thousands of books and pamphlets to firms in my district on how to sell to various Government agencies; arranging meetings between Baltimore area industrialists and the National Aeronautics and Space Administration in an endeavor to attract a $50 million electronics center to my area; waging a long fight against New York to win a $2.5 million nuclear research reactor for the Aberdeen Proving Ground; taking a keen interest in cleaning up dirty water and air in industrial areas of my district, and bringing in the Public Health Service to study this pollution for the purposes of law enforcement.

In addition to these civil programs, I have done much for individuals in need of help. A family denied social security benefits wrote to me: "An injustice has been done, but we do not know how to cope with the Government—it is too large." My appeal brought them $4,400 in back benefits. I persuaded the Internal Revenue Service to stop dunning an aged and indigent woman for back taxes. I got the State Department to allow a South African girl stranded in Canada to join her finance in America, and a young Austrian to visit her sister here. My latest triumph was to get a 17-year-old girl out from behind the Iron Curtain to join her family, who had not seen her since she was a baby.

All these efforts have won me a reputation as a hard-working Congressman, who helps people. As a result, my strongest potential opponents have backed away from running against me. I have discovered—or think I have—that most voters are not greatly interested in national legislation. They have problems and needs of their own, and if you help them with these, they allow you great freedom in voting on national legislation. Put it another way, a solid base of popularity with the ordinary voter gives a Congressman sanctuary from pressure groups who want things inimical to the national interest. As a consequence, I can vote solidly for civil rights in a basically Southern State with a white constituency drawn increasingly from the Deep South.

Perhaps the least satisfactory aspect of being an economist in Congress is that it is seldom possible to cast a vote which does justice to all the many and subtle considerations that surround any major issue. For example, the tax cut and its effect on unemployment and economic growth are, to me, complicated and manysided questions.

I have grave doubts as to the need for, or the efficacy of, such a cut at a time when important indicators show that we are far from recession conditions. And all the arguments regarding our deficient aggregate demand have still not changed my mind. I voted for the cut because I had to make a choice. I was doubtful that a cut was justified; on the other hand, I was not absolutely certain that it would not help, and I was willing to take a chance on it.

I voted for the tax cut also for party reasons. As a Democrat, I am naturally convinced that my party is closer to the right answers in most matters and that it is important that the opposition not be allowed to hand us a black eye on an important issue. Thus the tax cut became a party, as well as an economic, issue.

There is also the matter of time and energy. Hundreds—nay, thousands—of economic bills come before Congress. While I can analyze and understand any one, or a small number, of such bills, to master all aspects of all such legislation is impossible, in view of the heavy demands to serve my district, receive visitors, speak to and visit in my district, read and answer thousands of letters and phone calls.

I am sometimes bemused by the fact that my vote normally does not differ from that of many of my colleagues who never had a principles of economics course. Unquestionably, economics training is needed in Congress; more Congressmen ought to have it. But isn't there a limit to what an economist can do in Congress when the public, which, after all, makes the rules of practical politics, neither knows nor cares much about this intricate subject?

Thus, although my thinking on the causes of unemployment, stagnation, and inflation has not been significantly modified by my year in Congress, I have concluded that in politics, pure economics must be heavily laced with pragmatism, and that Congress is no place for a textbook economist.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 16, 1964

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. ALBERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
April 16, 1964.

I hereby designate the Honorable CARL ALBERT to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker of the House of Representatives.

PRAYER

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

I Corinthians 15: 58: *Be ye stedfast, unmoveable, always abounding in the work of the Lord.*

Most merciful and gracious God, we penitently acknowledge that in the adventure of life there are many strange events and bitter experiences whose meaning we cannot understand.

It gives us peace and courage and hope to believe that this universe is in the keeping and control of One whose mind is infinitely wiser than our own.

We rejoice that we may trust ourselves to Thy divine love and care and that Thou wilt gird us with an indomitable spirit to rise above the storm when the winds are contrary.

May we also go about doing good and extend a helping hand to the weary and heavy laden and speak words of cheer and comfort to those who are lonely and discouraged and find life a difficult struggle.

Hear us in Christ's name. Amen.

THE JOURNAL

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

PERMISSION TO COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE, FISCAL YEAR ENDING JUNE 30, 1965

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow, Friday, April 17, to file a report on this bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FORD. Mr. Speaker, I reserve all points of order on the bill.

REPORTED READINESS OF THE SOVIET UNION TO SUPPORT "A PEACEFUL SOLUTION TO THE ISRAEL PROBLEM"

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, according to a press report issued out of Paris, dated April 9, 1964, Premier Khrushchev's son-in-law, Alexei Adjubei said, while on a visit there, that the Soviet Union was ready to support "a peaceful solution to the Israel problem." This was based on the Soviet Premier's policy of peaceful coexistence with the West. Adjubei, who is editor of the official Soviet Government newspaper, Izvestia, said that the policy applied to the Middle East as well.

It has occurred to me that the import of the foregoing should be explored with the Soviet Government at this time. I say this especially in view of the fact that the Soviet Union has begun shipping rocket firing mosquito patrol boats which are capable of firing guided rockets 10 to 20 miles from the launching pads aboard the ships. Similar type ships have previously been supplied to Egypt.

May I therefore urge that a request be made of the Soviet Government that they join with us in making representations to the Arab countries in order that the groundwork be laid for peace talks between this Government, the Soviet Union, and representatives of the Arab countries.

I believe that it would be appropriate at this time to engage in conversation with the Soviet Union in view of the continued sale of arms to the United Arab Republic by the Soviet Union and the reported production of ground-to-ground missiles by the United Arab Republic with the aid of Soviet and Nazi scientists.

The threatened diversion of the headwaters of the Jordan River by the Arab

countries, in order to prevent Israel from using its share of the waters of the Jordan for the purpose of irrigating the Negev, is another development worthy of talks between the respective countries.

HENRY J. KAISER HAS DEMONSTRATED THAT INDIVIDUAL INITIATIVE AND PRIVATE ENTERPRISE ARE THE BULWARK AND FOUNDATION OF DEMOCRACY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute on a resolution to honor Henry J. Kaiser, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in less than a month, on May 9, one of America's all-time industrial titans will celebrate his 82d birthday. Henry J. Kaiser, since his birth in 1882, has not only witnessed—but has profoundly influenced and vigorously helped to guide—the greatest expansion in all history of any nation's productive capacity and inventive genius. His creed as a practitioner of individual initiative and private enterprise has been "Find a need, and fill it." He has done, so many times, in magnificent fashion, in the 50 years since he founded his first Kaiser enterprise.

"Problems are opportunities in work clothes," Henry J. Kaiser has said. The Kaiser Industries Corp. which he still leads as chairman of the board, is a towering demonstration of the vitality of free enterprise when men of vision and of courage and of faith in American democracy are willing to invest their brains and energies, as well as their financial resources, in the service of the American economy.

Henry J. Kaiser has done much more than build a giant among business enterprises. He has fashioned an industrial machine to the needs of the American people, and to the aspirations of freedom-loving peoples of many other countries as well, to bring prosperity to areas which had previously experienced economic stagnation or want. His industries forge the sinews of defense, the tools of commerce, and the instruments of transportation and communication, and America is the greater for them.

Only the perspective of history will enable succeeding generations eventually to measure the true extent of the vast contributions to this country's greatness and progress made by Henry J. Kaiser. But we have had sufficient perspective in the past 50 years to know that this man who dared to pioneer in human relations as well as in technology has given his countrymen more confidence in the strength of initiative and free enterprise than any other businessman of his era.

And for this achievement among many, many achievements, Henry J. Kaiser deserves the recognition which many of us in the Congress of the United States have joined in proposing for him.

Mr. Speaker, Henry J. Kaiser should be awarded a Congressional Medal of National Honor.

Few Americans have ever been granted this honor. It is—and should be—reserved only for those whose deeds have written new chapters in the annals of American greatness. Henry J. Kaiser is such an American.

House Joint Resolution 951, introduced in the House of Representatives on March 16, 1964, authorizes the issuance of a gold medal to Henry J. Kaiser. My great admiration for this outstanding American is shared, I know, by every citizen who thrilled during World War II to the industrial miracles wrought by this man in helping to arm our Nation for victory. Americans have been thrilled time after time, also, since the end of World War II—as we were on numerous occasions prior to the war—by his daring and imagination in building new enterprises and restoring faltering old ones.

The legislation proposing the issuance of a Congressional Medal of National Honor to Henry J. Kaiser has been introduced by 16 Members of this House, and by 19 Members of the U.S. Senate, who joined in sponsoring Senate Joint Resolution 163, introduced on March 23.

Mr. Speaker, I submit herewith the list of the pending House joint resolutions proposing this well-deserved honor for Henry J. Kaiser, and their sponsors as follows: Mr. CANNON, House Joint Resolution 999; Mr. COHELAN, of California, House Joint Resolution 975; Mrs. GREEN of Oregon, House Joint Resolution 964; Mr. GUBSER, of California, House Joint Resolution 984; Mr. HAGAN of California, House Joint Resolution 994; Mr. HANNA, of California, House Joint Resolution 956; Mr. HECHLER, of West Virginia, House Joint Resolution 985; Mr. HOLIFIELD, of California, House Joint Resolution 961; Mr. HORAN, of Washington, House Joint Resolution 988; Mr. HOSMER, of California, House Joint Resolution 989; Mr. MORRIS, of New Mexico, House Joint Resolution 1000; Mr. MORRISON, of Louisiana, House Joint Resolution 965; Mr. PATMAN, of Texas, House Joint Resolution 951; Mr. PELLY, of Washington, House Joint Resolution 995; Mr. SECREST, of Ohio, House Joint Resolution 966; Mr. SHEPPARD, of California, House Joint Resolution 957; Mr. TOLLEFSON, of Washington, House Joint Resolution 986; and Mr. CHARLES H. WILSON of California, House Joint Resolution 958.

The companion measure in the Senate, Senate Joint Resolution 163, has been sponsored by Senators ANDERSON, of New Mexico; BARTLETT, of Alaska; BIBLE, of Nevada; BYRD of West Virginia; CHURCH, of Idaho; COTTON, of New Hampshire; DOUGLAS, of Illinois; ENGLE, of California; HARTKE, of Indiana; INOUYE, of Hawaii; JACKSON, of Washington; JAVITS, of New York; KUCHEL, of California; LONG of Missouri; MAGNUSON, of Washington; Moss, of Utah; RANDOLPH, of West Virginia; WILLIAMS of New Jersey and YOUNG of Ohio.

Mr. Speaker, this is impressive support for legislation to bestow upon Henry J. Kaiser the highest honor within the power of Congress to grant upon an American citizen.

The text of House Joint Resolution 951, and of the companion bills above cited, follows. The Senate resolution, Senate Joint Resolution 163, is identical.

H.J. RES. 951

Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser

Whereas Henry J. Kaiser, world-famous industrialist and humanitarian, has devoted his full life to the business of serving and building people; and

Whereas he has demonstrated to the peoples of the world that individual initiative and private enterprise are the bulwark and foundation of democracy; and

Whereas he pioneered a new approach to solving the problems of providing medical care for the average man by applying the instruments of private enterprise; and

Whereas Henry Kaiser's remarkable wartime record of building ships, planes, weapons, and military installations set the pace for the rest of the Nation to supply her the necessary materials she needed for victory; and

Whereas his generous use of imagination and spirit of cooperation have helped solve the problems of labor with realistic understanding, and consequently have earned for him the respect of labor, management, and the public; and

Whereas Henry J. Kaiser has helped peoples of the world to rise to freedom and a more ample life by searching the globe for areas of human want and need—and then fulfilling them: Therefore be it

Resolved, That the Congress of the United States of America bestow upon Henry J. Kaiser a Congressional Medal of National Honor and therewith express the admiration, respect, and appreciation in which he is held by the Congress, by the people of the United States, and by the people of the world for his contributions to upholding the dignity of man; and be it further

Resolved, That the President of the United States is hereby authorized and requested to present to Henry J. Kaiser in the name of the people of the United States of America a gold medal of appropriate design.

SEC. 2. The President is further authorized and requested to present such a medal at an appropriate program of presentation; and be it further

Resolved, That the Secretary of the Treasury shall cause such a medal to be struck and furnished the President. The sum of $2,500 is hereby authorized for the purpose of paying for the medal and incidental expenses in connection with the presentation.

THE BROADCASTING INDUSTRY

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WELTNER. Mr. Speaker, few among us stop to realize the great impact upon our Nation and upon national thinking brought about by the growth and development of the broadcasting industry.

Beginning almost as a novelty, radio and television have become an intricate part of our national life. This growing giant has brought entertainment, education, and new understanding to mil-

lions of Americans far removed from centers of national activity.

During this week an outstanding citizen of my district, Mr. J. Leonard Reinsch, celebrates his 40th year in the broadcasting industry. Now chief executive of an important and influential group of radio and television stations, Mr. Reinsch has grown with the industry to a place of paramount importance.

I am happy to join his many friends and associates throughout the Nation in recognizing this milestone in his career.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, may I ask the majority whip if he will inform us as to the program for next week?

Mr. BOGGS. Mr. Speaker, the program for the week beginning April 20, 1964, is as follows:

On Monday bills on the Consent Calendar will be called. Two bills will be called up under suspension of the rules, H.R. 9521, increasing the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, and S. 793, promoting the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California in the administration of the Klamath reclamation project.

On Tuesday we will take up the appropriation bill for the Defense Department after bills on the Private Calendar are called.

We have added several bills which were not on the calendar in addition to bills from the Committee on Ways and Means. I will read this. It is a long list of bills from the Committee on Ways and Means which will be considered next week. They are as follows:

H.R. 1997, limitation of diversity jurisdiction of Federal courts under direct action statutes.

H.R. 287, including Nevada among States permitted to divide their retirement system into two parts for OASDI coverage purposes.

H.R. 1608, providing that aircraft engines and propellers may be exported as working parts of aircraft.

H.R. 2330, providing that antiques may be exported free of duty if they exceed 100 years of age.

H.R. 2652, duty-free importation of certain wools for use in manufacturing of polishing felts.

H.R. 3348, extending time for teachers in Maine to be treated as covered by separate retirement systems for OASDI purposes, and permitting Texas to obtain coverage for State and local policemen.

H.R. 4198, free importation of soluble and instant coffee.

H.R. 4364, free entry of mass spectrometer for Oregon State University and spectrometer for Wayne State University.

H.R. 6455, amending the Internal Revenue Code of 1954 with respect to unrelated business taxable income.

H.R. 7480, temporarily suspending the import duty on maganese ore—including ferruginous ore—and related products.

H.R. 8268, to prevent double taxation of certain tobacco products exported and returned unchanged to United States and subsequently reprocessed.

H.R. 8975, providing for the tariff classification of certain particle board.

H.R. 9311, suspension of duty on alumina and bauxite.

H.R. 9393, extending time for ministers to elect coverage under OASDI, providing full retroactivity for disability determinations, and for other purposes.

Senate Concurrent Resolution 19, designating "bourbon whiskey" as a distinctive produce of the United States.

Mr. ARENDS. Those bills were on the program for this week

Mr. BOGGS. They were on the program for this week, yes; and in addition thereto the bills added are H.R. 1997, limitation of diversity jurisdiction of Federal courts under direct action statutes and H.R. 287, including Nevada among States permitted to divide their retirement systems into two parts for OASDI.

Mr. ARENDS. This is the end of the program for this week?

Mr. BOGGS. This is the end of the program for this week.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NAMING OF BRIDGE ACROSS THE MISSISSIPPI RIVER AT MEMPHIS THE CLIFFORD DAVIS BRIDGE

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

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

There was no objection.

Mr. GATHINGS. Mr. Speaker, it is highly fitting and proper that the new bridge to be built across the Mississippi River at a point near the cities of West Memphis, Ark., and Memphis, Tenn., be named the Clifford Davis Bridge.

CLIFF DAVIS is a great American. He has been a Member of this House since February 1940, the 76th Congress, when he was elected to succeed the Honorable Walter Chandler, who resigned his seat to serve as mayor of the city of Memphis.

It has been my privilege to serve with CLIFF DAVIS all of these years. The only thing that separates CLIFF DAVIS' district and the district I am privileged to serve is the Mississippi River.

Mr. DAVIS has been an outstanding Member of this House. He is a Christian gentleman, without hypocrisy. He has served and is serving with great distinction as a member of the House Committee on Public Works. For many years he has been the chairman of the Subcommittee on Flood Control. The people of Memphis and the Midsouth are vitally concerned with drainage, flood control, and river and harbor improvements. On many occasions CLIFF DAVIS has headed the Select Committee on Campaign Expenditures of the House of Representatives. He was named chairman of this group three times by Speaker Sam Rayburn and once by Speaker JOHN MCCORMACK.

CLIFF DAVIS is an orator of renown. While he speaks only when it is necessary and appropriate in serving his district he gets an attentive ear from his colleagues. They listen when he talks. There is no one who enjoys the esteem and admiration of the membership more than JUDGE DAVIS.

He worked tirelessly in the hearings and in the drafting of the Interstate Highway Act of 1956. He was named as a conferee by the Speaker to iron out differences with the Senate on this most essential and forward-looking highway program. Bridge building such as is anticipated at Memphis-West Memphis was authorized by this act that CLIFF DAVIS sponsored along with Representative GEORGE FALLON, of Maryland, and the other members of the Subcommittee on Roads and the full Committee on Public Works.

CLIFF DAVIS is deserving of this honor—he has earned it. I trust that the bill introduced first by Mr. EDMONDSON, of Oklahoma, will be approved and enacted into law.

CONGRESSIONAL ETHICS AND CONGRESSIONAL REFORM

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, today I am introducing companion bills with slight modification to legislation introduced in the 1st session of the 88th Congress by Senators JACOB JAVITS and KENNETH KEATING in the other body and

by Congressmen JOHN V. LINDSAY and HENRY S. REUSS in the House.

It is essential in my judgment that the Congress regain to every extent possible the confidence of the American people in two broad areas: Congressional ethics and congressional reform.

We cannot continue to function with a double standard of ethics—one set for the executive branch—but none for the legislative branch. In 1962 the Congress passed a modern conflicts-of-interest code for the executive branch of our Government. This was a signal achievement and represented the first major overhaul of our conflicts-of-interest laws in the 20th century. However, an appropriate code for employees and Members of the Congress totaling some 25,000 was not enacted. This is an omission which should be promptly remedied.

I am submitting a concurrent resolution to establish a Joint Committee on Ethics to recommend a comprehensive code for Members of the Congress and all legislative employees. In addition, the resolution would establish an interim code—which would require a Member of the Congress to file with the Comptroller General a record of any financial interests—valued at $10,000 or more—in an activity which is subject to the jurisdiction of a Federal regulatory agency. It would ban the use of confidential information for other than official purposes; and would bar the use of official influence to gain special privileges or exemptions.

I am also introducing a companion measure which would amend the Administrative Procedure Act to require that any written or oral communication between a Member of the Congress or his staff and a regulatory agency in adjudicatory proceedings be made a part of the public record.

Finally, Mr. Speaker, I am introducing a bill establishing a bipartisan Commission on the Organization of the Congress. General procedural and organizational problems have not been considered by the Congress since the La Follette-Monroney Legislative Reorganization Act of 1946.

The volume and complexity of Federal legislation have increased substantially in the past 17 years. Two new States and 15 million additional persons are now represented in Washington and whole new fields of science and technology have become the responsibility of the Congress since that time.

The question is, I believe, Mr. Speaker, whether the Congress is fully able to function thoughtfully and responsibly under the problems and opportunities of the 1960's and 1970's—with rules, procedures, customs, and committees geared in some respects more nearly to the 1890's.

In a word, I, along with others of my colleagues, urge the need for specific reforms and the desirability of widespread public attention to the need for Congress to put its own Houses in order. Only in this fashion can we meet the responsibilities of our time and the future—and truly be a coordinate branch of the Government.

