald Tribune reports on the speed with which this group got to work:

NEW YORK CITY IN CRISIS—A FAST START FOR BUSINESS RESCUE PLAN: ACTION TODAY

(By Barrett McGurn)

The businessman's campaign to arrest the decline of blue-collar jobs in New York City, and to tackle other phases of New York's

critical problems, will get underway this afternoon with the first meeting of the preparatory committee.

The meeting will be held in the office of Shearman & Sterling, 20 Exchange Place. Walter F. Pease—a member of that law firm and president of the 198-year-old New York Chamber of Commerce, and H. Chandlee Turner, Jr., president of the Turner Construction Co. and president of the Commerce and Industry Association of New York, the so-called voice of New York business, will take part.

The meeting's purpose will be to reduce to practical steps the resolutions which were adopted unanimously at a meeting Monday of the presidents and board chairmen of 70 of New York's, and the world's, largest corporations.

First order of business will be the selection of a 10-man organizing committee which in turn will set up a private industrial development corporation to check the loss of New York City manufacturing jobs.

Several principles already are agreed upon, according to Ralph G. Gross, executive vice president of the Commerce and Industry Association:

The organizing committee will include heads of banks, utilities, and department stores which have their main activity in New York City. The thought is that they have a capital stake in seeing to it that New York's vast pool of unskilled laborers finds peaceful and productive employment.

The committee will have at least one representative of Brooklyn or of one of the three boroughs outside Manhattan. The idea here is that each of the other boroughs has important local difficulties which must not drift out of mind while the economic troubles of the city's core island are confronted.

The 10-man organizing group will have at least one top official of a firm with nationwide or worldwide activities. A double thought has inspired this. Presidents and board chairmen of multi-billion-dollar world enterprises whose main offices are in Manhattan skyscrapers have agreed to take part on the ground that they cannot ignore the difficulties of the city which serves them as home base. Many of these men have had experience with businessman reform drives in smaller cities across the country. Their good will and know-how will help.

EMPHASIS

The main emphasis will be on local investors because the whole of their survival is involved in the real estate values, shopping patterns, tax burdens, and prosperity of New Yorkers. The international companies will be drawn in because of the belief that many of the greatest business minds of the world are inside the high-rise office buildings south of Central Park and at Manhattan's downtown tip.

One of the first acts of the board of directors to be chosen by the organizing committee will be the formation of a finance committee to raise something under $350,000 from businessmen for the industrial development corporation's first year, and something over that sum in succeeding years. No difficulty is foreseen.

A PROPOSAL FOR LOW-COST HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, on September 23, 1963, our late beloved President John F. Kennedy set into motion plans to implement his drive for an adequate publicly supported college in Washington by appointing a five-member committee to study the need for such an institution.

At that time he pointed out that the city's only publicly supported college at present, District of Columbia Teachers College, is "so inadequate that its accreditation has been withdrawn by the National Council for the Accreditation of Teacher Education."

That Committee has made its recommendation to President Johnson. On March 18, 1965, the President sent to the Congress a message containing draft legislation to implement the Committee's recommendations. I have today introduced that legislation.

The bill would create in Washington a Board of Higher Education for the purpose of establishing and operating a 2-year public community college and a 4-year public college of the arts and sciences.

This legislation has long been needed. If the District of Columbia had home rule there is no doubt in my mind that these institutions of higher learning would have been established many years ago. That the principle is sound is demonstrated in dozens of communities throughout our Nation, not the least of which is the excellent city college system in my own city of New York.

It is up to the Congress to provide the means whereby these schools can be established in the District of Columbia and I sincerely hope that we will see action taken on this bill this year.

As President Johnson said when he signed into law the elementary and secondary education bill on April 11 that bill "represents a major new commitment of the Federal Government to quality and equality in the schooling we offer our young people." Let us follow that great achievement by enacting the necessary legislation for publicly supported higher education in the District of Columbia.

I would like at this point, Mr. Speaker, to commend to the attention of our colleagues the President's message in transmitting this proposed bill:

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES PROPOSING A BOARD OF HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

(Transmitting a draft of proposed legislation entitled "A bill to establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia, and for other purposes")

THE WHITE HOUSE,
Washington, March 18, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am transmitting to the Congress herewith a proposed bill to authorize the establishment of two public colleges in the District of Columbia.

A distinguished Committee on Public Higher Education in the District of Columbia, appointed by President Kennedy, has unanimously recommended to me the establishment of a public community college and a public college of arts and sciences in the District. As the Committee's report makes clear, both colleges are urgently needed.

The Committee's report stressed some of the benefits of establishing two such colleges in the District:

"Higher education for those to whom it was previously inaccessible produces consequences far beyond their own use of it. Availability makes a crucial difference in the motivation for learning at all levels and for all ages, generating hope and self-esteem among individuals and groups previously relegated to inferior status. Presenting models of successful escape from degrading conditions and providing trained leadership for those still struggling to emerge from an unfavorable background, higher education offers the best hope for community progress in our cities' battles against poverty, sickness, unemployment, and crime."

The bill would create immediately a Board of Higher Education to which would be assigned the responsibility and the authority to plan, organize, and operate these colleges. The community college would provide programs, generally extending not more than 2 years beyond the high school level, in both academic and vocational fields, with particular emphasis on the latter. The college of liberal arts and sciences would provide courses leading to bachelor's and master's degrees, with initial emphasis on teacher training. It would replace and absorb the present 4-year District of Columbia Teachers College.

The children of the Nation's Capital have been largely denied opportunities, available to high school graduates in the States, to continue their education beyond high school in publicly supported, low-cost educational institutions. Higher education should be made a universal opportunity for all young people—the Nation's Capital should set the pace, not lag behind. The Congress has abundantly demonstrated its concern with education, and I hope that the proposed bill will receive its prompt and favorable consideration.

Sincerely,

LYNDON B. JOHNSON.

H.R. 7395

A bill to establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Public Higher Education Act of 1965."

SEC. 2. As used in this Act—

(a) The term "Commissioners" means the Commissioners of the District of Columbia sitting as a board or their authorized agents.