SUPREME COURT PRAYER DECISIONS

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my 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. RYAN of New York. Mr. Speaker, on April 22 the House Judiciary Committee will begin hearings on legislation concerning prayer and Bible reading in the public schools. To aid in the debate concerning this important matter, I would like to bring to the attention of my colleagues a compilation of comments by religious spokesmen upholding the Supreme Court prayer decisions and opposing efforts to amend the U.S. Constitution to negate those decisions.

The comments follow:

COMMENTS OF RELIGIOUS SPOKESMEN UPHOLDING SUPREME COURT DECISIONS ON PRAYER IN THE PUBLIC SCHOOLS AND OPPOSING EFFORTS TO AMEND THE U.S. CONSTITUTION

"Don't tamper: In our view, it would be less confusing and safer to leave the country's basic declaration about religion untouched * * *. The two clauses about religion, one forbidding the establishment of an official American religion and the other guaranteeing inviolability of religious freedom, admirably express traditional American convictions. There will always be some disagreement over the precise meaning of these ideas, but if we must rely on amendments to apply these ideas to particular situations, the amendments could become endless, and the Bill of Rights would become a confusing patchwork of words."—Cincinnati Catholic Telegraph.

"Campaigns * * * to change the Constitution are deplorable."—Catholic World.

"Christians—Catholics and Protestants—would properly be disturbed if their children in public schools were expected to be present for the saying of a Mohammedan or Buddhist prayer. Catholics and other citizens have objected to the public school system being used as an auxiliary of Protestantism. The present decision of the U.S. Supreme Court makes the point more clear: Tax-supported public educational systems are not to be used to promote a specific denominational religion.

"The decision is not against God; it is not against the Bible; it is not against prayer. From what we have read, it simply states that the reading of a denominational Bible and the saying of a denominational prayer—the Our Father—is contrary to the first amendment.

"We think that if those who have become upset by the decision turned their attention to the furthering of religious instruction of the young—by word and example—much good would be accomplished."—Msgr. FRANKLYN J. KENNEDY, Milwaukee Catholic Herald Citizen, June 22, 1963.

"Any explanation of the Bible reading and prayer cases must take account of the fact that here the Government was deeply and directly involved in religious practices that operated with an indirect compulsive force on all public school children.

"The Court has clearly made an important contribution to the cause of religious freedom. Its interpretation of the separation principle has not stemmed from any hostility to religion or to the churches. On the contrary, its interpretations have been premised on the assumption that due regard for the necessity of freeing religion from the compulsion of government and of freeing government from the domination of religious forces, serves the best interests of both religion and government."—Commission on Church and State Relations, Board of Social Ministry, Lutheran Church in America, 1963.

"It is an essential task of the churches to provide adequate religious instruction through every means at their disposal * * *. We warn the churches against the all too human tendency to look to the state and its agencies for support in fulfilling the churches' mission. Such a tendency endangers both true religion and civil liberties. At the same time, we call the churches to renewed worship, study, work, and sacrifice to fulfill their mission as God's people in the world.

* * * * *

"The full treatment of some regular school subjects requires the use of the Bible as a source book. In such studies—including those related to character development—the use of the Bible has a valid educational purpose. But neither true religion nor good education is dependent upon the devotional use of the Bible in the public school program.

"The Supreme Court of the United States in the Regents' Prayer case has ruled that 'in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by the government.' We recognize the wisdom as well as the authority of this ruling."—The National Council of the Churches of Christ in the U.S. of A., June 7, 1963.

"The guarantees of the first amendment were hard won and are precious. The proposed [amendment] calls for a fundamental change in our basic charter of liberties which were regarded by our Founding Fathers as unalienable. The proposal to tamper with the freedom of religion clause of the first amendment sets a dangerous precedent.

* * * * *

"Leaders of various religious bodies, both in the State and in the Nation, have announced support of recent Supreme Court decisions as being good for religion and beneficial to the Nation even though these decisions bar religious exercises in public schools. We believe it is important for our legislators to give serious weight to such moral guidelines."

The Reverend Arthur C. Barnhart, Executive Secretary, Department of Christian Social Relations, Diocese of Pennsylvania, Episcopal Church; Wilbur W. Bloom, Executive Secretary, Pennsylvania Baptist Convention; Jules Cohen, Executive Director, Jewish Community Relations Council of Greater Philadelphia; Chad P. Combs, Church and Society Chairman, Synod of Pennsylvania, United Presbyterian Church, U.S.A.; Brant Coopersmith, Regional Director, Anti-Defamation League of B'nai B'rith; Donald M. Hall, Field Director of Christian Education, United Presbyterian Synod of Pennsylvania; Theodore R. Mann, President, Pennsylvania Region, American Jewish Congress; Harry L. Moore, Director of Christian Education, Pennsylvania Baptist Convention, Valley Forge, Pa.; Jesse D. Reber, General Secretary, Pennsylvania Council of Churches, Harrisburg, Pa.; the Reverend George H. Easter, Chaplain and Instructor in Christian Ethics, Philadelphia Divinity School (Episcopal); the Reverend Norman J. Faranelli, Rector, St. Martin's Episcopal Church, Oak Lane; Dr. Murray Friedman, Pennsylvania Area Director, American Jewish Committee; Rabbi Harold Goldfarb, Executive Director, Board of Rabbis of Greater Philadelphia; Rabbi

Theodore H. Gordon, Main Line Reform Temple Beth Elohim; Miss Margaret E. Kuhn, Office of Church and Society, United Presbyterian Church, U.S.A.; Howard Maxwell, Office of Church and Society, United Presbyterian Church, U.S.A.; Rev. Edward A. Powers, General Secretary, Division of Christian Education, United Church of Christ; Protestant and Jewish religious leaders, Philadelphia Inquirer, March 13, 1964.

"In view of the recent Supreme Court decision on school prayer and Bible reading, we, a group of educators, lawyers, editors and religious leaders, have felt it our duty to meet and to discuss the implications of this decision. We represent diverse religious commitments and reflect varied reactions to the Court's ruling.

* * * * *

"Despite our differences, we concur on the following points:

"1. We treasure the guarantees in the first amendment of the Constitution and appreciate the role of the Supreme Court in protecting religious liberty. The Court has clarified the relation of the public school to religion. We are obliged to respect and heed this decision.

"2. The decision does not endorse irreligion or atheism in America. The Court emphatically states its belief that the place of religion in American society is an exalted one. The policy of 'wholesome neutrality,' which the Court asserts, 'neither advances nor inhibits religion.' We see no need to amend the Constitution or change the role of the Supreme Court.

"3. Although devotional exercises are forbidden, the Court clearly allows for the objective study of religion and particularly of the Bible in the public school. Citizens should encourage public school authorities to explore the possibilities suggested by this decision to include within the public school curriculum an understanding of the role of religion in society, culture, and history. They should assure school officials the necessary freedom to perform this task in a responsible professional manner.

"4. We advocate that in a pluralistic society religious and civic groups use the instrumentality of dialogue to resolve conflict. However, we affirm the right of individuals or groups, without being subjected to abuse

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or penalty, to appeal to the courts to secure and protect civil rights.

"5. The decision challenges parents and religious leaders to shape and strengthen spiritual commitment by reliance on voluntary means, and to resist the temptation to rely on governmental institutions to create religious conviction."

Dean Edward W. Barrett, Columbia University Graduate School of Journalism; Dr. William Brickman, Professor of Education, University of Pennsylvania; Dan Callahan, Associate Editor, Commonweal; Dr. C. Emanuel Carlson, Executive Director, Baptist Joint Committee on Public Affairs; Father James Deneen, Superintendent of Catholic Schools, Evansville, Ind.; Rabbi Ira Eisenstein, Editor, Reconstructionist; Rabbi Arthur Gilbert, Staff Consultant, Religious Freedom and Public Affairs Project, NCCJ; Rabbi Robert Gordis, Jewish Theological Seminary; Dr. Kyle Haselden, Managing Editor, Christian Century; Dr. Carl F. H. Henry, Editor, Christianity Today; Dr. David Hunter, Director, Department of Christian Education, Protestant Episcopal Church; Dr. Wilber G. Katz, Professor of Law, University of Wisconsin; Father William J. Kenealy, S.J., Law Professor, Loyola University, Chicago; Dr. Dumont F. Kenny, President, Queensborough Community College of the City University of New York, who served as the meeting's chairman; Rabbi Norman Lamm, Professor, Yeshiva University; Dr. Joseph Manch, Superintendent of Schools, Buffalo, N.Y.; Senator Eugene McCarthy, Minnesota; Dr. Claud Nelson, Staff Consultant on Interreligious Relations, NCCJ; Thomas J. O'Toole, Former Director, Church-State Institute, Villanova University; Dr. Theodore Powell, Connecticut State Department of Education; Father John Reedy, C.S.C., Editor, Ave Maria; Father John B. Sheerin, C.S.P., Editor, Catholic World; Prof. Roger Shinn, Union Theological Seminary; New York; Rev. John M. Swomley, Jr., St. Paul School of Theology (Methodist), Kansas City, Mo.; Rev. Norman Temme, Acting Public Relations Director, Lutheran Church-Missouri Synod; Father Gustave Weigel, S.J., Woodstock College, Maryland; Dr. Thomas J. Van Loon, Nashville, Tenn.

"The United Synagogue of America earnestly prays that no legislation will be enacted by the Congress which will in any way compel or threaten to compel the children of America to worship in Government agencies or under the aegis of temporal authority. The religious training of American children should be permitted to flourish in church, synagogue, and home, where it belongs. Religion cannot become, however remotely, an arm of Government."—Mr. GEORGE MAISLEN, president of the United Synagogue of America, July 1962.

"We are skeptical * * * of the advisability of attempting to modify the wording of the religion clauses of the first amendment, even for purposes of clarification. For one thing, it would speedily appear, we fear, that those who want a clarification are deeply divided among themselves. It may be true that a majority of the American people are willing to add something to the religion clauses in order to bring out their true meaning. But does everyone want to add the same thing? We doubt it.

"A weightier reason for questioning the wisdom of this move is that, if it should succeed, it would only shake the faith of the American people in the firmness of the constitutional guarantee of our most basic civil liberty, freedom of religion. From a purely formal point of view, of course, everything in the first amendment is as much subject to amendment by the people as any other part of the Constitution. But for all practical purposes, the first amendment's religion clauses ought to be regarded as unamendable.

"Our country contains more than 250 different religious faiths, as well as a host of people of no definite religion. It is imperative that all of us should be able to feel a serene confidence that, however much we may quarrel and dispute, no successful attempt will ever be made to change the fundamental terms on which we live together in the secure enjoyment of religious freedom."—America (a Jesuit weekly), May 25, 1963.

"I do not see how the U.S. Supreme Court could honestly have ruled otherwise than it did when it outlawed Bible readings and recitations of the Lord's Prayer as devotional religious exercises sponsored by the authorities in the Nation's State-operated public schools.

"Not for one moment can I agree with those who are calling for a constitutional amendment to make these practices legal. I am strongly opposed to the setting of any precedent of tampering with the first amendment to the Constitution.

"The amendment as it stands is adequate, and has proved a priceless protection for freedom of conscience and religion.

"Apart from the legal question, the primary right and responsibility in the education of children belongs to the parents. American law says so. So does the United Nations' Universal Declaration of Human Rights. And the popes—including John XXIII—have repeatedly enunciated the principle.

"If by our energy and ingenuity and community cooperation we can wipe out polio, we can correct religious illiteracy. But we won't accomplish much until we stop leaning on the public schools, and address ourselves to our religious duty."—JOSEPH BREIG, The Pittsburgh Catholic, August 15, 1963.

"It is now clear that public authorities are required to show neutrality toward all groups of believers and nonbelievers. In public schools, members of religious minorities are not required to choose between participating in religious practices against their conscience and submitting to the handicap of expressing their dissent by conspicuous withdrawal.

"We may be thankful that the Constitution does not permit the Government to define and give preference to some general version of Christianity or of Judeo-Christian religion."—The Rt. Rev. ARTHUR LICHTENBERGER, Presiding Bishop, Protestant Episcopal Church in the United States.

"Prayer is cheapened when it is used as a device to quiet unruly children, and the Bible loses its true meaning when it is looked upon as a moral handbook for minors. Both are meaningful only as sincere expressions of faith.

"The Court's decision underscores our firm belief that religious instruction is the sacred responsibility of the family and the churches. It is both mistaken and dangerous to assume the spiritual needs of our youth are met by formal recitation of prayers or the casual learning of words taken from the Holy Writ.

"We reiterate that religious instruction is not the responsibility of a public institution * * *. Now that the Court has spoken, responsible Americans will abide by its decisions in good grace. They will not speak out of disrespect for the judicial system of the Nation or encourage proposals subversive to the Bill of Rights.

"Responsible Americans * * * cannot praise the Court or remain silent when they approve of a decision and then turn around and attack its integrity when they dislike a ruling."—The Reverend SILAS G. KESSLER and the Reverend EUGENE CARSON BLAKE, the United Presbyterian Church in the United States.

"Since pagan influences increasingly shape American institutions, it is noteworthy that the Supreme Court set its prohibition of compulsory devotional exercises in the context not of irreligion but of the Nation's religious heritage. The Court banned legislated Bible reading and prayer in public schools and its logic likewise would ban legislated irreligion. Neither majority nor minority should use machinery of government to implement religious beliefs or nonbeliefs.

"The decision multiplies the responsibility of American parents and churchmen to promote spiritual decision not through machinery of the state but through voluntary agencies."—Christianity Today, July 5, 1963.

"As representatives of the Christian faith, we accept the decision of the Court in full recognition of the historic spiritual values the decision seeks to preserve.

"The decision makes it mandatory for us to seek ways of relating religion and education in the life of the child that shall not be by statutory decree. Unless Bible reading and prayer are performed in an atmosphere of religious devotion and worship, often not possible in the public school, the very act may be profane and secularized to the detriment of the public.

"In the long run, this decision of the Court is more likely to conserve and protect the spiritual values that lie at the heart of our democracy, and of the Christian faith,

than a contrary decision."—Bishop JOHN WESLEY LORD, bishop of the Methodist Church (Washington area).

"Recent decisions of the Supreme Court of the United States have interrupted or modified traditional devotional practices in many public schools and caused considerable concern in many quarters * * *. We concur in the implication of these decisions that the state has no right to establish or authorize devotional practices in our public schools. Since we have lived in considerable harmony under the first amendment of the Federal Constitution for many years, during which time free religion flourished in America we see no reason for proposing amendments to either the Federal or * * * State Constitutions to nullify the decisions of the Supreme Court."—New York State Council of Churches, statement of legislative principles. 1964.

"Prayer amendment, No: It seems to us that it is a panic reaction to suggest that only a constitutional amendment can solve what is certainly a serious problem for our society.

"The issue is whether the publicly financed, publicly administered, obligatory educational system should, under our system of freedom of worship, conduct acts of religious devotion and indoctrinate students in a set of religious values.

"And the related issue is: How shall this society effectively provide a religious dimension to the education of its children?

"This last question weighs heavily on the consciences of parents and religious leaders. But it does not demand that we amend the Constitution in such a way that authority over religious education will be granted to some government official or agency.

"And that's what would have to be done if the amendment were to be carried out as a reality.

"Authority over religious education should not be conveyed by majority vote."—Ave Maria (a Catholic weekly), December 21, 1963.

"When the Court ruled against the New York Regents' prayer and against religious devotions in the public schools of Pennsylvania and Maryland * * * many mature persons seemed to think the Highest Court had driven God out of the country, as if that were possible * * * and some 50 bills were introduced to amend the first amendment in such a manner as to undo the Court's decision.

"The Standard submits that the people of the United States are fortunate to have a government which provides for checks and balances. At this particular time, when so many in government want to pay the bills for the churches and so many in the churches want the government to pay them, we should be thankful that the judicial department has 'prevented the Government from underwriting any religious sect.'

"The National Constitution provides for separation of church and state, and perhaps most of the men and women in Government really believe in the principle, but those who obtain and retain their office by the vote of the people know the votaries are divided, are often tempted to sidestep the constitutional provision in order to please the people 'back home.' * * * There must always be one division of government free from any and all political pressure. If American people are smart, they will see to it that the judicial department shall always remain free.

"For the last 40 years, the legislative and executive branches of the National Government have sometimes sought new means for permitting something, even though it might be unconstitutional. We are fortunate that the third branch is devoted to preventing that which the Constitution forbids."—The Baptist Standard, February 26, 1964.

"We oppose any attempt to override the Court's salutary interpretation and to alter the intent of the Founders of our country to keep church and state separate. If the state engages in religious practices, religion in the United States will suffer; and if religion suffers, so will the Nation. We need government and we need religion, each working in its own sphere, each acting for the good of all."—Unitarian Fellowship for Social Justice and the Unitarian Universalist Association, July 26 and August 2, 1962.

"Whether the Supreme Court declares these particular mandatory religious practices in public schools to be constitutional or unconstitutional, there are some significant characteristics of our Presbyterian heritage that must not be forgotten or ignored. One is that the instruction of children in the beliefs and practices of the Christian faith is the responsibility and privilege of the church and the family; these things are not properly to be provided by the state or by any of the agencies of the state, including the public schools. Another is that the greatest perils confronting the church when it confuses its faith with the surrounding culture—even a benign and benevolent culture—and substitutes civil legislation for its own internal disciplines in order to replace its own evident responsibilities and tasks. Finally, it is the greatest betrayal of our heritage and of our profession of faith in Jesus Christ as Lord, to treat the worship of God, and prayer in particular, or the public reading of the Scriptures, as convenient devices to enforce order in assemblies, or as ceremonial supports for either a narrow band of patriotism or an expedient social morality."—WILLIAM A. MORRISON, general secretary, board of Christian education; EUGENE CARSON BLAKE, stated clerk, general assembly; Monday Morning (a magazine for Presbyterian ministers), May 20, 1963.

"Don't rush the prayer amendment. It is so easy to think that one is voting for prayer and the Bible. It comes as a shock that this is not the issue. The issue is that agencies of government cannot avoid favoring one denomination and hurting another by the practical decisions that have to be made by government authority on what version of the Bible shall be imposed and what prayer. The churches know this and that is why they are against the Becker amendment.

"Prayers and Bible reading are more meaningful within the home and church than in the public schools. The late President Kennedy pointed out quite accurately that the U.S. Supreme Court ruling 'would be a welcome reminder to every American family that we can pray a good deal more at home and attend our churches with a good deal more fidelity.' "—Christian Science Monitor, March 30, 1964.

"The Baptist Joint Committee on Public Affairs reaffirms its conviction that laws and regulations prescribing prayers or devotional exercises do not contribute to a free exercise of religion and should not be encouraged.

"The Baptist Joint Committee also expresses a deep concern lest such laws and regulations become the means for confusing the moral values of American society for a devotion to religious insights. While the committee is enthusiastic about much in the American heritage as a national way of life, the equation of religious ideas and practices with our national culture will erode rather than strengthen the American heritage.

"The committee recognizes that some political leaders may make appeals for the establishment of religious acts through legalized means to arouse public sentiment. This we regard to be in bad taste as a violation of the principles of separation of church and state.

"Legislative representatives and political leaders should be made aware of our Baptist support for a clear distinction between the roles of the churches and those of State agencies."—Baptist Joint Committee on Public Affairs, March 10, 1964.

"The religious liberty declaration," Cardinal Ritter said, "is necessary for progress toward Christian unity and the unity of mankind." The reason:

" 'Without such a declaration there can be no mutual discussion, and the door would be closed to any real dialogue with those outside the church.'

"In other words, the first requisite for a dialogue with other Christians, with Jews, with Mohammedans, with mankind generally, is full recognition that each person must be free to obey conscience.

"A corollary of this is that the church must strive to express religious truth with such clarity and charity that it will appeal to the free intellects of free human beings.

"Those are among the purposes for which Pope John XXIII summoned the Ecumenical Council.

"This principle of respect for conscience is also in perfect accord with Pope John's encyclical, Pacem in Terris, in which he emphasized that 'by the natural law every human being has the right to freedom in searching for truth and in expressing and communicating his opinions.'

"It would seem impossible to square with such principles a school prayer amendment to the Constitution which would legalize religious exercises which are initiated, sponsored, or directed by public school authorities."—Catholic Universe Bulletin (Cleveland, Ohio), January 3, 1964.

"We believe that a person is not adequately educated for life unless he has a real appreciation of religious ideas, values, institutions, and practices. But because of the religious pluralism which prevails in our society today, religious education cannot be a function of the public schools. However, this does not mean that the role which religion, as empirical fact, plays in the culture and in human history cannot be taught in the public schools. Therefore, while supporting the Supreme Court decision of June 17, 1963, we urge positive cooperation toward this end among clergymen, educators, administrators, and other leaders of the community."—Bishops F. Gerald Ensley, A. Raymond Grant, John Wesley Lord, and Kenneth W. Copeland (officers of the General Board of Christian Social Concerns of the Methodist Church).

"We do not believe that much has been lost in terms of the specific points covered by the recent decisions of the U.S. Supreme Court in the school prayer and Bible reading cases. If the Lord's Prayer were to be recited in schoolrooms only for the sake of the moral and ethical atmosphere it creates, it would be worth nothing to the practicing Christian. The Lord's Prayer is the supreme act of adoration and petition or it is debased. Reading the Bible in the public schools without comment, too, has been of dubious value as either an educational or religious experience. The more we attempt as Christians or Americans to insist on common denominator religious exercise or instruction in the public schools, the greater risk we run of diluting our faith and contributing to a vague religiosity which identifies religion with patriotism and becomes a national folk religion."—Statement of the Executive Council, Lutheran Church in America, June 28–29, 1963.

"Committing religious suicide—Several religious and political forces in the United States appear determined to destroy the Nation's constitutional guarantee of religious freedom * * *. The numerous efforts to circumvent the U.S. Supreme Court's decisions on Bible reading and prayer in the public schools are variously motivated. Some of the efforts rise from a sincere but misguided notion that the Supreme Court's rulings have jeopardized religion in the United States. Some of the attacks on the Court's decisions can be charitably explained only as products of ignorance * * *. Jews,

Unitarians, secularists, Roman Catholics and others whose children have been unwillingly subjected to religious services and instruction in public schools may have to excuse [this] ignorance, but they do not have to stand idly by while that kind of ignorance destroys their freedom from religions imposed, supported, and coerced by the state. Some of the efforts to amend the first amendment are entirely motivated by political considerations. Whipping the Supreme Court, even when it faithfully interprets the Constitution, is a popular pastime, and a political candidate who runs on a platform that 'defends God' expects from Providence a reciprocal courtesy * * *. Frenetic attacks on the Bill of Rights imperil the very soul of the Nation and jeopardize every man's right to worship and obey God in freedom. God does not need our defense, but we need to defend ourselves against religion-intoxicated fanatics, sincere but bungling religionists, and opportunistic politicians who offer us their kind of religion and their brand of God in exchange for God-given religious freedom."—The Christian Century, April 1, 1964.

INTERPARLIAMENTARY UNION SPRING CONFERENCE, LUCERNE, SWITZERLAND

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentlewoman from New York [Mrs. ST. GEORGE], is recognized for 45 minutes.

Mrs. ST. GEORGE. Mr. Speaker, as President of the U.S. group to the Interparliamentary Union Spring Conference, I have taken this time to report on the Lucerne conference, which was held from March 30 to April 5, inclusive.

We went to Lucerne by way of Spain, where the bases were reviewed by some members of the Armed Services Committee, notably the naval base at Rota, which is now in need of enlargement because of the transfer of most of the big submarines from Holy Loch to Spain.

This again points out something that we have to keep doing constantly. We prepare a base in Europe or in South America or wherever you will, and after it is all in operation and order—and I visited this base myself back in 1958, when it was considered completely adequate—we go back a little later and are told that it needs to be enlarged by about two-thirds.

It seems unfortunate that in building these very expensive bases we are not able to look ahead far enough to realize that either the old bases must be kept or the new bases must be built for future use and not just for the present.

After this we reached our conference. We found there and we approved seven resolutions, which will be taken up at the big conference in Copenhagen on the 20th to the 28th of August.

By the Committee on Political Questions, International Security and Disarmament, from international detente to peace. This was unanimously passed.

May I say at this time, Mr. Speaker, that the Iron Curtain countries were on the whole far more cooperative and far more sympathetic than they have been in the past.

We also passed a resolution on the adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society.

By the Parliamentary and Juridical Committee, the international protection of human rights; and space law and prospects of international cooperation in space activities.

By the Economic and Social Committee, the fight against disparities in world economy.

By the Cultural Committee, the problem of education and the fight against illiteracy.

By the Committee on Non-Self-Governing Territories, the implementation of the United Nations Declaration on Colonialism.

In all of the debates the U.S. delegates were most active and held their country's interests paramount throughout. We were well briefed with position papers prepared by Dr. Galloway, our executive secretary, through the Library of Congress.

We also, as I said before, found the Russians in a much more amenable mood and willing to accept some of our suggestions. They did, however, rear back at a West German amendment to change the name of the Committee on Non-Self-Governing Territories, which, incidentally, I think is a very cumbrous and unintelligible title, at least in English, to the Committee on the Rights of Peoples to Self-Determination.

Of course, self-determination is like a red rag to a bull to the U.S.S.R. What, indeed, would happen to all those countries they have gobbled up and hardly digested if self-determination were to become the order of the day.

The uproar become so great and the African and Asian allies took such a part therein that after prolonged and very acrimonious debate, the West German delegation withdrew the amendment.

I have here, Mr. Speaker, a report on the Interparliamentary Council written by our executive secretary, Dr. George Galloway, and I ask unanimous consent that it be placed at this point in the RECORD.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

The report referred to is as follows:

REPORT OF THE EXECUTIVE SECRETARY, INTERPARLIAMENTARY UNION COUNCIL AND COMMITTEE MEETINGS, LUCERNE, SWITZERLAND, MARCH 30–APRIL 5, 1964

The spring meetings of the Interparliamentary Union Council and Standing Committees were held in Lucerne, Switzerland, March 30 to April 5, 1964, in the Kunsthaus. Two-hundred and twenty-six members of Parliament from 44 different countries in all regions of the world participated. The delegation from the United States consisted of Representative KATHARINE ST. GEORGE, chairman; Representatives W. R. POAGE, ALEXANDER PIRNIE, EMILIO Q. DADDARIO, F. BRADFORD MORSE, and ROBERT MCCLORY; and Senators GORDON ALLOTT and MIKE MONRONEY. Dr. George B. Galloway, executive secretary; Darrell St. Claire, fiscal officer; and Dr. Charles J. Zinn, law revision counsel of the House of Representatives, accompanied the delegation.

The conference opened with a general session at which the delegates were welcomed by Swiss officials of Lucerne. Four days of the conference were devoted to a series of meetings by the five Standing Study Committees of the Union. The Political and Disarmament Committee, on which the United States was represented by Representatives PIRNIE and MORSE, debated four topics: (1) possible steps toward general disarmament, (2) relations between political and military alliances, (3) active coexistence and future international law, and (4) adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society.

The Parliamentary and Juridical Committee, on which Representative DADDARIO represented the United States, discussed the report of its subcommittee on space law, and considered the international protection of human rights and the role of members of parliament as intermediaries between the citizens and governments.

The Economic and Social Committee, where Senator MONRONEY and Representative POAGE represented the United States, debated the fight against disparities in world economy, including (1) the role of international organizations in technical cooperation and development assistance, (2) means of insuring more extensive exchanges between countries with different political regimes and economic levels, and (3) the demographic problem: the present situation and proposed solutions.

The Cultural Committee, on which Representative MCCLORY represented the United States, discussed democratic access to educational facilities and the fight against illiteracy in the developing countries. And the Committee on Non-Self-Governing Territories, where Senator ALLOTT represented the United States, considered the implementation of the United Nations declaration on colonialism. On all these topics the U.S. delegation was equipped with position papers prepared in the Legislative Reference Service of the Library of Congress.

During the Conference the Executive Committee of the Union held its 131st session, and the Interparliamentary Council held its 94th session. Representative KATHARINE ST. GEORGE and Senator ALLOTT represented the United States at the session of the Interparliamentary Council.

The five permanent study committees submitted an account of their work to the Interparliamentary Council which, at a meeting held on April 4, drew up the agenda for the 53d Interparliamentary Conference to be held in Copenhagen from August 20 to 28, 1964. The subjects to be discussed there will be:

1. Adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society;

2. The fight against disparities in world economy; and

3. The problem of education and the fight against illiteracy.

There will also be an exchange of views on the role of Parliament.

During the session of the Council on April 4 it was agreed to postpone until the Copenhagen Conference action on the application of the Republic of South Korea for reinstatement in the Union and not to admit observers from South Vietnam to the floor of the 53d Conference. Proposals formulated by the Executive Committee regarding the status and rights of honorary members of national groups at interparliamentary conferences were accepted by the Council. Secretary General André de Blonay was selected to that office for the period from July 1, 1965, to June 30, 1969. The Council elected the Honorable M. Senanayeke, member of the Parliament of Ceylon, to fill the vacancy on the Executive Committee caused by the dissolution of the South Vietnam Parliament and the withdrawal of Mr. Thiep. A proposal by Mr. Hermann Kopf of the Federal Republic of Germany to change the name of the Committee on Non-Self-Governing Territo-

ries was debated in the Council, but a decision on a new name was postponed until the Copenhagen meeting.

During the Lucerne meetings Representative ALEXANDER PIRNIE was elected vice chairman of the Committee on Political Questions, International Security and Disarmament; and Representative ROBERT MCCLORY was elected rapporteur of the Committee on Cultural Questions.

At the invitation of the Spanish group of the Interparliamentary Union, the U.S. delegation to the Lucerne meetings spent a few days in Spain as guests of the Spanish group, some of whose members had previously been entertained by the U.S. group in Washington. While in Madrid the congressional delegation was received at a reception in their honor given by the American Ambassador, Mr. Woodward, at his residence. The delegation was also taken on a tour of the Cortes, the National Parliament of Spain, by the vice president of that body. Several members of the U.S. delegation also visited the Rota Naval Station. The generous hospitality of the Spanish group was deeply appreciated and greatly enjoyed.

Respectfully submitted.

GEORGE B. GALLOWAY,
Executive Secretary.

APRIL 10, 1964.

Mrs. ST. GEORGE. Mr. Speaker, I also have an extremely interesting resolution and study by one of the British delegates which I would also like to have placed in the RECORD.

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

There was no objection.

Mrs. ST. GEORGE. The following is the suggestion by the Honorable Mr. Mallalieu and is for a closer link in the United Nations and the Interparliamentary Union; and it was made some time ago. It has been brought back to our attention at this time.

It would certainly seem as though both organizations would benefit by a closer tie-in in their work. While at the present time the organizations do meet and do have observers going from one to the other, this could be better coordinated and the two should be able to meet together and discuss world problems from the two angles of the legislative and the parliamentary branches of government.

For the above reasons, Mr. Mallalieu's suggestion is very worthy of our consideration.

A CONSULTATIVE ASSEMBLY OF THE UNITED NATIONS

(Memorandum from L. B. Sohn to Mr. E. L. Mallalieu, August 6, 1963)

The United Nations General Assembly is a body composed of representatives of states on the basis of equality. While some delegations include members of national parliaments, these delegates are bound by governmental instructions and cannot represent directly the interests of their peoples. By participating in the meeting of the General Assembly, these delegates get acquainted with the workings of the United Nations and bring back to their parliaments a better understanding of United Nations problems. Nevertheless, this link between national parliaments and the United Nations is not a satisfactory one. The problem has been solved in a better way in the various parliamentary assemblies of the European international organizations where a separate body exists in addition to a body representing governments. The Consultative Assembly of the Council of Europe, the Assembly of the Western Europe Union and the Common Assembly of the three European communities are based on direct representation of national parliaments. The number of representatives from each country varies, depending roughly on the size of its population.

In all the existing international parliamentary assemblies, the role of these assemblies proved to be a progressive one. Their members are imbued more with a common spirit than ordinary government representatives. It is due to the insistence of the Consultative Assembly, for instance, that the Council of Europe adopted the Convention on Human Rights and established the European Court of Human Rights. If such an assembly were established in the United Nations, one could expect that it would also have a beneficial effect.

One could say that such an assembly exists already in the form of the Conferences of the Interparliamentary Union, the 51st meeting of which was held in Brasilia in 1962. If one looks through the resolutions of the Interparliamentary Conferences, one sees in them a spirit of progress and an attempt to reflect as closely as possible the hopes and fears of mankind. The size of national delegations in the Interparliamentary Conferences is related to a nation's population, though not exactly proportionate to it. The votes vary from 9 to 22.

Perhaps it might be possible through concurrent resolutions adopted by the General Assembly of the United Nations and by the next Conference of the Interparliamentary Union to establish a direct link between the United Nations and the Interparliamentary Union. The Interparliamentary Union would not become simply an organization with a consultative status, advising the Economic and Social Council, but would be working closely with the General Assembly itself. At the beginning, its jurisdiction might be limited to questions which the General Assembly would refer to it for advice. It might also have some role to play in the approval of the budget of the United Nations and other fiscal matters. Finally, it might be entitled to make suggestions for the strengthening of the United Nations, in the spirit of the joint statement of the United States and the Soviet Union of September 20, 1961, which was unanimously endorsed by the General Assembly. In general, the Conference would have broad jurisdiction with respect to the problems of the future, but would be limited to current questions by the requirement of a prior request from the General Assembly or the Security Council to deal with a particular question.

If such a link were established, the United Nations would have the benefit of advice of a group composed of eminent members of national parliaments. The existence of such a link would also provide in most cases the necessary backing of world public opinion for important decisions of the United Nations. It would also acquaint many influential members of parliaments with the workings of the United Nations and with its current and future problems. This would establish support for the United Nations on a local level and would create pressure on governments to behave in accordance with United Nations standards. The parliamentarians can help the United Nations not only by the work done at the Conferences of the Interparliamentary Union, but also in their home countries after their return from the Conferences.

Arrangements will have to be made for a closer coordination of the meetings of the General Assembly and the Interparliamentary Union. It would be desirable that they should meet at the same time and in the same place. If this should not prove possible, they should at least meet at the same time. In fact, it might be desirable for the Conferences to meet in various places around the world to make clear to the peoples of the world that they have an important role to play in the settlement of international affairs.

While this suggestion might involve some changes in the statutes of the Interparliamentary Union, it would not require a change in the Charter of the United Nations. The General Assembly may, at any time, ask the advice of any existing international organization and may even establish new organs to deal with specified problems. Similarly, it may authorize studies either by any new group especially established for that purpose, or by an existing organization.

It may be expected that giving to the Interparliamentary Union the role of a consultative assembly of the United Nations can be as important an influence on the development of the United Nations as the establishment of the European parliamentary assemblies was for the strengthening of various bonds among the European nations.

It seems, Mr. Speaker, every time we go to these meetings and these discussions, we are constantly blamed for engaging in this sort of work. This is very unfortunate. The other nations that take part take their work extremely seriously. The British, of course, have long had a secretary on full pay who does nothing but keep the Members of Parliament informed as to the work of the parliamentarians of the world.

Now, Mr. Speaker, whether we like it or not the parliamentary system, whether it be the presidential system such as our own, or the straight parliamentary system such as the British, is gradually falling into disrepute all over the world. At these meetings we find more and more people coming as representatives of one-party parliaments. This is becoming more and more prevalent. It is not only becoming more and more prevalent, but it is becoming more and more popular—which makes it a little more serious.

Something has got to be done by the parliaments of the world of whatever type or of whatever kind, to make themselves felt, to make the parliamentary system work, if you will. That is the question before the peoples of the world today: Does the system work; is it workable? Many are asking this question and answering it in the negative.

Mr. Speaker, there are those in our own country observing things happening now at the other side of the Capitol and observing how legislation for one reason or another is being held up. Because this House can pass a great deal of legislation to its heart's content which may never see the light of day, if the other body is to be held up perhaps indefinitely. People in other lands, students of political government and political science seeing all this have good reason to pause and to ask whether that system can work in a modern world; whether a system of this kind can work on a 12-month basis; whether a system of this kind is at all efficient.

We are seeing many peoples and many debating societies all over the world take quite an opposite view to the one we have always believed.

For that reason, this Government of ours, this Congress of the United States, which next to the British is the oldest of these societies in the world, has to prove, it seems to me, within short order, whether this form of government can long endure, whether this form of government gives true freedom and upholds

it. If it cannot do that, the days of this great Congress and of many other great parliaments may well be numbered.

For this reason I would commend the study of parliamentary systems and thoughtful deliberation on it. Also, at times, I would commend parliamentary procedure at its highest; that is, dignity on the floor of this House. We do have dignity on the floor of the House, but we do not have enough. We should have interest in the deliberations which are taking place. We do have it, but we do not have enough.

Very often our people, who come to visit and to see what is happening and to see what their own Representatives are doing, are disappointed. This disappointment is, of course, translated into votes, but even the votes are getting fewer in number.

We have cheered to high heaven when, in a presidential election, 62 percent of those eligible have voted. Mr. Speaker, this is nothing of which to boast. This is rather a discouraging figure. In Australia a person is fined if he does not vote, and they always muster at least 80 percent. We should be able to do as well. If our people found it worth their while and if our people thought it would generate the kind of government they desire, we could get 80 percent of our voters to come out—yes, even to come out to vote for Members of Congress, in whose elections we never get even the 60 percent of which we have boasted in our presidential elections.

So for these reasons, Mr. Speaker, I hope that the Members will look over the documents I am putting in the RECORD.

There is one other document which I ask unanimous consent to include; that is the timetable and the pamphlet of the last meeting in Lucerne.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The matter referred to follows:

Timetable, Interparliamentary Union, spring meetings, 1964, Lucerne, Mar. 30 to Apr. 5

RATHAUS	
Time	Activity
Monday, Mar. 30: 5 p.m.	131st session of the Executive Committee.

KUNSTHAUS	
Tuesday, Mar. 31:	
10:15 a.m.	Opening meeting.
11:15 a.m.	Political and Disarmament Committee: From international détente to peace: 1. Possible steps toward general disarmament. 2. Relations between political and military alliances. 3. Active coexistence and future international law. Economic and Social Committee: The fight against disparities in world economy: 1. The role of international organizations in technical cooperation and development assistance, including steps to be taken by the beneficiary states for the most satisfactory utilization of the aid received.
3 p.m.	Political and Disarmament Committee (idem). Economic and Social Committee: The fight against disparities in world economy. 2. Means of insuring more extensive exchanges between countries with different political regimes and economic levels.
Wednesday, Apr. 1:	
10 a.m.	Political and Disarmament Committee: From international détente to peace: 4. Adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society. Economic and Social Committee: The fight against disparities in world economy. 3. The demographic problem: Present situation and proposed solutions.
Wednesday, Apr. 1:	
3 p.m.	Parliamentary and Juridical Committee: 1. Juvenile delinquency. 2. Space law and prospects of international cooperation in space activities. Committee on Non-Self-Governing Territories: The implementation of the United Nations declaration on colonialism.
Thursday, Apr. 2:	
10 a.m.	Parliamentary and Juridical Committee: 3. International protection of human rights. Cultural Committee: 1. Democratic access to educational facilities. 2. Educational problems and the fight against illiteracy in the developing countries.
3 p.m.	Parliamentary and Juridical Committee: 4. The role of members of parliament as intermediaries between the citizens and governments. Cultural Committee (idem).
Friday, Apr. 3:	
10 p.m.	Political and Disarmament Committee: Establishment and approval of the committee's report; elections. Economic and Social Committee: Establishment and approval of the Committee's report; elections.
3 p.m.	Committee on Non-Self-Governing Territories: Establishment and approval of the Committee's report; elections.
4 p.m.	Parliamentary and Juridical Committee: Establishment and approval of the Committee's report; elections.
4.30 p.m.	Cultural Committee: Establishment and approval of the Committee's report; elections.

VERKEHRSHAUS	
Saturday, Apr. 4: 4 p.m.	94th session of the Interparliamentary Council.
Sunday, Apr. 5: 10 a.m.	94th session of the Interparliamentary Council (conclusion).