(b) The terms "Board of Higher Education" and "Board" mean the Board of Higher Education established by section 3 of this Act.

(c) The term "Board of Education" means the Board of Education of the District of Columbia established by the Act approved June 20, 1906 (34 Stat. 316), as amended (D.C. Code, 1961 ed., sec. 31–101 et seq.).

SEC. 3. (a) There is hereby established as an agency of the District of Columbia, a Board of Higher Education, hereafter referred to as the Board.

(b) The Board shall consist of not less than nine nor more than fifteen members, as the Commissioners shall from time to time determine, who may be employees of the United States or the District of Columbia. The Board shall be appointed by the Commissioners after consideration of nominees submitted in accordance with subsection (e), and a majority of whom shall have been for three years immediately preceding their appointment or designation bona fide residents

of the District of Columbia. The Commissioners shall designate one of the members as Chairman.

(c) The terms of the members of the Board shall be of such uniform length as the Commissioners may determine, except that the terms of the initial members may be varied to provide such pattern of staggered terms as the Commissioners may determine. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term.

(d) The Commissioners shall have the power to remove any member of the Board at any time for adequate cause, which relates to his character or to his efficiency as a member, after notice and opportunity for hearing.

(e) The Commissioners shall establish a Nominating Committee, consisting of such number of members serving for such terms as the Commissioners shall from time to time determine, which shall submit for the Commissioners' consideration in making appointments under subsection (b) at least three nominees for each vacancy which may exist on the Board. A majority of the members of such Committee shall have been for three years immediately preceding their appointment bona fide residents of the District of Columbia.

(f) The members of the Board shall serve without compensation, but may be reimbursed for their travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons serving the Government without compensation.

(g) The members of the Board shall not be personally liable in damages for any official action of the Board in which such members participate, nor shall they be liable for any costs that may be taxed against them or the Board on account of any such official action by them as members of the Board, but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits against the municipality; nor shall the Board or any of its members be required to give any bond or security for costs or damages on any appeal whatever.

SEC. 4. The Board is hereby vested with the following powers and duties:

(a) To develop detailed plans for and to establish, organize, and operate in the District of Columbia—

(1) a public college which will provide a program in the liberal arts and sciences, including, but not limited to courses in teacher education, leading to a bachelor's degree, and such additional program of study as may lead to a master's degree, and courses on an individual, noncredit basis for those desiring to further their education without seeking a degree.

(2) a public community college which will provide programs generally extending not more than two years beyond the high school level including, but not limited to (a) programs leading to a degree of associate in the arts or for full credit toward a bachelor's degree, (b) programs designed to prepare students to work as technicians and at a semiprofessional level in engineering, scientific, health-related, and other technological fields, and (c) programs designed for individuals desiring to further their education without seeking a degree.

(b) To establish policies, standards, and requirements governing admission, programs, graduation (including the award of degrees), and general administration of the colleges.

(c) To employ and compensate without regard to the Civil Service Act or the Classification Act of 1949, as amended, a president and other officers for each of the colleges established pursuant to this Act and such educational employees for such colleges as the presidents thereof may recommend in writing: *Provided*, That subject to the approval of the Commissioners, the compensation schedules for these officers and employees shall be fixed and adjusted from time to time consistent with the public interest and in accordance with rates for comparable types of positions in like institutions of higher education. The Board, upon the recommendation of the presidents of the colleges, shall establish, with the approval of the Commissioners and without regard to the provisions of any other law, retirement and leave systems for such employees which shall be comparable to such systems in like institutions of higher education.

(d) To employ and compensate in accordance with the civil service laws and the Classification Act of 1949, as amended, noneducational employees of the Board and of the colleges established pursuant to this Act.

(e) To establish and determine, from time to time, with the approval of the Commissioners—

(1) fees to be paid by students (including charges for room and board), and receipts from such fees shall be deposited into a revolving fund in a private depository in the District, which fund shall be available without fiscal year limitation for such purposes as the Board of Higher Education of the District shall approve, and the Board of Higher Education is authorized, with the approval of the Commissioners, to make necessary rules respecting deposits into and withdrawals from such fund; and

(2) tuition rates (a) for residents and (b) for nonresidents, and receipts from tuition shall be deposited to the credit of the General Fund of the District of Columbia.

(f) To transmit annually to the Commissioners estimates of the appropriation required for the colleges established pursuant to this Act for the ensuing year.

(g) Subject to the approval of the Commissioners, to accept services and moneys, including gifts or endowments, from any source whatsoever, for use in carrying out the purposes of the Act. Such moneys shall be deposited in the Treasury of the United States to the credit of a trust fund account which is hereby authorized and may be invested and reinvested as trust funds of the District of Columbia. The disbursement of the moneys from such trust funds shall be in such amounts, to such extent, and in such manner as the Board of Higher Education, in its judgment, may determine necessary to carry out the purposes of this Act.

(h) To submit to the Commissioners recommendations relating to legislation affecting the administration and programs of such colleges.

(i) To make such rules and regulations as may be necessary and to carry out such other activities as may be required to achieve the purposes of this Act.

(j) To assume control of the District of Columbia Teachers College established pursuant to the Act approved February 25, 1929 (45 Stat. 1276, D.C. Code, par. 31–118) from the Board of Education at such times as may be mutually agreed upon by such Boards and approved by the Commissioners. At such time personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for such Teachers College are authorized to be transferred and be under the control of such Board of Higher Education: *Provided*, That the Laboratory Schools shall remain under the control and management, and the employees assigned to such schools shall remain subject to the supervision of, the Board of Education.

SEC. 5. The Commissioners and the Board of Education shall furnish to the Board, upon request of such Board, such space and facilities in private buildings or in public buildings of the government of the District of Columbia, records, information, services, personnel, offices, and equipment as may be available and which are necessary to enable the Board properly to perform its functions under this Act.

SEC. 6. All obligations and disbursements for the purpose of the Act shall be incurred, made, and accounted for in the same manner as other obligations and disbursements for the District of Columbia and, except as provided in section 4(g) of this Act, under the direction and control of the Commissioners.