INTERPARLIAMENTARY UNION—AIMS, STRUCTURE, ACTIVITIES

1. HISTORY

The origins of the Interparliamentary Union date back to 1889 when, on the initiative of Sir William Randal Cremer (Great Britain) and Mr. Frédéric Passy (France), a first interparliamentary conference for international arbitration, attended by delegates from nine countries, met in Paris.

The movement developed rapidly and, in 1894, a permanent organization, with its own statutes and secretariat, was set up under the name of "Interparliamentary Union."

Since that time, and despite two World Wars, the Union has pursued its activities, gradually expanding its field of work and adapting its methods to changing circumstances.

2. AIMS

The aim of the Interparliamentary Union is to promote personal contacts between members of all parliaments and to unite them in common action to secure and maintain the full participation of their respective states in the firm establishment and development of democratic institutions and in the advancement of the work of international peace and cooperation.

In pursuance of this object, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary institutions so as to improve their working and increase their prestige.

3. STRUCTURE

The Union is an international organization of a semiofficial character. It consists of national groups constituted in parliaments functioning as such within the territory of which they represent the population, in a state recognized as a subject of international law.

A parliament as a whole may constitute itself as a national group but, frequently, the members of the Union's groups are recruited on an individual basis.

The organs of the Union are:

a. The Interparliamentary Conference: Unless otherwise decided, it is convened once a year. National groups are represented by delegations whose sizes vary and whose voting rights are weighted, according to the population of the respective states. The Conference adopts resolutions on problems referred to it by the Council.

b. The Interparliamentary Council: It is composed of two representatives from each affiliated group. It may set up standing or provisional study committees.

c. The Executive Committee: This is the administrative organ of the Union and consists of 11 members belonging to different groups. Ten of these are elected by the Conference; the President of the Interparliamentary Council is ex officio member and President.

d. The Interparliamentary Bureau: This is the international secretariat of the organization.

In addition, the Association of Secretaries General of Parliaments works within the framework of the Union, providing an opportunity for the clerks of the various legislative assemblies to cooperate in the technical study of parliamentary problems.

4. MEMBERSHIP

As at January 1, 1964, there were 72 national groups in the parliaments of the following countries:

Albania, America (United States of), Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Cameron, Canada, Central African Republic, Ceylon, Chile, Congo (Léopoldville), Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, France, Germany (Federal Republic of), Ghana, Great Britain, Greece, Guatemala, Haiti, Hungary,

Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Monaco, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Rumania, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Switzerland, Syria, Thailand, Tunisia, Turkey, United Arab Republic, U.S.S.R., Venezuela, Vietnam (Republic of), Yugoslavia.

5. HEADQUARTERS

Interparliamentary Bureau, 6, rue Constantin, Geneva, Switzerland. Telephone: (022) 24 82 96. Telegraphic address: Interparlement Geneva.

6. RELATIONS WITH OTHER ORGANIZATIONS

The Interparliamentary Union has category A consultative status with the Economic and Social Council of the United Nations. It also has consultative arrangements with UNESCO and maintains regular contacts with the other United Nations specialized agencies.

Close relations have also been established with such regional organizations as the Council of Europe, the Organization of American States, and the European Parliament.

7. ACTIVITIES

The Union brings together parliamentarians representing different ideologies and countries for the objective study of political, economic, social, juridical, and cultural problems of international significance. For this purpose, two important sessions are held each year.

The first takes place in spring and is primarily devoted to the work of the standing study committees, which are five in number. They are: (a) Committee on Political Questions, International Security and Disarmament; (b) Parliamentary and Juridical Committee; (c) Economic and Social Committee; (d) Cultural Committee; and (e) Committee on Non-Self-Governing Territories and Ethnic Questions.

The plenary session takes place in summer on the occasion of the Interparliamentary Conference, which is held each year in a different country. The seats of recent conferences have been Vienna (1954), Helsinki (1955); Bangkok (1956), London (1957), Rio de Janeiro (1958), Warsaw (1959), Tokyo (1960); Brussels (1961), Brasilia (1962), and Belgrade (1963).

The Interparliamentary Union conducts a program of research and studies on parliamentary problems. In 1962, it published an important book entitled: "Parliaments: A Comparative Study on the Structure and Functioning of Representative Institutions in Forty-One Countries."

In addition to these international activities, national groups maintain bilateral relations with one another.

Regional interparliamentary groupings have also been set up under the auspices of the Union, particularly in northern Europe, Benelux, and the two Americas.

8. PUBLICATIONS

A verbatim report of the proceedings of each interparliamentary conference is published annually. Two periodicals, in English and French, also appear quarterly under the Union's auspices:

a. "Interparliamentary Bulletin," the official organ of the union;

b. "Constitutional and Parliamentary Information," a review dealing with constitutional and parliamentary law, which is published by the Association of Secretaries General of Parliaments.

9. FINANCES

Contributions from national groups constitute the main source of the Union's revenue. They are paid annually on the basis of scale fixed by the Interparliamentary Council. The Union's budget runs to some 60,000 Swiss francs (i.e., $140,000) per annum.

Mr. HAYS. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Ohio.

Mr. HAYS. I commend the gentlewoman for the statement she has made. In spite of the fact that from time to time I have read criticism of the trips taken by Members of Congress—I have not been one of them, in this particular instance—to the Interparliamentary Union meetings, I believe this has been a useful thing. I believe it is tremendously important that the members of one-party parliaments, about which the gentlewoman has spoken, see the American delegation and see that the members are free to speak their minds and that they are free to disagree with each other if an occasion arises when there are honest disagreements.

If there were no other benefits—and there are many, in my opinion—that would be a sufficient reason for the existence of the American delegation to this important international meeting.

There are other international parliamentary bodies to which we belong. I have had occasion to attend some of those meetings. Without taking a lot of time, I wish to say that one thing which has always fascinated me at these meetings has been the tremendous showing made by some of the other delegations, and especially the British delegation, because they do their homework. They have studied the matters on the agenda. People are sent who are articulate and who can present their point of view.

I must say they are very persuasive for that reason. I do hope that the gentlewoman will continue her efforts to promote interest in the Interparliamentary Union, because I think it is doing a useful job.

Mrs. ST. GEORGE. I thank the gentleman from Ohio, and may I tell him that is particularly good music to my ears coming from him. In fact, I would say it is "praise from Sir Hubert."

Also I would like to tell him that we are being better prepared. I heartily agree with what he said about our British colleagues. We are doing our homework better and having good studies prepared ahead of time. The members who are speaking for the United States are now really conversant with most of their subjects.

Mr. HAYS. If the gentlewoman will yield further, I meant no criticism of the American delegation by what I said, but I was merely trying to point out that the British take these things seriously and think they have an importance in their national affairs and they think they are useful in molding opinion in other countries toward their point of view. I am not conversant with what the people in the Interparliamentary Union do, but I think looking to the international bodies to which I have been a delegate we have not been quite as aware as we might have been in the past of the fact that these are tremendous forums for the molding of international opinion. It would be well if we would all do as much as we can in this field.

Mrs. ST. GEORGE. I thank the gentleman. I did not mean to say that he was implying any criticism, but I thought he would be reassured to know that the interest seems to be growing. Of course, as he well knows, the Interparliamentary Union group is the oldest such group in the world, having been founded in 1888. For a long time, it is quite true, our group and our delegation took very little part in it. This year I am very happy to say that, unanimously, at one of the commissions an American was elected rapporteur.

That gentleman was the gentleman from Illinois [Mr. McCLORY], who worked very hard and diligently and they thought highly enough of his work to elect him. We had another one of our members elected vice chairman of the Commission on Disarmament. That was the gentleman from New York, ALEXANDER PIRNIE, who worked long and diligently at several conferences. So I feel that we still have a long way to go but in time we will make a greater and better contribution to the Interparliamentary Union.

Mr. McCLORY. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to commend the gentlewoman from New York who served as chairman of the Interparliamentary Union group representing our Nation for her guidance and leadership during the conferences held at Lucerne, Switzerland. This was my first experience as a delegate representing the Congress at such an international meeting, and I might say I attended and participated with some skepticism as to what benefit might result or what benefit might be accomplished from this activity. In the first place, I was tremendously impressed by the careful preparation which went before the Conference itself, the careful preparation by the members who attended, and by the executive secretary, Dr. George Galloway, and others who worked with him, so that our representatives in this Congress would be able to inform the other parliamentarians of the world what our American position was on these great world problems which we discussed.

I want to join, too, in the high praise which the gentlewoman has offered with regard to the members in their participation at the conferences at Lucerne. While I served as a member of the Cultural Committee, which was an active committee concerning itself with the problems of illiteracy and education and equal access to educational institutions, all international problems, I also had occasion to observe some of the other committee activities including that of the Disarmament and Arms Control Committee on which the distinguished gentleman from New York, ALEXANDER PIRNIE, served and the other committee work that our delegates performed in representing our American position.

I cannot think of any more important activity in the area of our international relations than contact by our Members of Congress with governmental officials and representatives of congresses and parliaments of other nations of the

world, whether on this or the other side of the Iron Curtain.

Mr. Speaker, I want to say that as a result of this experience and these observations I am convinced of the big job that we as Members of Congress have to do in portraying the American image and advancing the American cause throughout the world. Therefore I compliment the gentlewoman from New York. I know that the matter that will be put in the RECORD will be very informative as far as the Congress is concerned and as far as the Nation is concerned, with respect to this very important international gathering.

Mrs. ST. GEORGE. Mr. Speaker, I thank the gentleman for his contribution. I yield to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Speaker, I thank the gentlewoman. I would particularly like to join in the comments that have just been made by my colleague, the gentleman from Illinois [Mr. MCCLORY]. It is very true that at this Conference our delegation was led by a person who has given a great deal of thought and study to the problems which parliamentarians face in this world today. As Members of the House know we are particularly fortunate that the leader of this delegation, who is, incidentally, the first woman ever to be accorded the privilege of leading a delegation to the conference, has linguistic ability which enables her to speak effectively in another tongue.

Those of us who have very limited talents in that direction know that we are not able to give voice to anything more than our elementary needs; we cannot voice ideas and ideals. And these qualities, together with a nice touch of humor on the part of our distinguished leader in the course of her appearances, have made for a very effective presentation, and we are proud that such is the case.

Mr. Speaker, I would like to concur in the expression of the importance of our opportunity to meet with people having these problems in these trying days. As was stated it was my privilege to serve on the committee dealing with political questions, international security, and disarmament. There we could, in a very friendly atmosphere and with personal contact, make it very clear that we knew that the prelude to disarmament was a change in attitude, a change in objective and also the development of mutual understanding and forbearance.

It was surprising to note how many people were impressed with the reasonableness of our attitude when we gave some of our very logical arguments for wishing to proceed along the road of disarmament with reason and with purpose, sacrificing none of the element of protection that is necessary in order to secure freedom throughout the world.

Mr. Speaker, I also believe that we can give a better appreciation of what is meant by parliamentary or representative form of government when we meet in these bodies. We stress particularly that this might represent an insurance against aggression or precipitous actions of violence throughout the world, if greater power were vested in the representative bodies.

Mr. Speaker, some nations, as the gentlewoman knows, who claim to have a parliamentary form of government do not in fact give to their bodies the same scope of responsibility and authority that we have developed here in these United States. When they learn at first hand our approach to our problems and the system by which a law evolves in the Congress, there is an appreciation of the road that they may have to travel in order to achieve the same effectiveness.

Mr. Speaker, we believe that through this body we can gradually develop a spirit of understanding and an exchange of ideas that will be mutually beneficial.

I feel that the gentlewoman from New York [Mrs. ST. GEORGE] by giving to this delegation this objective and conscientious leadership has inspired us all to do some of the groundwork that is necessary in order to take full advantage of our brief opportunity during the short time that we are in session.

Mr. Speaker, it is my hope that we will become progressively better prepared and more objective. The opportunity is great. I know it is in the interest of this body and this Nation to use it to the fullest.

Again, Mr. Speaker, I wish to congratulate the gentlewoman from New York [Mrs. ST. GEORGE] for her fine leadership.

Mrs. ST. GEORGE. I want to thank the gentleman from New York [Mr. PIRNIE] for his very kind and very generous remarks.

I want also at this time to say that all of the members of our delegation were most conscientious and most attentive to their duties. The hours were very long and there was a great deal of time that had to be spent during the performance of these duties. The last day of the session we sat there until about 9 o'clock in order to get through with the afternoon session. This was very trying because it was at the time when the big argument came up with the Russians and their satellites and other Iron Curtain people.

So, Mr. Speaker, we do work diligently and hard.

This delegation, which was composed of not too many of us, had a full day's work for all the time that we were away.

I am deeply grateful, as we all are, to Dr. George Galloway for the magnificent work which he performed and for the preparation of the documents.

Mr. FEIGHAN. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I am glad to yield to the gentleman from Ohio.

POLITICAL PUPPETS ALWAYS HAVE STRINGS

Mr. FEIGHAN. Mr. Speaker, I wish to congratulate the gentlewoman from New York.

Mr. Speaker, the cornerstones of American democracy are free elections and a free press.

Congress has guaranteed freedom of the press by providing a gallery for members of the press to observe our proceedings so they can report fully to the American people. The rules of conduct set forth by Congress for members of the press accredited to the gallery are set forth on page 749 of the Congressional Directory of January 1964.

Drew Pearson is an accredited member of the Press Gallery, named on page 767 of the Congressional Directory, and as such is subject to these rules. Mr. Pearson conducts a nationally syndicated column which is widely circulated throughout the United States. He is free to print under his own byline what he thinks is news. I am in thorough accord with that principle.

But when a newspaperman, credited to the Congressional Press Gallery, leaves his District of Columbia residence, 2820 Dumbarton Avenue, and goes to the city of Cleveland to make a speech attacking my primary candidacy for the 20th Congressional District—that is not news. Drew Pearson made that speech attacking me and endorsing one of my four opponents, Ronald Mottl.

What was the motive of Drew Pearson which caused him to leave his District of Columbia residence and to go to the city of Cleveland to take an active role in a congressional primary campaign?

It is significant that within the past 2 weeks I called the attention of the people of Cleveland to this Charlie McCarthy type candidate and publicly asked, "Who is the Edgar Bergen pulling the strings on this puppet candidate?"

We now have the answer. We now have the motive.

It may shock the American public to learn that a foreign power—a Communist regime that I have opposed on the floor of Congress for over 10 years—is attempting to influence the results of my primary campaign. This foreign power, the Communist regime of Yugoslavia, has extracted from the American taxpayers over $2 billion in foreign aid over a 10-year period. That Communist regime is attempting to keep its looting hands in the pockets of the American taxpayers.

On the floor of Congress I have consistently opposed American aid in any form to that corrupt Communist Dictator Tito and his ruthless regime. Tito has been masqueraded as a friend of the West, but he is, in fact, Moscow's trojan horse to the free world.

The columns of Drew Pearson are the best evidence that he, Drew Pearson, an accredited member of the Press Gallery, is the leading promoter of Tito's cause in the United States. These columns appear under the byline of Drew Pearson and they are self-incriminating. Everyone will agree in Congress and in the Press Gallery that Drew Pearson is the leading Tito propagandist in the United States.

It suits the personal, evil interests of Tito to attack my candidacy for reelection to Congress.

Will it be denied that Tito's propagandist, Drew Pearson, in going to Cleveland to attack me on April 13, did so at the bidding of the Tito Communist regime?

Will it be denied that Drew Pearson is the Edgar Bergen pulling the strings on his endorsed puppet candidate, Ronald Mottl?

For the last five primary campaigns in my 20th District no candidate has

spent in excess of $5,000 in his campaign. It is an open scandal in the city of Cleveland and its suburbs over the unlimited funds being spent by Drew Pearson's Charlie McCarthy candidate, Ronald Mottl. The voters of my 20th District and Cleveland newspapermen have asked me over and over again—"Where is Mottl getting all the money?"

It is reported to me Mottl had an opening bag of $25,000 with more money to come as it was needed. The 20th District is flooded with expensive billboards bought by Ronald Mottl. Mottl bus signs, advertising, printed literature, radio announcements, huge posters, have flooded the 20th District for weeks. Money is no object to the aim of distorting the truth. The Communist technique of repeating the lie and the false charge dominates Mottl's propaganda campaign.

Four weeks ago my Cleveland office was warned that large sums of Communist source money were being dumped into the campaign to defeat me. Now that Drew Pearson has come out into the open, has left the Press Gallery, has left his Washington home and has entered my district to denounce me and to endorse Mottl, it is apparent that he is the Edgar Bergen—the Tito cutout to direct Mottl's campaign.

Mr. Speaker, an accredited member of the Press Gallery has stepped out of his character as a newspaperman and has engaged in the promotion and furtherance of the aims of a foreign power while a member of the Press Gallery. This is a clear violation of the rules governing Press Galleries, promulgated over your signature.

Under rule 34, section 2, of the House Rules and Manual, 88th Congress, I call upon you, Mr. Speaker, to exercise the authority vested in you, to take all necessary steps to conduct a proper inquiry into Mr. Pearson's violation of the rules governing the Press Gallery, in acting as an agent of a foreign power—the Communist regime of Yugoslavia and its dictator, Tito.

I am today sending the following letter to the distinguished Speaker of the House calling for action forthwith on this matter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 16, 1964.

HON. JOHN W. MCCORMACK,
Speaker, House of Representatives,
The Capitol, Room H–206.

DEAR MR. SPEAKER: In my remarks on the floor today I charged Columnist Drew Pearson, an accredited member of the Press Gallery, with a clear violation of the rules governing conduct of all members of the press accredited to the Gallery.

I requested that you exercise the authority vested in you as Speaker, under rule 34, section 2, to take all necessary steps in this connection.

In view of the fact Mr. Pearson has personally injected himself into my primary campaign which ends on May 5 it is imperative that action be taken forthwith.

With kind best regards, I am,
Sincerely,

MICHAEL A. FEIGHAN.

Mr. JONES of Missouri. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Mr. Speaker, I want to take this opportunity to compliment the gentlewoman from New York and to congratulate her for bringing to the attention of the Members of the House the effective work that this organization has done.

Mr. Speaker, I believe it is unfortunate that more Members of the House are not familiar with the work of the Interparliamentary Union.

While I did not have an opportunity to attend the Conference in Lucerne, I have on previous occasions attended other conferences. I believe it has afforded us an opportunity to communicate with the members of parliaments and legislative bodies of the other countries of the world and to enable them to have a better understanding of how well this Government here in the United States does work and to let them know that in a democracy that our Congress of the United States does make the laws and that we are the ones who initiate them and that we are the Representatives of the people. I know that from the experience that I have had I have felt that I have not only been able to make a contribution, but I have gained much information from these meetings which enabled me to become a more effective legislator here, and particularly in the field of Public Law 480. I know that the information I have gained from these conferences has been most helpful.

Mr. Speaker, again, I want to congratulate the gentlewoman from New York for bringing this matter to the attention of the Members of the House. I believe the effective work that is being done by the Interparliamentary Union needs to be recognized by more Members of the Congress.

I thank the gentlewoman from New York for yielding.

Mrs. ST. GEORGE. I thank the gentleman. May I say that the gentleman has attended many conferences, that he has always been very helpful and we hope he will be on many more. It was unfortunate he could not accompany us to Lucerne as he had other things to take care of in his congressional district.

COMMITTEE ON RULES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FERMI AWARD SHOULD GO TO RICKOVER AND WEAPONS SCIENTISTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 30 minutes.

Mr. HOSMER. Mr. Speaker—

The Commission may also, upon the recommendation of the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use, or control of atomic energy.

So reads, in part, section 157b(3) of the Atomic Energy Act.

Accordingly the Atomic Energy Commission established the Enrico Fermi Award consisting of a gold medal, a citation, and $50,000, tax free. The late Dr. Fermi was the first to receive the award in 1955, and the seven other Fermi Award winners were: 1956, Dr. John von Neuman; 1957, Dr. Ernest O. Laurence; 1958, Dr. Eugene Wigner; 1959, Dr. Glenn T. Seaborg; 1960, no award; 1961, Dr. Hans A. Bethe; 1962, Dr. Edward A. Teller; and, 1963, Dr. J. Robert Oppenheimer.

On reviewing this list of Fermi Award winners, two things become obvious: First, although in each instance the award has gone to a deserving person, it is notable that almost all recipients have been, at one time or another, members of the very General Advisory Committee of the AEC which recommends the award. Second, notably absent from the list of winners is the one man whose outstanding especially meritorious contributions to the development, use and control of atomic energy have been showered with unreserved praise by almost everyone except the GAC and the AEC, namely, Vice Adm. Hyman G. Rickover, U.S. Navy, retired.

It is high time both that the Fermi Award be cured of its aspects of inbreeding and that the admiral be given his due. Both situations can be handily cleared up in the process of determining the winner of 1964's award.

Thereafter, this award should be put to work for the United States in a significant way and the balance of my remarks are made to specify clearly my own views on what that amounts to.

During the consideration and prior to the signing of the test ban treaty in 1963, the Joint Chiefs of Staff set forth certain safeguards that should be undertaken to reduce the risks inherent in the proposed treaty. In a letter, dated September 10, 1963, to majority and minority leaders of the other body, President Kennedy gave assurance that the safeguards would be implemented. High on the list of safeguards was the one that called for "the maintenance of vigorous weapons" laboratories. Despite the strong recommendations by the Joint Chiefs of Staff and the assurance of the late President, I am concerned that we are not doing all we could and should to maintain our weapons laboratories as strong and vigorous installations.

The lifeblood of any research and development organization—whether it be in the civilian or military field—is its ability to attract and hold brilliant young minds. The need for topflight scientists in our weapons laboratories is all the more pressing now, under the test ban treaty, when many theoretical computations and calculations cannot be developed or proven out through demonstration. More and more reliance will have to be placed upon the theoretical developments and computations of the scientists.

It is not easy to attract topflight young scientists for our weapons laboratories. The work is highly classified and the weapons scientist does not normally have the opportunity to have his papers published in scientific journals. Except

for the small handful of his colleagues who know and recognize his scientific achievements, the young scientist in the weapons laboratory has little or no opportunity to obtain recognition within the scientific community let alone from the public at large. The pay is not great, particularly when compared to the opportunities in private industry. That we have been successful in attracting outstanding young scientists to our weapons laboratories in the past is a tremendous tribute to the devotion and patriotism of these men. How much more difficult has it become and will it be in the future to recruit young scientists if the administration fails to give recognition to them or what is worse downgrades the importance of their work.

The present administration-supported Federal pay bills are examples of how the administration downgrades nuclear weapons work and thus adversely affects the efforts of maintaining vigorous weapons laboratories. As proposed in these bills, the Atomic Energy Commission, under which the weapons laboratories operate and which has the responsibility to conduct experiments, to do research and development work in the military application of atomic energy, and to engage in the production of nuclear weapons, is considered of less importance than the U.S. Arms Control and Disarmament Agency. Under the proposed administration bill, the Director, Arm Control and Disarmament Agency, would be considered as a sub-Cabinet position—level II. On the other hand, the Chairman of the Atomic Energy Commission would be dropped to a lower position—level III, and the other Commissioners even lower. This indication of the administration's evaluation of the relative importance of the work being conducted by these agencies is not lost upon the scientific community. Notwithstanding any lipservice to the need of maintaining vigorous weapons laboratories, indications such as this have an adverse effect upon the morale of the present employees in the weapons laboratories and on the recruitment of additional young scientists.

Unless we do more than give lip service to maintaining vigorous weapons laboratories, our defense position relative to the Soviets will become more dangerous each year. It is vital that we do everything possible to keep our weapons technology in the forefront and we can ill afford to turn promising young scientists away from working in our laboratories by downgrading and deprecating nuclear weapons research. Nor can we downgrade the work of the Atomic Energy Commission under whose auspices the weapons laboratories operate without downgrading our weapons laboratories. Equally important, I believe, it is necessary that recognition be given to those scientists who for the most part work anonymously in the weapons laboratories—who have in the past been responsible for maintaining U.S. supremacy in nuclear weapons technology—and upon whom we must rely in the future not to forfeit this leadership to those who would, if they could, "bury us." These men are truly the unsung heroes of our national defense. They must be told and Americans must recognize the value which this country places upon their efforts.

Dr. John A. Wheeler, of Princeton University, one of the truly great scientists who contributed so greatly to the Manhattan project during World War II, has written me as follows:

> I deeply fear that each year that we move into the thermonuclear era our defense situation relative to the Soviets will become more dangerous unless we do everything possible to keep our weapons technology up to the mark, yet I get discouraged letters from my friends in the national weapons laboratories about the slowdown that they feel. I know no better way to fight this insidious undermining of morale than to give credit where credit is due—to the men down the line who plug away on decisively new developments in spite of every discouragement. That is where I think the Fermi Award would do the most good this year—and in many another year.

We accordingly, can give recognition to the achievements of these scientists who give so unsparingly of themselves. While full details of their individual achievements may not be able to be made public because of security classification, a selected number of scientists in our nuclear weapons laboratories should be chosen each year to receive the highest award in the atomic energy field—the Enrico Fermi Award. Instead of one individual—as has been the case in the past—the award could be made to a number of individuals and the accompanying $50,000 shared. This would be one way of demonstrating the high regard and the debt this country owes to these dedicated men.

At the same time that we give recognition to these weapons scientists, we should not downgrade the agency under which they carry out their work. The Chairman of the Atomic Energy Commission should be maintained at a sub-Cabinet level. At a minimum, he should be at the same level as the Deputy Director of Defense and Administrator of NASA. The other Commissioners of the AEC should be at a level immediately below the Chairman. These actions would do much to demonstrate an intent to support and maintain vigorous weapons laboratories.

ISRAEL'S 16TH ANNIVERSARY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. FARBSTEIN] is recognized for 1 hour.

Mr. FARBSTEIN. Mr. Speaker, 16 years ago tomorrow, on the 5th day of the Hebrew month of Iyar, the leaders of the Jewish community in Palestine met in a small museum in Tel Aviv to implement the United Nations resolution establishing a Jewish State. In the midst of a war with irregular Arab forces determined to block that resolution, the representatives of the Palestine Yishuv courageously proclaimed the State of Israel. And the very next day, they were attacked by the armies of their neighbors.

For the past 16 years the Arabs have persisted in that war against Israel. Defeated on the battlefield, the leaders of the Arab States turned to economic warfare. By blockading its sea routes the Arabs attempted to cut Israel's lifeline of trade. By establishing a boycott, they tried to blackmail its investors. By continued harangues in the United Nations they endeavored to isolate Israel from the community of Nations.

But despite this unceasing hostility, the people of Israel have built their State. They opened their doors to the homeless and oppressed Jews of three continents. They sacrificed comfort to provide shelter and employment for the millions of destitute immigrants who flocked to Israel's shores. They built cities and ports, reclaimed desert and wasteland, increased industrial and agricultural production, established flourishing trade and commercial ties with other nations, raised their own standard of living.

They broke through the ring of enmity drawn by their neighbors and they won a world of friends. They had few natural resources but they had a surplus of skills which they were able to export. Assisted in their nationbuilding by generous American aid, they gave the benefit of their experience and specialized knowledge to the new nations of the world. They lived the example of a free democratic people, ever mindful of the responsibility we all share to help those less fortunate than ourselves.

And while Israel has set its energies and resources to the task of rebuilding, the Arab world remains bent upon destruction. Peace between the peoples of the Middle East seems as distant now as on that day in 1948 when the Jewish leaders, in their declaration of independence, extended the hand of friendship "to all neighboring states and their peoples in an offer of peace and good neighborliness."

But it is not only the Arabs who stand indicted by their refusal to make peace with Israel. The free world bears a large share of the responsibility for the intolerable state of affairs which allows 13 members of the international community to remain in a state of war against another member of that same community. As members of the United Nations, the Arab League nations have pledged themselves to renounce "the threat or use of force against the territorial integrity or political independence of any state." Nevertheless, Nasser insists that:

> I see absolutely no escape from a second Palestine war.

And he warns:

> We are the ones who will impose the time. We are the ones who will impose the place.

During the Nazi holocaust, too many of us remained silent while 6 million Jews—men, women, and children—perished at the hands of Hitler. We cannot placidly and complacently watch the threatened annihilation of the survivors of the concentration camps.

Our goal in the Middle East is peace—the peace that Israel has offered its neighbors time and again, the peace that

has been spurned by the Arabs time and again. But there will never be an Arab-Israel peace if the Arabs believe that they are strong enough to destroy Israel. A weak Israel is a temptation to the Arabs to fulfill their bombastic threats of war. Peace will be attained only if Israel is strong enough to deter its enemies. Israel must be secured by her own strength, as well as by the support of the United States.

Let us realize that an American policy that is weak, vacillating and influenced by expediency, will encourage Arab belligerence. We must make it clear—to the Arabs, to Israel, and to the world—that we will not stand idly by when aggression is prepared or begun, when international law is challenged, when the plight of refugees is exploited, when rivers are spitefully diverted.

I understand the Jordanian economy, which is developing satisfactorily, is gradually absorbing the United Nations refugees. I understand further that they are literally vanishing as such, as Jordan's urban centers grow and encompass them. I wonder whether the number of refugees has not been somewhat exaggerated by the refusal of surviving refugees to turn in the identification cards of their deceased relatives. I am satisfied that aid be continued for the refugees; but the host countries to whom control should be transferred should not use them as a political weapon with which to beat Israel over the head.

Our visitor of yesterday seemed distressed over what he called diminishing good will toward and friendship with the Arab world. Is the fact that we have been feeding almost half of Egypt's people under Public Law 480, while she sells her cotton to the Soviet Union for arms, evidence of this fact? He knows only too well that but for our aid his kingdom could not possibly exist. Our country, I believe, is far more generous to the Arab nations and their people than they have a right to expect. All we seek is peace in the area—peace with honor for all peoples.

There will be an Arab-Israel peace, we hope, when the Arabs come to understand that Israel's existence is a commitment of America and the free world. Our guarantee becomes meaningful when it is vigorously expressed in words and when it is strongly reinforced by deeds. We must keep Israel strong for her people and a source of strength for democracy and freedom.

May Israel have many more birthdays. I say on this her 16th birthday, "Shalom," and continued success toward the fulfillment of her goals.

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

Mr. FARBSTEIN. I yield to the gentleman.

Mr. HAYS. I am in general agreement with what the gentleman is saying. But I would point out, it seems to me that by now the Arab States are beginning to get the message; that the United States is not going to let them wipe Israel off the face of the earth. It would seem to me, it would be better at this point to recognize that Israel is here to stay and for them to try to get on with the job of providing a better standard of living for their own people, with which job we are willing to help them—but not if they are going to continue and to wage war against Israel or against any of their other neighbors. I think we have made that abundantly clear in the Committee on Foreign Affairs and I believe the message is beginning to get through to them.

Mr. FARBSTEIN. I thank the gentleman for his kind contribution. I do hope that the message has gotten through except for the fact that I believe Egypt has been purchasing so much in the way of arms that the balance of terror, perhaps, is now beginning to weigh in favor of Egypt. As a result, Israel needs greater asistance so that a balance can be maintained; and it is only when that balance is maintained that there will be a peace, even the uneasy peace that at present exists.

Mr. HAYS. If the gentleman will yield further, I believe the last time the Israelis and Egyptians met on the battlefield, although the Egyptians had fairly modern weapons, their people, who were supposed to wield those weapons, were not convinced of the cause for which they were to fight; consequently, instead of using their weapons, in many cases, they abandoned them and got out, for all practical purposes.

Although I agree with what the gentleman has had to say about the preponderance of weapons, I am not convinced that the leader of Egypt has any more brainwashed his people into believing that his government is worth fighting for now than was the case the last time. I may be wrong about that, but it is my theory that the people will fight only if they believe they have something worth preserving. I believe this has been proved over and over again.

I point out, with all kindness toward the president of Egypt, that his money would be better spent in trying to raise the standard of living of his people than in purchasing weapons, for I am not too certain that many of his people believe in using them.

Mr. FARBSTEIN. Again I thank the gentleman. I have only one additional thought in that direction.

As a result of assistance of Nazi scientists and even of Soviet scientists, Egypt, unfortunately, because of our furnishing foodstuff for nearly half of the people, is building or has built—I do not know; for I have not been there—terrible weapons of destruction. They are building or have built ground-to-ground missiles. The gentleman knows as well as I that ground-to-ground missiles can be set off and fired by a small number of people. The two countries are close to one another. Destruction of a few cities of large population in Israel is quite possible.

Mr. HAYS. I say to the gentleman that I do not discount any of that. I believe the gentleman is making a good statement, which needs to be made. We need to keep a close eye on what is going on there, and I believe we will. That is part of our policy.

Mr. FARBSTEIN. I thank the gentleman for his contribution.

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

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. GILBERT. I thank the distinguished gentleman from New York for yielding to me. I compliment and congratulate the gentleman upon his fine statement with respect to this important part of our international policy in the Middle East.

I believe he is doing a great service for our entire country, particularly at this time when the distinguished visitor from the state of Jordan is in the United States.

I join with the gentleman in this tribute to the State of Israel, a country of which I am very fond, close to my heart.

I also thank the gentleman for taking this time to make his presentation on the floor.

Mr. Speaker, I ask unanimous consent that I may revise and extend my own remarks and have my remarks printed in the RECORD immediately after the remarks of the distinguished gentleman from New York [Mr. FARBSTEIN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. I thank the gentleman for his contribution.

Mr. KEOGH. Mr. Speaker, April 17 is the 16th anniversary of the independence of Israel. Here in America, in Israel, and throughout the world, Jews will commemorate that day as the most important in modern Jewish history. When Israel became independent, millions of persecuted, homeless, refugee Jews found a land where they could do their share in creating peace and safety.

In America, our citizens of every kind, including Jews, live safely, protected by law, custom, and the convictions of their fellow men from the pogroms, and attempted genocide which have characterized the treatment of minorities in many other nations. But our own comfort and safety should not blind us to the sufferings of others. Celebrations of Israeli Independence Day should be undertaken, like other celebrations, as a reminder of something past, in this case, centuries of persecution, murder, and the most horrible fear, the latest of which was under the Nazi regime.

Our words here must always be briefer than the occasion demands, but we must recall that suffering and conflict are not banished from the affairs of man. The establishment of a Jewish state has been difficult in many ways. But no problem is unsolvable, if good will and rationality prevail. On this 16th anniversary of Jewish independence, let us look forward, as well as back, to a day when the struggle of the Jews to gain their freedom will be complete and that fragment of the world's ills will be at an end.

Mr. FLOOD. Mr. Speaker, the Middle East has always been the seat of unrest and turmoil, and in recent years the whole region has undergone revolutionary changes. Since the end of the last war, social, political, and economic changes have almost revolutionized life

in many parts of the area. And the birth of the State of Israel in 1948, as an independent and sovereign entity, highlighted the long and eventful history of Palestine.

The Jewish people had to wait many centuries before they were to reestablish their own state, resettle there and enjoy the blessings of freedom and democracy. For almost 2,000 years they were deprived of their independence, of their country, and of their homes. They were barred from their homeland and dispersed to all parts of the world. They had led a migratory and often miserable existence in dispersion. During all that time the more they suffered in foreign lands, the more they felt that they had to work for their national salvation. They kept the image of returning to Palestine constantly in their minds; and when at the end of the First World War they had the chance to do this, many hundreds of thousands returned. Then they lived under British mandate for two decades. In 1948 when the British felt that their task was done and withdrew from Palestine, on May 14 of that year Jewish leaders proclaimed the birth of the State of Israel.

For the last 16 years Jews have been masters of their own faith. They have been eminently successful in building their new state as the best haven of refugee Jews, and they have already made Israel a model democratic state in the Middle East. There they have become the real champions of freedom, a powerful ally of the West, against all autocratic and Communist ideals. The State of Israel is a progressive, dynamic and growing entity, modeled upon a Socialist and welfare state, and because of this some people often think of Israel as a quasi-Communist state. Fortunately and actually this is not the case at all, and the Israelis are as anti-Communist as we are in denouncing communism. Israeli leaders preach and practice democracy, and they are prepared to defend their new democratic state against all their foes. On the 16th anniversary of Israel's independence day we wish them peace and prosperity in their historic homeland, in the new State of Israel.

Mr. FULTON of Tennessee. Mr. Speaker, I am proud to join in saluting the State of Israel on the occasion of her 16th anniversary. We are all familiar with the outstanding record of achievement which this small but courageous nation has made since its foundation in 1948.

Today we see Israel as an outpost of freedom and democracy among the turbulence of the Middle East. Even though it is surrounded by enemies, Israel has successfully maintained a peaceful atmosphere under which her people have transformed the land into a flourishing nation.

Moreover, Israel's foreign policy has been quick to assume responsibility in the world. It is offering economic and technical assistance to some 20 countries in Africa and Asia and is helping to develop modern political economic institutions in these countries. Because she herself was a colony at one time, Israel's aid is free of the taint of colonialism and it is not weakened by fear of an enslaving ideology, such as accompanies Soviet bloc aid.

We in America and Tennessee have strong ties with Israel and are proud that she has looked to us for guidance in shaping her destiny. So, Mr. Speaker, we congratulate Israel on her achievements, we salute her as a worthy member of the family of nations, and we pray that the coming year will see the dream of peace realized not only for the good of Israel but also for the good of mankind.

Mr. ADDABBO. Mr. Speaker, it gives me pleasure to join with my colleagues in paying tribute to the State of Israel on its 16th anniversary which it is celebrating tomorrow, April 17, 1964.

The fantastic strides made by the valiant people of Israel in building an economically stable nation against seemingly unsurmountable odds will forever stand as a monument to their fortitude and industriousness. With the formidable task before them at home, these generous people have been able to offer and render assistance to peoples in need on four continents.

Every American has a right to be proud of the aid we have extended to this great state and we congratulate her on this 16th anniversary and wish for her and her people continued success toward the fulfillment of her goals. We extend to her our friendship and continued support.

Mr. GRABOWSKI. Mr. Speaker, while many of us still think of Israel in a Biblical context we are slowly but surely coming to the realization that this young-old nation has gained a firm foothold in our modern world. Instead of the tales of David and Solomon we now think in terms of Israel's economic assistance programs, her technical and scientific achievements.

On the eve of the 16th anniversary of modern Israel's independence I would like to join with my colleagues in paying tribute to the industriousness of this nation. The great strides forward taken during the past years seem almost too amazing to be true.

This small country is now extending technical assistance and foreign aid to about 84 nations on three continents, South America, Asia, and Africa.

Working closely with the Organization of American States, Israel has assisted in setting up community settlements in Venezuela, Brazil, Ecuador, and Bolivia. These settlements are similar in nature to the Kibbutz, the Jewish communal village originally established in Israel and have proven most valuable in Latin America.

Israel has given technical assistance to Asian and African countries in the areas of agriculture, youth training, medical and scientific supervision and instruction, and cultural activities.

Tel Aviv, a gleaming modern city which has blossomed from the desert, is the home of the Afro-Asian Institute which houses approximately 12,000 students from many nations. They are sent to Israel on scholarships provided half by their own country and half by Israel. Here they learn modern labor and agricultural methods and the art of democratic government.

Numerous countries have requested aid from this young-old nation and Israel has sent engineers, construction equipment, and technical assistance for many vital projects.

A modern democracy, holding free elections and trying to acclimate itself to a hostile environment, Israel has succeeded in becoming an active member of the United Nations; has achieved one of the highest literacy rates in the world—78 percent, but also has problems similar to those of other nations, adequate education for her young people, housing, adult education programs, integration of many peoples from different backgrounds arriving continually, a certain amount of juvenile delinquency, and so forth.

Today a symbol of freedom and democracy in the Middle East, Israel must be respected and lauded by those of us to whom freedom and democracy are precious concepts.