SEC. 7. (a) Subchapter 1 of chapter 18 of the Act of March 3, 1901 (31 Stat. 1280), as amended (D.C. Code, secs. 29–401—29–419), relating to establishment of institutions of learning in the District of Columbia, is amended by striking out "Board of Education" wherever it appears in such subchapter and by inserting in lieu thereof "Board of Higher Education".

(b) Nothing contained in the amendment made by this section shall be construed as affecting the validity of any license issued by the Board of Education prior to the date of the enactment of this Act.

(c) The Act of July 2, 1940 (54 Stat. 729), relating to accreditation of junior colleges in the District of Columbia, is amended by striking out "Board of Education" wherever it appears in such Act and inserting in lieu thereof "Board of Higher Education".

SEC. 8. There are hereby authorized to be appropriated from the revenues of the District of Columbia such sums as are necessary to carry out the purposes of this Act.

SOCIAL SECURITY AMENDMENTS OF 1965

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BURTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BURTON of California. Mr. Speaker, I would first like to offer my highest commendation to two of my colleagues to whom the people of this Nation are indebted because of their great contributions to the health and well-being of our people.

My distinguished colleague from California, the Honorable CECIL KING, who has championed the cause of medical care for our senior citizens and whose championship of that cause has brought us to the threshold of fulfillment at which we stand today, is one of these gentlemen. The other, the equally distinguished chairman of the Ways and Means Committee, the Honorable WILBUR MILLS, whose masterful understanding of the legislative process, has contributed so greatly to the comprehensive measure that we have before us.

H.R. 6675, which we now have before us, is indelibly identified with these two gentlemen. It is a landmark in social legislation in this country and the most sweeping extension of social security since the initial passage of the act some 30 years ago.

The first bill, which I introduced in this House after becoming a Member of the 88th Congress, was a measure to provide a program of national health insurance.

On the opening day of this session of the Congress, I joined as a coauthor of H.R. 1, which was then the vehicle for medicare.

Today I join in support of H.R. 6675.

I became a Member of this body a little over a year ago, after having served as a member of the California State Legislature for nearly 8 years and as chairman of the Assembly Committee on Social Welfare for almost 6 of those years. In that time, I saw firsthand the great need that existed for this legislation in the State of California which is blessed with prosperity.

We now offer security and a guarantee of care in their advancing years to replace the frustrations and uncertainties which faced many of our aged.

We now offer the dignity of age to replace the lonely solitude of a forgotten generation.

We now offer hope where for many there was only despair.

We now ask the people of this Nation to join a great cooperative effort through the social security system to relieve the burdens of age and restore senior citizens to their rightful and honored place in our society, a place to which their earlier contributions entitle them.

The measure which we have before us is a great step forward.

With the enactment of this legislation, we will have provided under the social security system a basic hospitalization program for persons 65 years of age and older as a matter of right—we will have offered an optional and supplementary medical program to meet the costs of physician and surgical services.

While the measure will be remembered as the Medicare Act by most people, it goes much further. It is a much broader attack on need, a much more comprehensive approach in the effort to guarantee a full life, free from want and privation, free from unnecessary suffering and disease.

For those presently receiving or eligible for social security benefits, we provide an increase in monthly benefits of 7 percent or a minimum of $4.

We extend the promise of uninterrupted education to 295,000 young people by permitting benefits to be paid to full-time college students until age 22 instead of the present maximum age of 18.

We relieve the burdens of widowhood for an estimated 185,000 widows by permitting them to receive benefits, with an actuarial reduction at age 60 instead of the present 62.

We offer assistance to some 155,000 disabled persons by liberalization eligibility and waiting period requirements.

We provide added incentives to continue useful and productive lives to those who reach retirement age by liberalizing the earned income provisions of the law.

We extend the coverage of this legislation to new groups of people and permit persons, a part of whose income is derived from tips to receive social security credit for that income.

We expand State medical assistance programs to provide health services not only to the aged but also to those who receive assistance under blind, disabled, and dependent children programs and establish standards of service which states must offer to receive Federal payment.

In the area of public assistance, this legislation increases the Federal contribution to payments in all programs and offers incentives to States to provide benefits for aged persons in tubercular and mental institutions.

Increased funds are provided for maternal and child health services and for crippled children services.

In the area of mental retardation, this legislation authorizes grants to institutions of higher education for the training of professional personnel and authorizes further grants to help States implement programs dealing with mental retardation.

This measure provides health services without restrictions on the practice of medicine. It provides Federal funds to assist the States to improve and expand their programs of public assistance.

This could well be the keystone of the great society we seek. No single piece of legislation we consider is a more sweeping nationwide attack on poverty and need.

No single act of this body since the enactment of the Social Security Act does more to guarantee a decent life, a secure life, even a happy life for our people.

The legislation we consider now, pledges to our people a freedom from want, a freedom from hunger, a freedom from despair, and a freedom from the ravages of untended disease.

Conscience requires, we can do no less than pass this measure.

THE POLIO VACCINE—A TRIUMPH OF MILLIONS

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOGARTY. Mr. Speaker, it is now a full decade since the first polio vaccine was made generally available to the American people. The word polio, which only a few years ago brought dread to parents and young people around the world, is today, thankfully, an almost forgotten word. When at one time in our recent history, the first warm winds of the spring brought with them a cold apprehension and fear of the dangerous summer months ahead, today's children can freely swim and play, confident in the protection assured them by the polio vaccine.

One seldom hears of polio today. But it is not difficult for us to remember just how much a part of our daily lives this great crippler was—not merely to those of us whose loved ones and friends were stricken or who were themselves victims—but to all the rest of us as well, who knew polio's effects and silently wondered if we or our families would be next. Just 13 years ago, in 1952, there were over 54,000 cases of polio in the United States; last year, only 121 cases were reported. After 3 months of this year, only six are on record.

Who are the heroes of this great victory? There are many names we can single out in the fight against polio—a fight which did not begin nor end with the discovery of an effective vaccine—but in reality it was not the triumph of a few isolated men or even of a single group. Rather it was the triumph of millions—scientists, physicians, administrators, public health and other public officials, volunteer health agencies, fund raisers, those in advertising and public relations—and of all the countless other Americans who donated time and money to the research effort.