Mr. TOLL. Mr. Speaker, this year the people of Israel will proudly celebrate the 16th anniversary of Israel's Declaration of Independence. The State of Israel was born in war and is surrounded by hostile countries. More than one-half of Israel's territory is desertland. As a result of immigration, the population of Israel has more than doubled in 16 years. Throughout these years of challenge and severe pressures the response of the people of Israel has been admirable. They have molded an army which has provided for their security; they have set out to make the desert flower; they have managed to absorb, though not without difficulty, the hundreds of thousands of refugees seeking sanctuary in their country; they have created and maintained the institutions of a democratic government; they have put to good use the aid they have received from abroad; they have been able to provide technical assistance to developing countries in Africa and Asia. The years of independence then have been years of achievement. Israel is the young nation of an old people. It is a pleasure on the occasion of the anniversary of Israel's independence to salute the courage, the tenacity, and the accomplishments of that people.

Mr. MURPHY of New York. Mr. Speaker, I join with my colleagues and with the free world today in congratulating Israel on the occasion of her 16th anniversary.

Throughout these 16 years, despite the constant threat of invasion, Israel has made remarkable social and economic progress in agriculture and industry, but these accomplishments were brought about only by great dedication and self-sacrifice on the part of every Israeli. In this short span of years, the citizens of the State of Israel have fulfilled the hopes and dreams of the Jewish people in establishing a place among the nations of the world.

On this anniversary, I extend my sincere wishes to the people of Israel, and to all friends of Israel in this country. May this great nation continue to prosper economically as an example of a

democratic free enterprise nation, and politically as a symbol of liberty. I wish the people of Israel peace and prosperity in the years ahead.

Mr. ST. ONGE. Mr. Speaker, I am very happy to join with many of my colleagues here today who are paying tribute to Israel on the occasion of its 16th anniversary as an independent state.

The United States had a proud and glorious share in helping Israel attain its independence in 1948. Over these past 16 years, Israel has developed into a successful democracy and one of the few true democracies in the Middle East. It has made great strides politically and economically and is now helping some of the newly independent nations in Africa and Asia in their own development. Israel's economic progress has been such that we no longer have to provide either technical assistance or grants-in-aid to that country, and Israel is thus among the first countries not requiring such aid from us.

During these past 16 years, we have maintained the friendliest and most cordial relations with Israel. In international affairs and at international conferences, particularly at the United Nations, Israel has been one of our stanchest and most dependable allies and supporters. Consequently, we are very pleased to note that Israel has utilized our economic aid to the best advantage of its people and the development of the country. We take great pride on this day of Israel's achievements and its remarkable growth.

The one cloud over the Middle East horizon that perturbs us today is the noticeable lack of peace between Israel and her Arab neighbors. Peace in this region would be of tremendous importance for the Middle East and the whole free world. It is urgent that the United States concentrate on bringing the two sides together for peace negotiations. This is as much in our interests as theirs. Right now we have as our guest in this country King Hussein of Jordan, a neighbor of Israel and one who is somewhat more of a moderate than other leaders of Arab countries. We are giving very substantial help to Jordan; perhaps this would be a most opportune moment to impress upon King Hussein our strong desire for peace in that area and how much his country, the other Arab States and all free nations have at stake if a war is set off in the Middle East which could engulf the entire world.

Our country has been pursuing a policy in the Middle East which goes back to the times of the Wilson administration. It was a policy of support for the establishment of a Jewish homeland in Palestine, as the country was then known, and it became a policy of support to Israel when the new state was established 16 years ago today. That policy was reiterated and reaffirmed by every American President since Wilson, regardless of political affiliation. I am glad that President Johnson, too, is supporting this traditional policy of friendship for Israel and has declared a strong desire for peace in the Middle East.

On the occasion of Israel's anniversary, the United States should take all possible steps to prevent an explosion in that area, maintain political and economic stability, and preserve the independence of all states, particularly Israel which seeks to retain its freedom and independent existence. We hope and pray that the Arab leaders will come to their senses, not commit any harsh deeds which could inflame the area, and discard their fanatical opposition to peace which is only hurting their own countries.

I send my greetings and best wishes to the people of Israel and to Israel's many friends in this country. Together with these wishes go our sincere hopes that Israel will continue to prosper, economically and politically, and attain early peace with its neighbors.

Mr. CONTE. Mr. Speaker, this year, as the Israelis celebrate their independence anniversary on the 17th of April, they have every right to be joyous. Their country, Israel, has achieved the rank of the truly developed states of the world. It has taken 16 years of deprivation, hard work, and much despair, but the goal is now in sight.

Nowhere else and at no other time has there been such rapid progress in one nation. In these few years, entire cities were built and the cultivable land area was doubled. Industrial combines rose from the desert floor while port harbors were expanded to take care of the ever-increasing volume of trade. The credit for these accomplishments lies with the people of Israel, and those citizens who gave of their time, energy, and in many cases, their lives for their country. They are genuine heroes, each and every one of them.

To those immigrants who came seeking a haven from persecution and intolerance, from the genocide tactics of the Nazis and the displaced persons camps, the Levant did not afford them the peace for which they had hoped. Immersed in a deadly war of independence, the new Israelis fought to preserve the freedom which they had gained. The land which had seemed to them a refuge was in reality a battlefield, scarred by the ravages of war and destruction. With determination, though, they picked up their guns, their hoes, and trowels, to build the nation in which they wanted to live, a land in which to bring up their children in the finest manner possible.

They can be proud of their work; for Israel is considered a model nation. By using their methods and techniques, new African States are progressing toward development. This is accomplished either by sending the Israel technicians to the requesting states or having the promising young Africans attend courses in Israel. The Israel Government also provides development capital for projects which would enhance the economy of the African States. As a guide, its leadership can never be questioned.

Mr. Speaker, we, in the United States, who have enjoyed the friendship of these indefatigable people, are honored and proud to be able to contribute to their anniversary celebration by wishing them continued success for the future. It is our hope that the amicable relations of our Nation and Israel will persist to form a lasting tie of two states which are governed by the same high principles of freedom and democracy.

Mr. GILBERT. Mr. Speaker, I am happy to join with my colleagues in celebrating Israel's 16th anniversary. We heartily applaud the tremendous progress the tiny democracy of Israel has made; the development of a democratic and stable society, the absorption and resettling of more than a million refugees, in consolidating her relations and technical and educational cooperation with many other people around the world. Freedom-loving people everywhere are rejoicing in Israel's freedom and honoring her for her achievements.

Israel—the only stronghold of democracy in the Middle East—has miraculously survived constant war threats and a multitude of other grave problems, through the admirable fortitude and courage of her people. The Israelis deserve our highest respect and admiration because of their ideals, their industry, their untold sacrifices for their country, and their strong determination to preserve their independence in the face of overwhelming odds.

It is deplorable that the unremitting Arab war against Israel continues; that this anniversary of the achievement of independence must be overshadowed by the renewed threats of her enemies to destroy her, and by other crises looming on the horizon which would undermine her progress. Israel has made every effort to achieve peace, but these efforts have been thwarted. As a result, Israel has been forced to divert valuable manpower and financial resources to defense purposes; she would much prefer to use these resources to the even greater development of constructive programs, for new industries, reclamation, and transportation.

From the very first, Israel recognized that independence is not a final goal but only the beginning of a period of development and progress, material, and spiritual. She does not possess the manpower and riches of the larger nations, but in her spirit and her pioneering experience in all fields—education, social organization, development—she is second to no other country. The Israelis have made remarkable economic progress without sacrificing individual freedom. Israel is not only setting a good example for the emergent African and Asian nations, but is assisting them. We are told that thousands of young people from 36 countries in Africa, 14 in Asia, including India, the Philippines, and Japan, and in recent years, from 20 countries in Latin America and the Caribbean, as well as 5 in the Mediterranean basin have come to Israel to study her methods in agricultural settlement, the labor movement, youth education in Nahal, and the Gadna Youth Corps, vocational training cooperation, and various branches of science at the Hebrew University in Jerusalem and other institutes. Israel experts have gone to many of the countries mentioned in order to render firsthand assistance. These splendid efforts by Israel have contributed much in furthering the democratic ideal.

Israel knows that her safety depends on peace among all the nations, and it is her right to live in peace. The Government of the United States recognizes and is alert to the problems which beset Israel and gives firm friendly support to her. It is important that we reassure Israel of our moral support and renew our promise that she will not be deserted; that she remains our ally and is important to all free nations as a bastion of democracy in the Middle East.

Mr. HALPERN. Mr. Speaker, each year at this time it is our privilege to extend to the people of Israel heartfelt and profound greetings on the anniversary of their nation's independence. We have witnessed these past 16 years how a young nation can grow and prosper, despite the overwhelming difficulties which initially confronted her.

Throughout Israel the Jewish people give thanks for the freedom they have managed to preserve and the right to live in their homeland, free from the persecutions which still beset the Jewish people in the Soviet Union and other parts of the world. Our hearts go out to those courageous pioneers, those heroes, who early gave their lives for their country in the continuing struggle to conserve what was brought forth.

We are happy to say that each year the people of Israel have more to be proud of. Their nation has left the ranks of the underdeveloped. It has been intelligence, hard work, and capable leaders which has brought to Israel the political and economic development of modern nationhood.

Israel is now able to carry out its own foreign assistance program to the less developed and newly emerging nations of the world. Since the programs inception in 1955, 85 nations on 4 continents have been give economic aid by Israel; a unique record for this small and courageous nation.

This will demonstrate to all, the peaceful growth which has characterized Israel's history. This history is a record of achievement to which all countries, advanced or underdeveloped, can look to for guidance and encouragement.

Sixteen years ago, when independence was proclaimed on May 14, the future most certainly appeared grim and foreboding. As soon as sovereignty was announced, Arab armies attacked in force on all frontiers, striving to annihilate the hurriedly formed Israel forces, only to find themselves thrown back and, in many cases, in full retreat. The land, though, was devastated. To the new immigrants who were seeking a haven from war and tyranny, Israel appeared no different from their previous homes, the ruined ghetto and the displaced persons camp. The atmosphere pervading the country was different, however. Here one could march off to battle singing songs of freedom, could plow a plot of land and know the yields would be their own profit, could complain to the Government and be assured that the problem would be reviewed.

Throughout its short history, we are constantly amazed at the rapid development of Israel, from battlefield to modern state. We can come to only one conclusion—its citizens are dedicated, dedicated to their democratic principles, their families, and their country. It is the people of Israel who must be acknowledged as the driving spirit of democracy and liberty.

The citizens of Israel, however, were not one nationality when independence was declared. There lived in Israel small Jewish communities, some having been established in the early 1900's; others, tracing their lineage to the days of the old Israel, the Kingdom of Israel, when its rulers held sway over much of the Levant. With the advent of persecutions and genocidal actions of the Nazi movement, more and more Jews came to join their brethren in Palestine.

With the end of World War II and the establishment of a sovereign Israel in 1948, the gates were thrown open to unlimited immigration and the population doubled almost overnight. By the time the ingathering had begun to taper off, Israel's population had surpassed the 2 million mark. Over 80 different nationalities were represented, each one bringing its own customs, languages, and ideas. But in times of crisis, they willingly band together to defend their homeland, to strengthen the nation's economy by building industries and constructing irrigation systems. For they know that in disunity lies failure.

The Government inaugurated compulsory military training for both men and women. When in the course of training, these young people are given instructions in the Hebrew language, thus providing a common tongue for all. They are also given instruction in government and civics.

For those too old or too young to serve with the military, the Government established much the same courses in education centers throughout the country. Hebrew is compulsory and is the official language of the Government. These and other unifying acts will band the people of Israel closer together.

The nation that these proud people built is a wonderment to all who visit. North of the Sea of Galilee, there was a small lake surrounded by marshlands. Today there are only fertile fields in that valley, irrigated by the Jordan River, which flows through its center. Close to the northwest corner of the Sea of Galilee, a pumping station is located, from which a 9-foot-in-diameter concrete pipe snakes its way to the south. Through this pipe will flow water from the Jordan River to irrigate the desertland of the Negev and to provide water for the industries which will spring up in the south.

The Dead Sea was once considered as only a place to satisfy the tourist's curiosity. Today, the area surrounding this desolate spot is a thriving industrial sector. For here are found the new factories which produce for export potash, common salt, bromines, and calcium chloride. New settlements have been constructed to house the workers for these plants. Planned for a population of 50,000, each town is self-supporting, spreading its green gardens over the barren wasteland, oases in the desert terrain. Because of these and other industrial projects, Israel's exports have risen from $29.7 million in 1948 to $280 million in 1963, a formidable increase for any country.

The Israelis have also been preparing during the past few years for the tourist. To provide for their needs, the Israel Government began several projects to help these world travelers who flock in ever-increasing numbers to Israel.

Around the Sea of Galilee—called today by the Israelis, Lake Kinneret or Lake Tiberias—spacious hotels are being erected, complete with golf courses and other facilities. In this region the tourist may enjoy the cool weather and see Tiberias, the Roman resort town or Herod's Palace. He may wish to remain on the Mediterranean where the city of Acre offers both modern and ancient vistas. Here the Crusaders laid siege, leaving behind remnants of their enforced entry and occupation. From here, Napoleon was forced to retreat.

Farther down the coast, over excellent roads which pass through the largest port city of Haifa, one encounters the ruins of Caeserea, the ancient Roman capital of Palestine. Recent excavations have unearthed many mosaic floors, while the old harbor and waterfront remain under the sea, a shadowy outline of the grandeur that was imperial Rome.

In the south, on the spur of the Red Sea which the Israelis call the Gulf of Eilat and the Arabs, the Gulf of Aqaba, is the port of Eilat. In the days of Solomon, this city was once the leading trade center in Israel. Here would come and go the ships which had commerce with all the known world of Asia and Africa. Today, the city has been rebuilt to carry on its ancient tradition as commercial center. Since it is Israel's only port to Asia and east Africa, its importance grows yearly as the volume of trade increases. Eilat, moreover, is being destined as a resort town, perhaps the finest one in Israel. Heralded as the Riviera of Israel, new hotel and villa complexes are being constructed to provide rooms for the tourist trade. Most of these are being built on inland waterways, similar in appearanec to Venice, leaving the harbor free for commerce. From Eilat the visitor may see the copper mines of Timna, once operated by Solomon and now reopened for exploitation by the present Government.

The tourist will, thus, be welcomed anywhere in Israel. Guides, versed in ancient Palestinian history, are plentiful. Modern hotels in Jerusalem and Tel Aviv will cater to the traveler who likes urban living. Hostels are scattered throughout the country for the student and explorer who wants to see everything. The welcome mat is out.

Another phase of the Israel economy which clearly indicates the astuteness and farsightedness of the Government is the development of the agricultural industry. Because Israel is still required to import much of its grain and meat, emphasis has been placed on expanding land acreage to reduce agricultural imports. Since 1948, cultivable land area has doubled, enabling agricultural production to increase at an aver-

age annual rate of 16 percent. Much of Israel's exports are in the form of agricultural produce, with citrus fruits heading the list. Because of the content of the soil and climate, Israel's citrus fruit has qualities that enable its growers to receive the highest prices on the world market.

I have already mentioned the development of the Huleh region in the north, where the lake and its surrounding marshlands were drained. In the Negev, the southern desert region will soon undergo a vast reclamation program. Former Premier David Ben-Gurion had wished to make this desert bloom and had directed his energies to fulfill this dream. With the construction of the new pipeline from the north and the successful experiments with extraction of salt from sea water, this will soon become reality. It is expected that the Negev will be one of the major agricultural producing regions in the nation.

The big 9-foot-in-diameter water pipe, called by the Israel Government, the national water carrier, has been one of the major development projects underway for the past 12 years. Built at a cost of $180 million, it will begin operation this year and will, it is hoped, prove to be the lifeblood for the south. Because of Arab opposition, though, to the diversion of the Jordan waters, trouble is expected. Although the Arabs have been at war with Israel since 1948, there has been no major overt military action since 1956, when the Arab armies were sent reeling across the Sinai Peninsula. The Arab States have pledged to divert the headwaters of the Jordan, thus reducing the flow of water into Lake Kinneret. Knowing that this would prevent full operation of the pipeline, the Israelis are preparing themselves to meet this crisis, with force if need be. Their future development is at stake as are their rights as a sovereign state.

And so I am afraid there is also a somber side to the celebration. The Arab States are increasing the intensity of their verbal invectives which they daily fling at Israel. The recent Arab summit conference had as its chief objective the preparation of a scheme to oppose Israel's necessary irrigation project.

President Nasser is continuing to expand and amplify his military arsenal. We can only conclude from the events of the past several months that the danger of a renewed armed conflict has risen.

And it is the action of the Arab States that lies at the source of this growing peril. In celebrating this 16th anniversary of Israel we can draw strength from the great accomplishments thus far recorded. We have faith that this momentum of progress will be carried forth in the years ahead. We pay tribute to the people of Israel, knowing that the hardships of their past trials have given them the faith and the insight to meet any eventuality in the future.

The United States and Israel share important common interests. Israel represents the forces for democracy, freedom, and human dignity and it is precisely this kind of development which we seek for the world at large.

So let this momentous occasion be not only a celebration of that which has been accomplished, but similarly a recommitment and rededication to the ends which our two nations share in common.

There is no question in my mind but that Israel will attain still greater triumphs as we move through the 1960's. And so on this 16th anniversary of independence, I wish the valiant people of Israel continued success in the achievement of the goals that lie ahead.

Mr. MULTER. Mr. Speaker, in 1948, the centuries-old hopes of Jewish exiles scattered around the world were fulfilled when their homeland was declared independent, and the new Israel was established. Israel's Independence Day will be celebrated on April 17 this year. Nineteen hundred and forty-eight marked the coming of a new, stable, progressive nation to the Middle East and a great flowering of Jewish culture.

When the first European refugees from the ravages of World War II arrived in Israel there was very little indeed to sustain or encourage them but their own faith in the future. Palestine had become a barren land over the centuries, abandoned by most of the people who had once lived there. It had possibilities, but required great amounts of energy and capital. It remained for the Jews, looking for a home where they could find peace, to redevelop Palestine.

Industry was totally lacking. Only 412,000 acres were in cultivation. There were no forests, no electricity, very little irrigation. Education was rudimentary. All the magnificent cities of ancient Israel were buried under the dust of centuries, as were the ideas that made them great.

The declaration of independence by the Jewish people in 1948 brought months of war which nearly destroyed what little economy Palestine had. The refugees had to enter the fight for their freedom as soon as they disembarked. The odds were very discouraging indeed at times.

But on the 5th day of Iyar of the Hebrew calendar, the equivalent of April 17, 1964, the State of Israel is miraculously changed. The new Jewish nation has grown so fast that it has startled the world. In 1948 the Jews were desperately fighting for their existence against the overwhelming superiority in manpower and resources controlled by the Arab States. Today Israel is the richest nation in the Middle East, with a rapidly growing population. There is no longer much chance of the Arab nations being able to overcome Israel by strength alone.

Much of the credit for Israel's remarkable development must be given to its Government. Israel is governed by a parliamentary democracy, with a one-chamber parliament, called the Knesset. The head of state is the President and the head of Government the Prime Minister.

The man who was Prime Minister for most of Israel's first 15 years, David Ben-Gurion, has earned great distinction for the remarkable progress Israel has made. All freedoms which Americans enjoy are found in Israel, including the right to practice any religion one desires.

Under this democratic system, unique in the Middle East, Israel today is nearing economic self-sufficiency and a living standard equal to that in the most developed countries.

Israel's growth rate has averaged about 10 percent a year. Per capita income is about $550 a year, higher than Italy's. Industrial capacity is remarkable. Using mostly imported materials, Israel manufactures chemicals, textiles, metal products, electrical products, machinery, and many other things.

The land under cultivation has almost tripled. Israel exports citrus fruits and produces a large variety of grains, vegetables, and dairy products to feed the people. Drainage, irrigation, and water control projects are important activities of the Israel Government, which will bring more land under cultivation to support a larger population. Plans now in the making will soon bring immense new quantities of water to the Negev Desert from the Jordan River and the Mediterranean Sea. It is possible now to foresee the day when the "desert will bloom" as David Ben-Gurion predicted years ago.