In naming just a few of those who took part in the fight against polio we might arbitrarily begin with Dr. Karl Landsteiner, a great Viennese microbiologist, who in 1908 first succeeded in inducing polio in a laboratory animal, the rhesus monkey. Soon after, Dr. Simon Flaxner of the Rockefeller Institute concluded that polio was a virus disease and predicted the quick development of an effective vaccine against it.

But the use of the rhesus monkey in research presented many technical and financial problems. This factor precluded much further progress toward the development of a vaccine until 1939, when Dr. Charles Armstrong of the National Institutes of Health found a way to transmit one of the three types of polio-viruses to cotton rats and mice—a technique which immensely speeded up research. Spurred on by financial support from the National Foundation for Infantile Paralysis, the U.S. Public Health Service, and other sources, many virologists began to work on vaccines. Then, as we well know, the first usable killed-virus vaccine was produced by Dr. Jonas Salk of the University of Pittsburgh. After sensitive animal tests, the vaccine was in 1954 finally given the largest medical field trials in American history when almost 2 million schoolchildren—with the consent of their parents—participated. The Salk vaccine was found to be up to 90 percent effective and was licensed for sale by the NIH Division of Biologics Standards on April 12, 1955, the same day the results of the clinical trials were announced.

The long sought for vaccine was a reality, but this was only to be a new beginning. The first supplies of the vaccine, much of it purchased by the National Foundation for free distribution, were limited, but the demand for it was overwhelming. The Surgeon General of the U.S. Public Health Service summoned an advisory committee of polio authorities and representatives of parent and consumer groups to recommend a plan to assure the vaccine's orderly use. The committee established a system of priorities which would give the vaccine to groups in the population most susceptable to polio.

The success of this system was particularly noteworthy since it was entirely voluntary and depended upon the American sense of fairplay to see that those whose risk were greatest received vaccine first. The producers of the vaccine also cooperated by selling to the States only in proportion to the amount of high priority individuals who resided in them. The Public Health Service administered the program until late in 1956 when the

vaccine was more plentiful and the program was discontinued.

To assure that no children or pregnant women should be deprived of vaccine because they could not afford it, Congress, in 1955, passed the Poliomyelitis Vaccination Assistance Act which gave grants-in-aid to the States to be used for the purchase of vaccine and the administration of vaccination programs. Over $50 million was allocated under this act and physicians in private practice gave freely of their time and service to administer the publicly purchased vaccine.

Then, unexpectedly, 4 years after the introduction of the vaccine the number of polio cases began to rise again. The Polio Surveillance Unit of the PHS's Communicable Disease Center gathered evidence from health departments across the country which showed that the increase was an effect of the waning public interest in vaccination rather than a reflection on the lack of effectiveness of the vaccine.

Acting on this revelation, the Public Health Service, American Medical Association, and the national foundation issued warning statements to make the public more aware of the great need for vaccination. The President of the United States twice issued a personal plea to the American people to take vaccine. Manufacturers agreed not to curtail production despite rising stockpiles of the quickly out-of-date vaccine. In response to these efforts many communities organized intensive drives that succeeded in producing a sharp rise in demand.

As it soon became apparent that public interest and awareness would need regular boosting, a series of nationwide advertising campaigns was launched by the advertising council. Billboards, newspaper advertisements, car cards, and top talent in radio and television told the polio story and urged vaccination.

With the licensing in 1961 and 1962 of the three types of oral, live-virus polio vaccine developed by Dr. Albert Sabin of the University of Cincinnati, added impetus was given to the vaccination drive, since prevention was now literally as easy as swallowing a lump of sugar.

Today, as the result of all these efforts, polio has almost passed into history. As long as our newborn are properly vaccinated it will continue to be a plague in the American past. The Public Health Service estimates that at least 212,000 Americans have been saved from death or crippling from polio since 1955. This remarkable achievement is the accomplishment of all Americans—scientists, schoolchildren, vaccine manufacturers, and others. It is a fine—almost unique—example of the things the collective spirit of the American people can do when they work together for a better world for themselves—and for the generations yet unborn.

HOW THE HANDICAPPED ARE OVERCOMING BARRIERS TO EMPLOYMENT IN MY COMMUNITY

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I should like to have inserted in the CONGRESSIONAL RECORD the prize-winning entry of Miss Melody Jean Smith of Reno, Nev., in the 1965 National "Ability Counts" Contest sponsored by the President's Committee on Employment of the Handicapped.

Miss Smith won fourth place and will be presented with her award at the opening ceremonies of the Committee's Annual Meeting on April 29.

HOW THE HANDICAPPED ARE OVERCOMING BARRIERS TO EMPLOYMENT IN MY COMMUNITY

(By Melody Jean Smith, Reno High School, Reno, Nev.)

Addressing the President's Committee on Employment of the Handicapped in April of 1964, President Johnson said, "I am convinced that it is morally right—socially just—economically sensible—and administratively feasible to open the door of employment opportunity to handicapped but job-qualified Americans." Many handicapped individuals in my community have opened that door—the door which leads to their employment and to their acceptance as productive members of society.

That a moral imperative endows every human being with dignity and worth is unquestioned in our society, yet complete social justice has not been attained. There are still many prejudices against handicapped individuals.

Achieving social justice for these handicapped is never the work of a single individual or a single agency. Hundreds of people and many facilities are involved in overcoming barriers to the employment of the handicapped: rehabilitation counselors, physicians, psychologists, social workers, and prosthetic experts; plus rehabilitation centers, workshops, hospitals, and schools. The President's Committee on Employment of the Handicapped has a network of Governors' committees and local committees carrying information and inspiration to every part of the country. The work of these groups has resulted in modification of the hiring practices of employers.

One of the great steps made in the past few years has been the removal of architectural barriers such as steep flights of steps and narrow doorways that cannot admit employees confined to wheelchairs. Last year when my community's new multimillion-dollar bank building was completed, Mr. Albert Alegre, the building manager, stated, "The handicapped were considered when this building was planned." A ramp leads to the building's automatic doors, and the elevators, drinking fountains, and restrooms of the interior are easily accessible to the handicapped. A newly built employment security office building and an almost completed city hall also have street level entrances accessible to the handicapped.

Federal-State agencies working as partners in action have made rehabilitation and placement of the handicapped administratively feasible. Disabled persons are referred to the division of vocational rehabilitation from many sources: doctors, schools, welfare agencies, and employment services. Medical data, case study, and an appraisal of the client's ability enable the counselor to work out an individual rehabilitation plan. The services may include medical care, the supplying of artificial limbs, training, transportation, and maintenance during rehabilitation, the supplying of occupational tools and equipment, and job placement.

In my community by means of a grant from the Max C. Fleischmann Foundation, funds from the vocational rehabilitation administration, and contributions from individuals and organizations in Nevada, a much needed occupational training center is being initiated. This center will provide necessary training for disabled people in order that they may become self-supporting.

The money spent for the construction and operation of this training center is well spent, for rehabilitation of the handicapped is economically sensible. In Nevada, 113 persons were rehabilitated during the fiscal year 1963–64. These individuals had earned $62,088 annually before rehabilitation; after rehabilitation they were earning $491,296 annually, an increase of over 600 percent. It is estimated that during the rest of their lives they will pay back about $10 in income tax for every dollar invested in their rehabilitation.

Hiring the handicapped is also economically sensible for the employer. Publicized studies show that properly placed handicapped persons are equally or more productive than their fellow workers and that they have better attendance and safety records.

Many handicapped persons in my community have overcome the characteristic barriers to employment—social, architectural, prejudicial—and are now proving that ability counts. Although Mr. Howard McKissick is a disabled veteran, his consistent reelection to the post of county commissioner attests to his efficiency and the voters' gratitude. Mrs. Lillian Barnum, who lost her legs when she was 8, is a dedicated worker for the Governor's Committee on Employment of the Handicapped. In spite of the loss of his right arm, Mr. Howard Farrel is an excellent accountant for the Internal Revenue Service. Mr. Maynard Yasmer, severely crippled by polio, necessitating his being confined to a wheelchair, has achieved distinction as a rehabilitation counselor.

These people are among those who have overcome barriers to employment in my community. Many more need help. This help is being provided by the many agencies and individuals that concern themselves with this problem. Through diligent work, my community is learning that it is morally right—socially just—economically sensible—and administratively feasible to rehabilitate and hire the handicapped.

DEVASTATION OF OREGON BY THE RAVAGING DISASTROUS FLOODS

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, during Christmas week of 1964, Oregon was devastated by the ravaging of disastrous floods. There is general awareness of the great problems of repair and the need for legislative and financial assistance to help the flood-stricken areas.

Recently, the Oregon State Legislature memorialized the Congress for assistance from the Federal agencies. Therefore, Mr. Speaker, under unanimous consent I place this in the body of the RECORD. Joining with me are Congressman ROBERT DUNCAN, Congressman AL ULLMAN, and Congressman WENDELL WYATT.

ENROLLED HOUSE JOINT MEMORIAL 8

(Introduced by Representatives Detering, Anunsen, Back, Bateson, Bazett, Bedingfield, Bessonette, Boe, Branchfield, Crothers, Day, Dellenback, Elder, Gallagher, Gwinn, Hanneman, Howe, Hoyt, Sam Johnson, Kennedy, Lang, Leiken, Lewis, McGilvra, McKinnis, Mann, Ouderkirk, Paxson, Redden, Richards, Rogers, Wilson, Senators Ahrens, Atiyeh, Chapman, Elfstrom, Husband, Huston, Inskeep, Ireland, McKay, Potts, Raymond)

To the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your memorialists, the 53d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the 1964 and 1965 flood disaster affected the entire State of Oregon; and

Whereas this disaster reemphasized the immediate need for action by local, State and Federal interests to accelerate those activities that would assist in prevention or mitigation of future flood damages, including storage, flood plain identification, land use regulation and flood forecasting measures; and

Whereas the potential for a flood of this magnitude exists each and every year; and

Whereas the benefits of existing flood control projects have been proven many times, not only during the 1964 and 1965 floods but during previous floods of lesser magnitude; and

Whereas damages of even greater magnitude would have occurred in 1964 and 1965 if both public and private storage facilities had not reduced flood crests; and

Whereas substantial additional storage and other measures are needed before floods of even less magnitude than the 1964 and 1965 floods can be adequately controlled in the State of Oregon; and

Whereas the 1964 and 1965 floods point up the urgent need for Federal action, including authorization, acceleration of advanced planning, construction of authorized projects and acceleration of investigations currently under way: Now, therefore be it

Resolved by the Legislative Assembly of the State of Oregon:

1. The Congress of the United States is requested to authorize the following projects in the State of Oregon at the earliest opportunity:

(a) Grande Ronde River and Catherine Creek project, Union County.

(b) Tualatin project, Washington County.

(c) Merlin project, Josephine County.

(d) Willow Creek project, Morrow County.

2. While certain Federal projects have been authorized in this State, additional funds are required and are hereby requested to accelerate advance planning and construction of these projects, including:

(a) Lost Creek, Elk Creek and Applegate projects, Jackson County.

(b) Gate Creek and Blue River projects, Lane County.

(c) Fall Creek project, Lane County.

(d) Green Peter project, Linn County.

(e) Cascadia project, Linn County.

(f) Mason project, Baker County.

(g) Holley Dam, Linn County.

3. Adequate funds should be appropriated by the Congress for all Federal agencies involved to accelerate comprehensive water resource planning studies in this State, including an interim report on Thomas Creek, Linn County.

4. Additional funds should be appropriated by the Congress to accelerate flood plain identification studies in this State in order that this information may be made available at the earliest opportunity for local land use planning and assistance in effective evacuation of flood areas.

5. Present flood forecasting networks in this State should be strengthened by expanding the present Federal network of stations and refining report procedure.

6. Copies of this memorial shall be transmitted to each member of the Oregon congressional delegation with the request that this memorial be brought to the attention of the appropriate Senate and House committees.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAREY (at the request of Mrs. KELLY), for today, on account of illness in the family.