The new factories and agricultural centers are connected by a fine network of highways and communication lines to Israel's new cities. From Haifa in the north to Eilat, the ancient Israel port on the Red Sea, new buildings are rising on the ancient foundations of Jewish cities. Eilat has become a beautiful resort city and an important seaport. Ashdod, on the Mediterranean, with a fine deepwater port, is being rebuilt on the ruins of ancient Ashdod. Near Sodom, ancient city of sin, comfortable small cities of 50,000 each are rising to provide living quarters for the workers in the Dead Sea mines and industries. It is plain that Israel has again become a land flowing with "milk and honey" as described in the Bible.

Throughout Israel's drive for a better life, the Jews of the United States, and the American Government, have cooperated closely with the leaders of Israel. The many Jewish organizations collect and spend yearly $90 million for development work and charity in Israel. Numerous schools, hospitals, children's homes, and communities would not exist if not for the constant generosity of American Jews.

In fiscal 1964, the American Government is continuing many programs to aid the Israel nation. These are organized under AID loans and grants, military assistance projects, Export-Import Bank loans and Public Law 480 projects. This year the United States will provide $500,000 for extremely important afforestation projects which will help to stop erosion and beautify the land. Grants and loans for food and agricultural programs total $4,013,000.

For help in developing mining and industry we are contributing $13,850,000. This amount will aid in searching for and utilizing, minerals, clay, marble,

gravel, and other building materials, the mining of phosphates, the development of telephone services, and loans and investments in small businesses, crafts, and trade.

Under the heading of "Health and Sanitation," $4 million in loans will go to local governmental units for water and sewage systems, electric power, roads, and sidewalks.

Our support will also go to the tremendous educational program which has nearly eliminated illiteracy in Israel, and increased its technical knowledge to a level high enough to support a foreign technical assistance program in Africa and Asia.

From this it is plain that the 16th anniversary of the Jewish state is cause for rejoicing not only by Israelis but by supporters of freedom everywhere. By its valiant efforts Israel has given new meaning to the phrase "self-determination" of peoples. For they have not only clearly chosen their homeland and their path to the future, but they have created a nation out of nothing, riches out of poverty, and soon, a garden out of a desert.

The long struggle of the Israel people against suppression, prejudice, and nature itself, is in the best traditions of the American people. In this hour of hope and rejoicing, Americans must express their admiration for the people of Israel, and wish them continued freedom and well-being.

Mr. O'HARA of Illinois. Mr. Speaker, I am happy to join with my good friend and colleague on the Committee on Foreign Affairs, the gentleman from New York [Mr. FARBSTEIN], in expression of congratulation to the young State of Israel, on this anniversary occasion. This is a better world, and it is a safer world for democracy, because of Israel and her growing strength.

It is not amiss for us in the Chamber of the House of Representatives of the Congress of the United States again to affirm the determination of the United States to stand by Israel in all the dangers that may confront her and all the crises that may arise. Support of the State of Israel and defense against her enemies is part and parcel of the foreign policy of the United States. From this there can be no retreat.

It is in this spirit that we celebrate today the 16th anniversary of the declaration of independence for the sovereign State of Israel. Instead of saluting the nation, though, we should cheer and applaud the people of that country, those hard-working, self-denying, devoted citizens who created their nation with nothing more than courage, stamina, brawn, and funds from our Government's foreign aid program and private Jewish organizations in the United States.

The Israel people are a polyglot race, a "melting pot" like our own population, gathered from all parts of the world. There are the ancient settlements which have existed since time immemorial, tracing their history back to the days of the old kingdom. There are also communities which were established at the turn of the century, founded mostly by refugees fleeing from the pogroms of Eastern Europe. Since independence, though, the immigrants have poured in by the hundreds of thousands. The entire Jewish population of 45,000 left their homes in Yemen to find a new life in Israel, free from the stigma of being second-class citizens. The same things occurred in the other countries which are Moslem controlled; 110,000 flew in from Iraq; a like number came from Morocco. The majority of these immigrants, however, came from Europe, from the cheerless displaced persons camps, from the grim concentration camps, and the gutted ghettos. All came to build a nation free from tyranny, where children may laugh and play and friends may talk politics.

The land which they did build is now a showplace. In 16 years, they took a war-torn country, whose fields had been neglected for centuries, and made it a garden spot. They built cities in the desert, where nothing existed save the ruins of other cities, centuries old. They laid down pipelines and constructed factories until their nation has been lifted from the ranks of the underdeveloped to the developed.

But their work does not end here. Plans for the future call for the reclamation of the Negev, that desert tract of vast deep craters, criss-crossed by dry river beds and high barren peaks, sometimes appropriately called the Devil's home. Here in this desolate region will be grown fields of wheat and cotton. Here, too, the numerous minerals which exist in quantity will be extracted. All that is lacking is water, water for irrigation and for power. Soon, even this deficit will be remedied. Sometime this year, the Israel Government will begin operating the pumping stations situated beside Lake Tiberias, which will start the flow of water through a 9-foot-in-diameter waterpipe to a terminus in the Negev. This project alone took 12 years to complete and at a cost of $180 million. But the time, energy, and money expended will be amply repaid when the desert begins blooming in the near future.

Let us then send our praises and warm admiration to these modern pioneers as they celebrate their nation's independence anniversary.

Our Government has always remained a steadfast friend and ally in their times of need. This will continue in the future in all the years to come.

Mr. RODINO. Mr. Speaker, one of the most remarkable phenomena of our current history has been the birth, growth, and coming of age of the Republic of Israel.

I am sure that all history shall never forget the dedicated and patient efforts of Chaim Weizmann and his associates in the days during and following World War I that led to the establishment of the Republic.

Nor shall we ever forget the horrible, savage treatment of the Jews by Hitler's government, from which many were able to escape to the native homeland of their forefathers, but at whose hands many more suffered cruelly and were murdered.

What a glorious day it was, November 27, 1947, when the United Nations voted to set up the independent State of Israel. And who of us will ever forget that day in mid-May 1948, when Israel did at last come into being.

As long a struggle and as hard as it had been to reestablish the home of the Jewish people, perhaps an even greater struggle lay ahead.

From the start, the Republic of Israel met with the opposition of the Arab League, not just oral barrages in the U.N., but armed invasions of Israel soil by Syria, Egypt, Iraq, Lebanon, Saudi Arabia, and Jordan.

Israel beat back these invasions and won her own security and the respect of all the freedom-loving people of the world. And though an armed truce rather than a true peace obtains today between Israel and her neighbors, the Republic has survived all efforts to weaken it.

Even more remarkably, though beset by economic boycott, political warfare and even blockade, the courageous people of Israel have developed their national posture to an almost unbelievable degree.

In less than 10 years, Israel's cultivated area has been almost tripled, her industrialization index, doubled, and her gross national product increases about 10 percent each year.

Truly, this is one of the great examples of all history of the ability of brave people to carve for themselves, a strong, just nation. In many ways, Israel's growth in these 16 years of her life is more remarkable than that of our own great nation.

In my own home city of Newark, this 16th birthday of Israel will be celebrated a week from Sunday. Sponsored by the Newark YM–YMHA and the Jewish National Fund, the daylong festivities will be highlighted by the presence of Gen. Aharon Dobron, of the Israel Army. It is fitting that this hero of the Gaza strip, where Israel's independence was preserved, should be with us on that day. For without the heroic performance of General Dobron and his comrades-in-arms, there would not be a free and independent Republic of Israel today.

Many new nations have sprung up since Israel was reborn. There no doubt will be more in years to come. But none will serve as a better, more inspiring model for the future than this state whose anniversary we memorialize today.

Mr. RUMSFELD. Mr. Speaker, today marks the 16th anniversary of the establishment of the State of Israel in 1948; and I rise to pay my respect to the citizens of that infant nation.

Despite tremendous handicaps, the people of Israel have created a modern, dynamic, and thriving national life through determination, hard work, courage, and faith. Their phenomenal accomplishments in agriculture, industry, science, social welfare, and democratic government serve as an example to other nations that have recently gained independence and are striving to achieve a better life for their citizens and to promote free institutions. As the people of Israel have advanced, they have offered their knowledge and assistance to promote the economic and social develop-

ment of neighboring countries. Such cooperation is vital to the interests of the entire Middle East, and I am hopeful it will increase and expand—and that the world will witness the peaceful development of that region and its people.

On this day of commemoration, I extend my best wishes to the people of Israel and my hopes for peace and prosperity in the coming years.

Mr. FINNEGAN. Mr. Speaker, today, the State of Israel celebrates its 16th anniversary. Men of good will the world over pay tribute to this courageous country in recognition of her remarkable progress during her years of statehood. At this time I would like to extend to the people of Israel my congratulations and best wishes and I hope this fearless little state will continue to prosper and grow with each passing year.

On the occasion of her last anniversary I denoted Israel's achievements in the field of foreign technical assistance, and spoke of her aid programs which have placed at the disposal of the emerging nations much of the technical knowledge and expertise she has gained over the years while arduously building her own economic and social order. Today I would like to commend the bold and progressive efforts Israel has made in the development of a comprehensive plan to best utilize her meager water resources. Such systematic utilization of available water is an indispensable condition for the future strength of Israel, because without it she cannot hope to maintain a balanced economy or provide for a growing population.

Recently, the central project in Israel's overall water development, the Jordan-Negev pipeline, has come under heavy criticism from the Arab States of the Near and Middle East. Last January representatives from the Arab League States met in Cairo to discuss the implications of impending completion of the project. In view of the fact that the Arab States may opt for a forceful policy to prevent the Israel plan from going into operation, it is incumbent upon all of us to understand the realities of the situation and what it will mean not only to Israel but to all who are concerned with the precarious peace now existing in the Middle East.

If Israel is to be able to open up new areas within her present borders for the settlement of a growing population and for the expansion of agricultural production, she must turn to the large tracts of undeveloped arable land which lie in the northern reaches of the Negev Desert. This area is mostly flat tableland, eminently suitable for mechanized cultivation and convenient for pipelaying, roadbuilding and similar operations. However, because of the scanty and erratic rainfall in the Negev, only large-scale irrigation will permit settlement and cultivation, and Israel must transport the required amount of water from the north where it is unused and available. The diversion of a portion of the Jordan's waters to the Negev, in addition to other diversion projects, will provide enough water for large-scale reclamation and settlement in the Negev.

Israel's plan to divert a portion of the Jordan River grew out of a proposed unified plan drawn up by experts from both Israel and the Arab States who share the Jordan and its sources. After 3 years of research, planning and negotiation, the late Eric Johnston, who had been sent to the Near East by President Eisenhower to direct the search for an acceptable plan, reached an understanding on a unified water plan with the experts representing, on the one hand, Jordan, Syria, and Lebanon, and on the other Israel. The plan comprised such basic factors as the equitable allocation of the waters of the Jordan and Yarmuk Rivers among the respective riparians and the siting of storage and diversion installations. The Johnston plan, as it was called, was rejected by the political leaders of the Arab States, and for obvious reasons. Although it would benefit the Arab States, it would also serve to strengthen the economy and growth of their mortal enemy, Israel. Support for such a plan was, and still is, an untenable position for an Arab politician, many of whom have risen to power on their demogogic opposition to Israel and its existence.

The rejection of a cooperative approach by the Arab States left the leaders of Israel with no alternative but to assume the technical soundness of the Johnston plan and to implement it on a national rather than on the proposed regional level. Under the Johnston plan 40 percent of the water of the Jordan River system was allocated to Israel, and the Jordan-Negev project will draw less than the proposed limit. It should also be noted that Israel is carrying out her own national water project in accordance with the agreed technical aspects of the Johnston plan and in a manner which would enable it to be integrated into a coordinated regional plan whenever, and if ever, that becomes possible. Moreover, the Arab States are assured of their legitimate share of the water simply because they are situated upstream from Israel.

The Jordan-Negev complex consists of a conduit 65 miles long, with intermediate reservoirs and pumping stations. The point of intake from Lake Kinneret—the Sea of Galilee—which is the main reservoir of the project, is at Eshed Kinrot, located on the northwest corner of the lake. The water will be pumped from the lake, which is 630 feet below sea level, to the level of the conduit, 120 feet above sea level. From the point of intake to the operational reservoir at Beit Natufa in lower Galilee, a distance of more than 20 miles, the water will flow in a canal. After that, it will pass through concrete-lined tunnels in the Galilee and Menashe hills for 5 miles and then for 48 miles through the central section of the pipeline, mostly along the coast, to the headworks of the Yarkon-Negev project, east of Tel Aviv. From there the water will be carried farther south in the two existing Yarkon-Negev pipelines. In addition to the agricultural and industrial benefits anticipated as a result of this project, the pipeline will interconnect and supplement other water projects met on its way from north to south. It will become the coordinating and integrating instrument for all the endeavors which Israel has initiated in the field of water resource utilization.

At the present time, Arab spokesmen are reviving the threat to divert the two of the Jordan's three sources which rise beyond the borders of Israel. Such a costly venture, when coupled with the diversion of the Yarmuk River being undertaken by Jordan, can only be regarded by the Israelis as an unwarranted and unprovoked attack against the security and well being of their country.

King Hussein, of Jordan, recently restored to the good graces of the Arab nationalist leadership, has been in Washington all this week in an attempt to persuade President Johnson that Israel's water projects are a danger to the uneasy peace in the Middle East. We who support the eminently equitable Johnston plan remind King Hussein and all for whom he is speaking, that it is those who would thwart Israel's legitimate right to the use of the Jordanian waters and not Israel, who endanger the delicate balance of power. They would also do well to recall the failure of previous attempts to make Israel conform to their way of thinking.

Mr. DADDARIO. Mr. Speaker, I want to take note of the anniversary which is being celebrated this week of the birthday of Israel. One of the major historical actions of our time was the United Nations resolution which established this state and took firm steps to provide for a solution in that torn area of the Middle East.

We must recognize that the resolution did not heal all wounds. The suspicions and the fears which existed, the deep concern among displaced peoples for their share of the future, have not disappeared. Hostility and a desire for reversal of these decisions have caused some moments which the world can only regret.

But through it all, the people of Israel have worked hard and independently for the growth of their state. At this, the world has cause to marvel, for the sacrifice of the comfort and convenience that has gone into the construction and strengthening of a new home on the shores of the Mediterranean has been remarkable.

It is proper that we pause to extend our congratulations on this 16th anniversary to our good friend in the Middle East and hope that in the forthcoming years we will see the disappearance of hostility in the area to let all peoples of good will work for better development of the once fruitful shores of this sea and the welfare of all.

Mr. ALBERT. Mr. Speaker, I am glad that my colleague from New York [Mr. FARBSTEIN] has taken time to extend birthday greetings to Israel. In 16 short years this small but dynamic nation has made a lasting impact upon the events of this generation. I have had the honor to visit this country. I was inspired by what I saw in the way of determination, achievement, and moral courage. The great talent and skill of the Israel people will furnish leadership

oriented to Western ideals for generations to come in a most important area of the world.

Mr. DINGELL. Mr. Speaker, the people of Israel are celebrating the 16th anniversary of the establishment of their country as a sovereign state. In reality, though, Israel is not a new country; the modern nation has been built on the old, on the kingdom of David and Solomon and the other Jewish leaders, who made the land of Israel a name to respect. There has elapsed two millenniums between the two nations of Israel, yet the similarities which exist between them are indeed numerous.

The main reason why so much of the old kingdom has emerged as a part of the new state is because of the religious fervor of the Jewish people. Through centuries of persecution, of enforced exile, of mass deportations and genocide, the Jews have banded together to preserve their ancient customs, laws, rites, and beliefs. Clinging tenaciously to their culture, they survived to the 20th century to plant their mores and government in the homeland of their ancestors.

Israel's flag, which flies proudly from merchant ships sailing to all parts of the globe, has embossed in its center the star of David, the six-pointed star, symbolically linked with David and Solomon, a good example of Israel's past in its present. There is the Menorah, the candelabrum, used for centuries by the Jewish race. It is symbolically displayed on Jewish publications and public buildings, denoting the religious background of Israel.

One finds, too, in Israel, the Hebrew language being spoken. Preserved mainly by religious scholars and for religious rites, Hebrew, once considered a dead language, has been revived as the official language of the country. With the 80-some nationalities which comprise the population of Israel, it was necessary to find a common tongue, one which everyone could understand. Although thousands of immigrants come to Israel each year, bringing with them their own language, the Government has established special schools to teach these new settlers their mother tongue, Hebrew.

Throughout the present-day Israel are the place names with which a Bible reader is familiar. Sodom, once remembered for its notoriety, is now famous as an industrial center for potash and phosphates. Beersheba, a place remembered for the seven wells dug by Abraham, is now a modern city of 44,000. It is the gateway to the south, and as such, will spur the development of the Negev, Israel's desert tract.

There is, of course, Jerusalem, the capital of modern Israel as it was the seat of the former kings. Although divided as a result of the Israel-Arab conflict, some of the old has been incorporated into the new. David's Tomb on Mount Zion overlooks the modern sprawling city, with its hospitals, government buildings, and well-planned thoroughfares.

It is the heritage then of the Jewish people to which we pay tribute today. Its impact has enabled the modern Israel to become the progressive nation that it is. This splendid heritage will continue to influence the Israeli people as they attain even greater recognition and prominence in the world community.

Mr. FRIEDEL. Mr. Speaker, it is a pleasure to join my colleagues today in paying tribute to the State of Israel on the 16th anniversary of her independence. Of all the nations which have gained their independence in recent years, Israel stands as a model of what freemen can do to shape their future.

There is no question that this small nation has achieved remarkable success since the State of Israel was established. The people have forged a modern democratic society from what was once a virtual wasteland. This young nation now boasts modern cities, full employment, and a unified people. She has developed industry, built schools, hospitals, and scientific institutions. It has been a great struggle which required great sacrifice on the part of the people and they are deserving of our highest commendation for their accomplishments.

It is also important to note that Israel has not concentrated all her energies within her own borders, but has extended a helping hand to other developing nations. Israeli technicians and advisers are working in about 50 other countries to give them the benefit of her experience and practices which have been tested and proved fruitful.

But Israel has not only helped other countries to develop; she has also opened her doors wide to people of other races and religions. As a result her population has tripled since she became an independent nation. These immigrants have been trained in new skills so that they can become self-supporting and self-respecting citizens. Israel has proven to the world that members of the Catholic faith, Greek orthodox, Russian orthodox, Armenian, Ethiopian, Maronite, Coptic, the Anglican Church, the Lutheran Church, Baptists, and other Protestant groups can live together in peace and harmony, helping one another. From the progress that has already been made, Israel's ultimate goals of full civic integration and equality of citizenship seem assured.

Today, modern Israel is the best friend the United States has in the Middle East and we must not overlook its importance in this strategic area. It is an outpost of the free world and gives evidence for all to see that democracy and freedom can flourish and grow amid hostile surroundings. But we cannot forget that Israel faces the constant threat of war from the Arab countries and is harassed by boycotts, blockades, by hate propaganda, and a dangerous arms buildup.

This 16th anniversary seems an appropriate time for the United States to renew its commitment to do everything within our power to maintain peace in Israel and to make our position unmistakably clear to any aggressor. For only if peace is maintained can Israel continue to grow and prosper as a democratic nation.

I extend my heartiest congratulations to the people of Israel on this anniversary for a job well done, and very best wishes for continued success in their endeavors.

Mr. FRASER. Mr. Speaker, I should like to join my colleagues in congratulating the people of Israel on the occasion of their April 17 anniversary as a free and sovereign nation. In 16 short years since World War II, these dedicated and industrious people have transformed a desert waste into a prosperous and growing economy; they have taken a population with diverse national and cultural heritages and formed a democratic society with a literacy rate of 78 percent; and they matured as a nation to the place where they now extend technical and economic assistance to 84 developing nations on 3 continents.

In particular, Mr. Speaker, I would take note of Israel's wise use of the talents of her women in her growth. Mrs. Golda Meir, Israel's distinguished foreign minister, is well known for her contribution to Israel and the free world. Her high position in government is symbolic of the participation and accomplishment at all levels of society of the women of this small but great people. At a time when President Johnson has called for the increased entry of talented women into public affairs, Israel provides an example to the world of the possibilities of contribution to the public good by her women.

The United States has maintained friendly and supportive relations with this nation throughout her existence, and I look forward to many more years of welcome cooperation. I would like to extend my cordial best wishes and those of the people of Minneapolis, Minn., to Israel. Her people can proudly commemorate the anniversary of her birth as a nation.