Mr. ROSETNKOWSKI and Mr. KLUCZYNSKI (at the request of Mr. ALBERT), for today, on account of official business.

Mr. NELSEN (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business due to flood and storm conditions in congressional district.

Mr. STALBAUM (at the request of Mr. FLYNT), for April 13, 1965, and April 14, 1965, on account of official business.

Mr. FARNUM (at the request of Mr. O'HARA of Michigan), on account of illness in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RONCALIO, for 15 minutes, today.

Mr. LINDSAY, for 30 minutes, today.

Mr. LINDSAY, for 30 minutes, on Thursday.

Mr. HALPERN (at the request of Mr. HORTON), for 10 minutes, on April 14; to revise and extend his remarks and to include extraneous material.

Mr. EDWARDS of Alabama (at the request of Mr. HORTON), for 30 minutes, today; to revise and extend his remarks and to include extraneous material.

Mr. DICKINSON (at the request of Mr. HORTON), for 60 minutes, on April 27; to revise and extend his remarks and to include extraneous material.

Mr. BRAY (at the request of Mr. HORTON), for 10 minutes, on April 14; to revise and extend his remarks and to include extraneous material.

Mr. BRAY (at the request of Mr. HORTON), for 10 minutes, on April 15; to revise and extend his remarks and to include extraneous material.

Mr. ASHBROOK (at the request of Mr. HORTON), for 40 minutes today; and to revise and extend his remarks and to include extraneous material.

Mr. HOSMER (at the request of Mr. HORTON), for 2 minutes, on April 14; to revise and extend his remarks and to include extraneous material.

Mr. RONCALIO (at the request of Mr. TENZER), for 30 minutes, on Wednesday, April 14; to revise and extend his remarks and to include extraneous matter.

Mr. RODGERS of Florida (at the request of Mr. TENZER), for 30 minutes, on April 15; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unaimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. DORN.

(The following Members (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. RUMSFELD.

Mr. MCCLORY.

Mr. BERRY.

(The following Members (at the request of Mr. TENZER) and to include extraneous matter:)

Mr. MARSH.

Mr. MCVICKER.

Mr. O'NEAL of Georgia.

Mr. CALLAN.

Mr. IRWIN.

Mr. GRABOWSKI.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4778. An act to increase the amounts authorized for Indian adult vocational education; and

H.R. 5721. An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

ADJOURNMENT

Mr. TENZER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 14, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

922. A communication from the President of the United States, transmitting the report of the Secretary of the Interior concerning the economic and engineering feasibility of a third powerplant at Grand Coulee Dam on the Columbia River, and a draft of authorizing legislation (H. Doc. No. 142); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

923. A letter from the Secretary of Labor, transmitting the third annual report on the administration of the Welfare and Pension Plans Disclosure Act for calendar year 1964, pursuant to section 14(b) of the act; to the Committee on Education and Labor.

924. A letter from the Comptroller General of the United States, transmitting a report of deficient administration of spare parts procurement and other deficiencies in contract administration relating to the nuclear-powered merchant vessel, NS *Savannah*, Maritime Administration, Department of Commerce and Atomic Energy Commission; to the Committee on Government Operations.

925. A letter from the Comptroller General of the United States, transmitting a re-

port of ineffective utilization of excess personal property in the foreign assistance program, Agency for International Development, Department of State; to the Committee on Government Operations.

926. A letter from the Comptroller General of the United States, transmitting a report of procurement of inoperative radar target simulators, Federal Aviation Agency; to the Committee on Government Operations.

927. A letter from the Comptroller General of the United States, transmitting a report of excessive cost-of-living allowances paid to Federal employees in Puerto Rico and the Virgin Islands, U.S. Civil Service Commission; to the Committee on Government Operations.

928. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use and for other purposes; to the Committee on Interstate and Foreign Commerce.

929. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of certain lands for addition to the Chickamauga and Chattanooga National Military Park, Ga., and for other purposes; to the Committee on Interior and Insular Affairs.

930. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize the appointment of crier-law clerks by district judges; to the Committee on the Judiciary.

931. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation providing for reduction of the borrowing power of the Commodity Credit Corporation and the cancellation of notes due the Treasury in amount equivalent to such reduction and other purposes; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 3165. A bill to authorize the establishment of the Pecos National Monument in the State of New Mexico, and for other purposes; with amendment (Rept. No. 234). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 4465. A bill to enact part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia; without amendment (Rept. 235). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 236. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BURTON of Utah:

H.R. 7381. A bill to repeal the Naval Stores Act; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 7382. A bill to amend section 1391 of title 28 of the United States Code relating to venue; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 7383. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Interior and Insular Affairs.

By Mr. FINO:

H.R. 7384. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOGARTY:

H.R. 7385. A bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, optometry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 7386. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 7387. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.R. 7388. A bill to protect civil rights by providing criminal and civil remedies for unlawful official violence, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 7389. A bill to assist States in collecting sales and use taxes on certain tobacco products; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 7390. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. KING of Utah:

H.R. 7391. A bill to amend the Federal Crop Insurance Act, as amended, so as to permit the Federal Crop Insurance Corporation to continue to make insurance available to farmers in high-risk counties or areas, and for other purposes; to the Committee on Agriculture.

H.R. 7392. A bill to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941; to the Committee on Armed Services.

H.R. 7393. A bill to confer upon the Federal Trade Commission the power and duty to regulate the advertising and labeling of cigarettes; to the Committee on Interstate and Foreign Commerce.

By Mr. McVICKER:

H.R. 7394. A bill to amend the Clean Air Act to require national standards for reducing or eliminating the emission of air pollutants from gasoline-powered vehicles, to direct the Surgeon General to conduct a study of and report to Congress on the effect of air pollution from all sources on human health (particularly lung cancer), and for other purposes; and to amend the Internal Revenue Code of 1954 to permit deduction of expenditures and increased investment credit for the acquisition, construction, or installation of water and air pollution control devices; to the Committee on Interstate and Foreign Commerce.

By Mr. MULTER:

H.R. 7395. A bill to establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NELSEN:

H.R. 7396. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 7397. A bill to authorize a study of methods of helping to provide financial assistance to victims of future natural disasters; to the Committee on Banking and Currency.

By Mr. RONCALIO:

H.R. 7398. A bill to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7399. A bill to amend title 38 of the United States Code to provide that World War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. ST. ONGE:

H.R. 7400. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 7401. A bill to repeal the excise tax on amounts paid for communication service or facilities; to the Committee on Ways and Means.

By Mr. WHITE of Texas:

H.R. 7402. A bill to provide for the establishment of the Chamizal Treaty National Memorial in the city of El Paso, Tex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WIDNALL:

H.R. 7403. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 7404. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 7405. A bill to authorize the navigation project for the Weymouth-Fore and Town Rivers, Boston Harbor, Mass.; to the Committee on Public Works.

By Mr. FOLEY:

H.R. 7406. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a third powerplant at the Grand Coulee Dam, Columbia Basin project, Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRIEDEL:

H.R. 7407. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. McDADE:

H.R. 7408. A bill relating to the status of volunter fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

H.R. 7409. A bill to permit any wage earner to defer payment of a portion of the difference between the income tax imposed for a taxable year beginning in 1964 and the amount deducted and withheld upon his wages during 1964; to the Committee on Ways and Means.

By Mr. MACKAY:

H.R. 7410. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. MATHIAS:

H.R. 7411. A bill to amend the act entitled "An act to prevent pernicious political activities", approved August 2, 1939, to permit persons covered by such act to engage in political activities solely involving local offices; to the Committee on House Administration.

H.R. 7412. A bill to amend section 9(a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, to permit certain part-time Federal employees to engage in political activities; to the Committee on House Administration.

H.R. 7413. A bill to repeal the provisions of the Railroad Retirement Act which reduce the annuities of the spouses of retired employees, and the survivors of deceased employees, by the amount of certain monthly benefits payable under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

H.R. 7414. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7415. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

H.R. 7416. A bill to permit unmarried annuitants under the Civil Service Retirement Act to elect survivorship annuities upon subsequent remarriage, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7417. A bill to amend the Internal Revenue Code of 1954 to provide that annuities awarded for disability under the Civil Service Retirement Act shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 7418. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 7419. A bill to amend section 107 of title 23 of the United States Code to prohibit the Secretary of Commerce from condemning certain lands for highways; to the Committee on Public Works.

H.R. 7420. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction from gross income for the cost of employing full-time household help; to the Committee on Ways and Means.

H.R. 7421. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. VIVIAN:

H.R. 7422. A bill providing for the observance of certain legal holidays on days other than those now fixed by law; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 7423. A bill to permit certain transfers of Post Office Department appropriations; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 7424. A bill to provide for the establishment of a drug stamp program; to the Committee on Interstate and Foreign Commerce.

By Mr. FRIEDEL:

H.R. 7425. A bill to amend the Internal Revenue Code of 1954 to provide for optional tax tables where the adjusted gross income is less than $10,000; to the Committee on Ways and Means.

By Mr. GRIDER:

H.R. 7426. A bill to amend the Tariff Act of 1930 to provide for the importation, free of duty, of technical yellow oxide of mercury from Mexico; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 7427. A bill to extend the boundaries of the Kaniksu National Forest in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRIS:

H.R. 7428. A bill to amend the Communications Act of 1934 to prohibit the Federal Communications Commission from accepting for filing any application involving the construction of an antenna structure extending over 2,000 feet above the ground; to the Committee on Interstate and Foreign Commerce.

H.R. 7429. A bill to amend the Clean Air Act in order to provide for improved control of air pollution from Federal installations and facilities and automotive vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 7430. A bill to amend the Federal Power Act to clarify the jurisdiction of the Federal Power Commission over certain persons engaged in the transmission or sale at wholesale of electric energy; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 7431. A bill to amend section 725 of title 38 of the United States Code, with respect to provisions in national service life insurance policies issued under that section to veterans having service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. MATHIAS:

H.R. 7432. A bill to provide that compensation for services performed as an officer or employee of the United States in a State in which such officer or employee is not domiciled shall be subject to an income tax imposed by such State only if the domiciliary State of such officer or employee imposes such a tax on compensation for such services performed in that State by an officer or employee of the United States not domiciled therein; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 7433. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TALCOTT:

H.R. 7434. A bill to amend title I of the Housing Act of 1949 to provide that no urban renewal project shall receive Federal assistance thereunder without the approval of the people of the community concerned, given in a referendum held for that purpose; to the Committee on Banking and Currency.

By Mr. CONTE:

H.J. Res. 426. Joint resolution providing for the erection of a memorial statue to the late Dr. Robert H. Goddard, the father of American rocketry; to the Committee on Science and Astronautics.

By Mr. BROYHILL of Virginia (by request):

H.J. Res. 427. Joint resolution establishing a National Shrine Commission to select and procure a site and formulate plans for the construction of a permanent memorial building in memory of the veterans of the Civil War; to the Committee on House Administration.

By Mrs. GREEN of Oregon:

H. Con. Res. 393. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Con. Res. 394. Concurrent resolution requesting the President of the United States to urge certain actions with respect to Lithuania, Latvia, and Estonia; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Illinois:

H. Con. Res. 395. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

By Mr. ADAMS:

H. Con. Res. 396. Concurrent resolution recommending timely State action to insure, through uniform residency requirements, the right of new residents of the several States to vote in the 1968 presidential elections and thereafter; to the Committee on House Administration.

By Mr. SELDEN:

H. Res. 328. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H. Res. 329. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Res. 330. Resolution creating a select committee to conduct an investigation and study of organized crime in the United States; to the Committee on Rules.

By Mr. MACHEN:

H. Res. 331. Resolution authorizing each House Member to employ additional help from June 1 to August 1 inclusive; to the Committee on House Administration.

By Mr. DINGELL:

H. Res. 332. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. ASHBROOK:

H. Res. 333. Resolution prohibiting the payment of compensation by the Clerk of the House to certain relatives employed by Members; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

197. By Mr. MORRIS: Joint memorial of the Legislature of the State of New Mexico, requesting a review of overly severe grazing regulations enforced by the U.S. Forest Service; and asking for a congressional hearing; to the Committee on Agriculture.

198. By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, relative to the adoption of legislation assuring all citizens of the United States their constitutional right to vote without discrimination on account of race or color; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ASHMORE:

H.R. 7435. A bill for the relief of Col. Thomas O. Lawton, Jr., U.S. Air Force; to the Committee on the Judiciary.

H.R. 7436. A bill for the relief of Maj. Victor R. Robinson, Jr., U.S. Air Force; to the Committee on the Judiciary.

H.R. 7437. A bill for the relief of Lt. Col. Nicholas A. Stathis, U.S. Air Force; to the Committee on the Judiciary.

H.R. 7438. A bill for the relief of Chief M. Sgt. Samuel W. Smith, U.S. Air Force; to the Committee on the Judiciary.

H.R 7439. A bill for the relief of 1st Lt. David A. Staver, U.S. Air Force; to the Committee on the Judiciary.

H.R. 7440. A bill for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force; to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 7441. A bill for the relief of Hom Gen Ngee (known as Suen Yun); to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 7442. A bill for the relief of Christos A. Maras; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 7443. A bill for the relief of Peggy R. Mueller; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 7444. A bill for the relief of Armando Belmonte; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 7445. A bill for the relief of Yvette Zubli; to the Committee on the Judiciary,

By Mr. HARDY:

H.R. 7446. A bill for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.; to the Committee on the Judiciary.

By Mr. JONES of Alabama:

H.R. 7447. A bill for the relief of certain employees of the Department of the Army at the Redstone Arsenal, Ala.; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 7448. A bill relating to the tax-exempt status of the Plumbers Local Union No. 457 Welfare Fund under section 501(a) of the Internal Revenue Code of 1954 for the period commencing July 1, 1959, and ending June 30, 1964; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 7449. A bill for the relief of Evangelos Metaxas, Michael Matheos, and John Papamakariou; to the Committee on the Judiciary.

H.R. 7450. A bill for the relief or Mr. Jehuda Siman-Tov; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 7451. A bill for the relief of John R. Devereux; to the Committee on the Judiciary.

H.R. 7452. A bill for the relief of Kazou Ochi; to the Committee on the Judiciary.

H.R. 7453. A bill for the relief of Margaret Elizabeth and Frederick Henry Todd; to the Committee on the Judiciary.

By Mr. MURRAY:

H.R. 7454. A bill for the relief of David Lee Bogue; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 7455. A bill for the relief of Benjamin Mowszenzon; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7456. A bill for the relief of Guiseppe Caruso; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 7457. A bill for the relief of Margaret Karabetyan; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 7458. A bill for the relief of Elaine Clark; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

167. By Mr. PHILBIN: Petition of the Board of Selectmen, Oakham, Mass., against the closing of the Rutland Heights Veterans' Administration Hospital, Rutland Heights, Mass.; to the Committee on Veterans' Affairs.

168. By the SPEAKER: Petition of Common Council, city of Buffalo, N.Y., relative to providing for a tax assistance on cost of water pollution control facilities; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Medicare

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 13, 1965

Mr. BERRY. Mr. Speaker, I have asked unanimous consent to proceed for 1 minute, revise and extend my remarks to answer a charge by South Dakota Democratic State Chairman Clem Noonan that I would have to answer to the voters of South Dakota in the 1966 election for my vote against the President's medicare plan.

Mr. Speaker, I have already answered. As in former years I sent out a questionnaire to every boxholder in my present congressional district and 83 percent of the people living west of the Missouri River voted against the President's medicare plan in the questionnaire returns that I have just tabulated. By the same token, 84 percent voted for eldercare.

I sent a questionnaire containing the same questions to the 20 new counties being attached to my old congressional district, lying between the Missouri River and the James River, and while the tabulation is not yet complete on the returns from this area sent to everyone in the telephone directory, the vote is almost as overwhelming, with 75 percent opposing medicare and 76 favoring eldercare.

Mr. Speaker, the results of elections can be misconstrued. This is the reason I annually send out a questionnaire because the majority of those interested in good government take the time to give me the benefit of their thinking and their advice, and these results determine my vote.

Yes, Mr. Speaker, the people of South Dakota have already spoken, and have spoken very decisively in answering my questionnaire.

Agricultural Research Stations, Supporting Continuation of Programs (S. Rept. No. 156)

EXTENSION OF REMARKS
OF
HON. MASTON O'NEAL
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 13, 1965

Mr. O'NEAL of Georgia. Mr. Speaker, it was with considerable reassurance and revival of optimism that I read the report last week of the Committee on Appropriations emanating from the other body.

The report is thorough and bears evidence of meticulous study. It also reveals an unmistakable sign of good judgment in opposing the elimination of many long-term agricultural research stations.

While I commend Senator SPESSARD HOLLAND and his colleagues for the entire report, I am especially interested in four items that vitally affect the farmers of my district, and I would like to bring those to the attention of my colleagues by giving them emphasis here as follows:

5. Elimination of research on tung (Cairo, Ga., Bougalusa, La., and Beltsville, Md.), $221,300: The committee recommends that the production research on tung be continued indefinitely at an annual expenditure of $221,300. The production of tung is regional in nature and the hearing record shows that on the average only 50 percent of our domestic requirements of tung is met by U.S. production. In order to step up domestic production of tung, the research program should be continued to cope with various problems of cold resistance, cultural, nutritional, harvesting, and related problems of production.

7. Elimination of research on sugar sorghum (Cairo and Experiment, Ga., Beltsville, Md., and Meridian, Miss.), $75,200: The committee recommends the indefinite continuance of research on sugar sorghum at an annual rate of $75,200. Sorghum is produced in 29 States as silage, sirup, or as a molasses crop. The farm value of the crop is estimated at $80 million. Due to the wide area of production and the need for continuing research, there appears to be little basis for proposing to discontinue this line of research which is effectively conducted at a low rate of expenditure in relation to the value of the crops produced.

8. Elimination of research on rye (Tifton, Ga., Beltsville, Md., and Stillwater, Okla.), $39,800: The committee recommends that the insect research on rye be continued. The annual expenditure is $39,800 and the