Mr. CAREY. Mr. Speaker, it was 16 years ago that Israel was proclaimed independent. The future of the country in its first moments of life seemed bleak and unpromising. The small wedge of land at the eastern end of the Mediterranean had been torn by a war that left its cities in ruin and its fields brown and barren. And yet there was a dream of hope in Israel for millions of people Into the new country poured many men and women with their children to begin a new life. They came from all parts of the world, so that Israel, like our own United States, soon became a "melting pot."

The people of Israel, with great courage and resolve, put themselves to the task of building up their country. New and modern cities rose above the rubble of old ruins, and green fields and gardens began to cover the desert floor. There were many difficulties and hardships to overcome, yet in as little as 16 years Israel has traveled along the road of progress more than any other country in the Middle East.

The United States has played an important role in the success story of Israel. Since 1949, Government aid to Israel has totaled approximately $950 million in economic grants, technical assistance, development loans, and surplus foods. And the role played by private organizations in this country has been of great assistance to the progress of Israel. We can be justly proud of all that we have

done to help the hard working and devoted citizens of Israel.

However, it is they that deserve all the praise and admiration. We have given large quantities of aid to many other countries which are struggling to develop, but none has done as well as Israel.

The Israeli people are not content to stand still while the world admires their many accomplishments. Perhaps the most exicting project they are undertaking in the effort to develop their country is the construction of a pipeline from Lake Tiberius in the north to the Negev desert in the south. Precious water will be piped along the line to irrigate the dry and dusty lands, allowing large areas to be brought under cultivation. This is just one outstanding example of the ingenuity of the people of Israel.

Israel's experience and know-how in the field of development is now being used to help other less-developed nations of the world. It is not surprising to find Israeli technicians and teachers throughout Africa, Asia, and Latin America. In this way they are contributing their part in the rapid rise to prosperity of the countries in these regions.

As they celebrate the anniversary of their country's independence, the people of Israel must find pride in their success. We, too, are proud to extend to the Israel people our congratulations and warm admiration for their many achievements. It is also our hope that the bonds of friendship between our two countries will continue to grow in mutual respect and harmony.

Mr. FARBSTEIN. Mr. Speaker, each year Israel celebrates its establishment as a sovereign and independent state. We in the United States remember this event and pay homage to the people of this small but dynamic country; for it is Israel's citizens who have developed their land until it has become the showplace of the Middle East, a model state upon which the newly emerging states of the world may base their own development and progress.

We should not forget, though, the years of intolerance, of prejudicial action, of genocide, through which the Jews were forced to live. Their valiant struggle during World War II against annihilation hastened to create the homeland for which the Jewish people of the Diaspora had prayed for centuries. Perhaps the most heroic stand against Nazi tyranny, which brought home to all the nations of the world the plight of the Jews, was the uprising of the Warsaw ghetto in 1943.

When Poland fell before the onslaught of German might in 1939, the Jews in Warsaw numbered approximately 300,000. From the very first, the Nazis treated them as second-class citizens, applying their Aryan racial principles throughout Poland. Forced to wear distinctive armbands, limited to specified jobs, the Jews suffered their worst humiliation by being put behind walls and barbed wire barricades in sectors of the large cities. Because Jews from the surrounding towns were also brought to Warsaw, the entrapped number in that city's quarter swelled to about 450,000.

From November 15, 1940, the date when the ghetto was sealed, the Jewish population of Warsaw suffered most horribly for the right to be a Jew. Starvation, disease, and merciless treatment took its daily toll. But the Jews clung to life, faithful to the motto of Warsaw—"Defying the storms." Unfortunately the storm reached holocaust proportions. On July 22, 1942, the conquering overlords began a systematic reduction of the ghetto's population, by shipping 6,000 Jews daily to the gas chambers at Treblinka. By September 12, only 60,000 remained.

Realizing the futility of the situation, that it was only a matter of time before every last Jew would be herded into the boxcars for a one-way ride to oblivion, the survivors decided upon action. To die fighting rather than being dragged to ones death was more honorable and would call the world's attention to the brutal extermination of their race.

Resistance began in January 1943, which ended in a surprising victory for the defenders of their ghetto. But this was only a false hope. En masse the Nazis attacked on April 19, 1943, the eve of the Jewish Passover, and began their systematic destruction of the ghetto.

The battle raged for a month and token resistance could still be heard the following September; but the ghetto was reduced by the end of May to smoldering ruins, erased from the face of the earth. Gen. Jurgen Stoop, Nazi commander of the attacking forces, could announce on May 16: "There was a Jewish section in Warsaw, but it no longer exists." A few of the defenders, however, escaped to fight again. A few traveled to Palestine to found a new country, only to find themselves fighting once more for their lives, their new homeland.

Twenty-one years have passed since the Warsaw uprising. Although the Jewish community was totally destroyed, these heroes and heroines have not died in vain. Their courage and bravery live on in the land of Jewish freedom, in Israel. Let us all, therefore, salute those who gave their lives during those black months of 1943, so that their memory will live on in the hearts and minds of the people throughout the world as a heroic symbol against tyranny and injustice.

Mr. MARTIN of Massachusetts. Mr. Speaker, I want to join with my colleagues who have paid tribute to the State of Israel on the occasion of the 16th anniversary of the founding of that pioneering country.

This fledgling nation has come a long way in those 16 years until today it sets an example for the rest of the world with its courage and its independence and its progress.

The world is indebted to many people for the remarkable success of Israel—to the thousands of pioneers whose labor of love made a desert bloom, to the thousands of people in our own country whose generous contributions financed many of the projects.

Israel today is making remarkable progress in feeding its people, in maintaining free and responsive government, in providing good educational facilities for all its people, even in sophisticated fields of science.

In an area of the world that is too frequently feudal and backward and poverty stricken, Israel is providing a healthy example of modern change.

On this occasion of the 16th anniversary, I join with my colleagues in saluting those brave and hardy people who made possible these great achievements, who made possible the addition of Israel to the family of free nations.

Mr. ROONEY of New York. Mr. Speaker, through many centuries after the Jews were scattered far and wide by the Roman Empire, they had no homeland, while Palestine, their original home, became a desolate, barren desert.

Many, many times the natives of the nations in which Jews were forced to live persecuted and massacred them. The Jewish people tried to settle and make themselves a congenial segment of the population. But whenever they began to feel safe some natural or economic catastrophe would arise, which was blamed on them, and they immediately became victims once again. This state of things lasted for nearly 2,000 years and culminated in the merciless slaughter of 6 million innocent people in World War II.

In the 1880's some Jews led the way toward a goal which became that of nearly all Jews in the last 15 years, the reestablishment of Israel.

On May 14, 1948, the Jews declared the independence of Israel and quickly demonstrated their ability to maintain that independence. From all corners of Europe and Asia Jews streamed into Israel, eager to escape the suffering of centuries endured in foreign lands, amid strange peoples.

Now that once barren, desolate Palestine is a bustling nation of 2 million people, living a comfortable life. They cannot yet enjoy life unmolested and completely secure, but I am sure they live far better than they ever have before.

Problems lie ahead for the Jews of Israel and for other Jews who yet live in fear, for example in the Soviet Union. But as we commemorated the 16th anniversary of Israeli independence last Friday, Jews now have the best hope for the future in many years. Let us hope that reasonable men can forget the hates and conflicts of the ages, so that Jews may come to live in the same peace and freedom for which all men strive.

I find it easy to bring to you felicitous language with which to congratulate the people of Israel on their 16th anniversary, for Israel continues to accomplish so much in the service of humanity, democracy, and freedom.

For my part, I would like to quote the words of a distinguished leader. I would like to put into the RECORD the statement which President Lyndon B. Johnson made in 1958 when, as majority leader of the other body, he offered a resolution celebrating Israel's 10th birthday.

At that time, he said:

Mr. President, the resolution speaks for itself. It expresses the feelings of the American people who have watched the steady growth of Israel for a decade.

Americans have been deeply impressed by the courage, the tenacity, and the determination with which the Israelis have built their country. It is a heart-warming demonstration of what can be done by determined men and women against great—and sometimes overwhelming—odds.

We wish Israel well. We hope it continues to flourish and prosper in dedication to the ideals of freedom and international cooperation, and that it will serve as a force to contribute to peace in the Middle East and in the world.

GENERAL LEAVE TO EXTEND

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SIXTEENTH BIRTHDAY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. ROOSEVELT], is recognized for 1 hour.

Mr. ROOSEVELT. Mr. Speaker, I have asked for this time today because our friends in Israel are tomorrow celebrating their 16th birthday.

Now there is nothing to distinguish Israel's 16th birthday from any other. And yet, we who have watched Israel's steady progress and growth feel that every Israel birthday is an occasion worthy of appropriate salute. For every year that the people of Israel spend in peace is another milestone in the long and difficult road toward a final settlement with her neighbors.

Every year Israel leaps ahead. Her population grows as she continues to absorb refugees from discrimination and persecution; her productivity increases as she trains her people, disciplines her rivers, works her soil. Her service to humanity is broadened as her envoys travel to many lands on four continents, teaching cooperation within the framework of freedom. Her trade continues to widen and develop. Her security is reinforced as her diplomatic position is consolidated in expanding diplomatic relationships.

We in the United States can scarcely measure the tremendous aid she has given to the ideals of democracy in the great continent of Africa by proving that a small country with great courage starting with the most difficult situation can yet maintain a steady forward progress under the ideals of freedom.

All this is a matter for rejoicing. But there is a cloud over Israel which persists and which refuses to depart. It is the refusal of Israel's Arab neighbors to make peace. It is their reiterated threat of another round. It is their day-to-day war which takes many forms—boycott, blockade, diplomatic harassment, propaganda incitement and—worst of all—continuous preparation for renewed fighting.

Let it clearly be said that this speaker is not anti-Arab. This speaker does believe in peace and does recognize that peace cannot be accomplished in an atmosphere which continues to have this threat overhanging it.

Costly weapons are being accumulated and productive citizens are taken out of the economy to be trained in their use. This is a blight on the entire Near East. All the peoples of the region are forced to retard their economic development in order to waste their time and their resources on armaments.

Twice, in recent months, President Nasser of Egypt has told us that an Arab-Israel war is inevitable. We do not believe him. We pray he is mistaken. We can never accept any such pessimistic doctrine which preaches the inevitability of new bloodshed and disaster. And we hope that he will have the wisdom and courage to recognize that he is wrong—that the best interests of all the peoples in the Near East demand recognition of Israel and cooperation with her.

Mr. Speaker, last year many Members of this House took the view that Egypt is preparing for aggression against her neighbors. And, under these circumstances, we seriously questioned the wisdom of the economic aid which we provide to that country. I do not intend to speak of this today. We shall have further time to consider this issue when we take up the foreign assistance act.

But I would like to suggest, Mr. Speaker, that if we continue to assist Egypt at a time when it threatens war, we must take every precaution to insure that those who are threatened will be strong enough to deter and resist attack.

The real solution, of course, is a peace settlement. Such a settlement will come about when constructive and progressive Arab leaders break the shackles of the past and summon their people to think "unthinkable thoughts," to use the language of the chairman of the Senate Committee on Foreign Relations. I am convinced that there are many Arabs who reject destruction and war as the inevitable solution.

Let us encourage them by our own strong advocacy of a peace settlement. The Arab States will come to recognize the futility of another round of hostilities when they realize that our country means exactly what our leaders say and what our people want. We will not stand idly by if aggression is perpetrated. This means that we are prepared to carry out our commitment to keep the peace. And we will give every support to any Arab leader who is ready to negotiate a settlement.

Finally, I hope that the Soviet Union will reconsider the dangerous policy it has carried on in the Middle East. It has granted planes, tanks, submarines and missiles. It has reinforced these weapons with political and diplomatic propaganda. It has encouraged the warmakers and prejudiced the prospects of peace.

The Soviet Union speaks of coexistence with the United States. It proclaims its desire for understanding and peaceful relations. But its sincerity is impugned by its irresponsible policy in the Middle East. Let it stop the reckless shipment of aggressive weapons. Let it use its influence and strength on the side of peace.

May we all hope that on this 16th birthday, Israel takes yet another step forward and that the era of peace may continue and be everlasting as it faces its glorious future.

Mr. Speaker, I ask unanimous consent that all Members who wish to do so may include their remarks in the RECORD following mine.

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

There was no objection.

Mr. RYAN of New York. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I am happy to yield to the gentleman from New York.

Mr. RYAN of New York. Mr. Speaker, at the time of the celebration of the 16th anniversary of the independence of Israel, I wish to join in paying tribute to the people of this magnificent democracy. I commend the gentleman from California [Mr. ROOSEVELT] for his statement today.

"I will make you a great nation." This statement, taken from the Bible, prophesied the greatness that was to honor the Kingdom of Israel, the kingdom of David and Solomon. Yet, the same words may be applied to the present Israel, the democratic state of the 20th century. The similarities of the two nations, separated by 2,800 years, are numerous, too. In fact, it could be said that Israel in 1948 was founded on the foundations of the older kingdom. Some place names have come down through the centuries intact. There have even been instances where installations built by Solomon are now in use again by the settlers in the Negev. The flag, emblazoned with the Mogen David, the six-pointed star of David, has assumed a symbolic character, linking the past with the present. The capital of the country, Jerusalem, has played an important part of both the old and the new Israel. Although Tel-Aviv is more modern and larger in size, Jerusalem was chosen to serve as a light to attract the displaced Jews to the homeland. Even the name of the country, Israel, is the same as used by the kings of old. Israel's past is truly in the present.

When the State of Israel was proclaimed independent on May 14, 1948, there was great rejoicing throughout the world. Here at last was the culmination of the dreams of the Jews, of the diaspora, of Theodore Herzl, the founder of the Zionist movement. The Jewish people, persecuted in the past because of their refusal to give up their teachings and their customs, and victims in the 20th century of the Nazi race theories, were to have a national home. Palestine was selected as the site for the Jewish State because it held so much significance to the Jewish people. The name itself would attract the people needed to found and settle a new country. There were also present Jewish communities, the kibbutzim, founded by Rothschild and others. So, when the British Mandate Forces withdrew, the new Republic was proclaimed.

The fervent rejoicing gave way to the grim determination for survival. Be-

set on three flanks by hostile Arab forces, the defenders of the fledgling nation fought with a purpose and dedication which amazed the world community. An armistice arranged under the auspices of the United Nations in 1949 enabled the present borders to be stabilized. Yet the truce is an uneasy one. Frequent guerrilla raids by the Arabs have plagued the frontiers. Since 1956 Arab incursions have been less frequent, but the verbal attacks are unceasing. The Arab States threaten to reclaim the Palestinian lands for the Arabs, by "driving the Jews into the sea." This constant threat of danger has demanded that the Israel Government maintain a strong and mobile force, capable of counterattacking against any overt Arab action. It is interesting to note that the first Israel State was under constant attack from its neighbors and required the kings to be constantly in the field, preserving the borders against encroachment.

Israel has become a great nation. It is regarded as the strongest and most stable country in the Middle East. Its people are respected for their hard work, astuteness, and joy of living.

The Bible has described the Biblical Israeli state as "a land flowing with milk and honey." In the days of David and Solomon, the kingdom was a well-developed agricultural state. The plains were dotted with small settlements, providing a labor force for the arable fields under cultivation. There was even an extensive irrigation system. In fact, the Negev, now considered a barren dessert, was once densely populated.

Today's Israel is still basically an agricultural nation. It is, as the Bible described, "a land of wheat and barley and vines and fig trees and pomegranates, a land of olive oil and honey." In the first 15 years of Israel's sovereignty, 478 agricultural settlements were established. Most of these were populated by the immigrants who came seeking this new land of "milk and honey." The cultivable land has almost doubled since 1948. This has been brought about by the draining of Lake Huleh and its marshlands and by extensive irrigation projects. The arable land area is expected to be increased again when the Jordan River waters begin flowing this year. Although the supply will not be enough to irrigate the entire Negev, it is a start, to fulfill the prophesy of David Ben-Gurion, to "make the desert bloom." The recent trial runs of the installations for the freshening of sea water in the port of Eilat found these machines can produce 5,000 cubic meters of water daily and will enable the available Negev water supply to be augmented by sea water. In a few years' time, the Negev is expected to be a major agricultural center rather than barren wasteland and will produce enough crops to eliminate the need for importing many agricultural foodstuffs.

Since the proclamation of independence, the Israel Government has stressed in its development schemes, industry and mining. Of Israel's total national income industry and mining now have a percentage rate of 22.1 percent. The principal export statistics cite manufactured products at three times the value of agricultural goods, with finished diamonds heading the list.

Although Israel was considered an extremely wealthy country in the days of the kingdom, most of its gold and precious stones came from abroad. There is still speculation as to the site of the gold mines of Ophir, King Solomon's Mines. But ancient Israel had a commodity which was prized by all nations. Copper, used in war and art, was a valuable bargaining commodity, and the Mines of Timna in the Negev provided the resources needed for power by the kings. Today, the Timna Mines have been reopened and are once again producing copper for the modern industries in Israel, thus proving once again Israel's reliance on its past.

Eilat, Solomon's ancient port city, has again come into prominence as a trading city. Under present development schemes, the city will soon become a resort, dotted with hotels and resort facilities. Inland waterways will give Eilat a Venetian-like appearance. But the waterfront is also being constructed to handle the trade which is shipped through the Red Sea. At one time the Arab blockade of the Gulf of Aqaba prevented any commerce from passing through Eilat. But since 1956, the Gulf has been opened, and trade with East Africa is extensive.

On the Mediterranean, ancient Ashdod, once a thriving seaport metropolis, is nothing more than a mound. Yet its deep water harbor remained to provide a basis for a new seaport, the modern Ashdod. This new city now houses thousands of immigrants who live in modern apartments, shop in new stores, and work in newly established industries.

Near the infamous city of Sodom stands a complex of three towns, each with a planned population of 50,000. In these towns live the workers who labor in the phosphate and other Dead Sea industries. Their families tend the ever-expanding gardens, oases in the desert, truly pioneers of the modern age willing to face hardships.

The list of similarities between the past and present which made both, "lands of milk and honey," could continue on and on. The wisdom of Solomon has been carried through to the present in the wisdom of the Israel Government. Their development programs and farsighted educational plans will provide stability for their country in the years to come. But one of the greatest dissimilarities between the old and new Israel is the merchant marine. Although ancient Israel was known far and wide, its people were not sailors. Instead, they used the services of others. Today's merchant fleet rivals those of other nations. The Zim Navigation Co. alone has 68 ships in service, with the new flagship, *The Shalom*, the pride of all Israelis. This ship, designed to carry 25,000 passengers a year on transatlantic service, is expected to bring a boost to the ever-increasing tourist industry in Israel.

"Israel shall be a proverb and a byword among all peoples." This third Biblical quotation is perhaps the most pertinent of all three because the present-day state is certainly "a byword among all peoples." In the past, the greatness of the kingdom was such that it was able to survive as a nation although harassed constantly by the two big empires of its time, Babylon and Egypt. Its resources were sought by other trading states. And to its capital came scholars to study in Jerusalem's institutions of learning.

Although hemmed in by its hostile neighbors, the Israel of today succeeds in making its name a byword among the newly emerging states of Africa and Asia. Through its technical assistance programs, Israelis are now working in every part of the globe to help in the development of new Nations.

Beginning in 1955, Israel first gave assistance to Burma. Since then, some 80 Nations have received benefits under the foreign aid program. Africa has been the prime beneficiary. This counterbalances the Arab States' efforts. It has been their goal to penetrate Africa in order to secure backing in ostracizing Israel. Recent pan-African and Afro-Asian conferences have seen how the Arab delegates have attempted to push through recommendations of condemnation against Israel. Remembering Israel's role in their development, the African states refused to support such proposals. It was clearly a victory for Israel in the international field, in both politics and good will.

One Tanganyikan official has stated:

> Israel is a small country * * * but it can offer a lot to a country like mine. We can learn a great deal because the problems of Tanganyika are similar to Israel's.

Another important reason why Israel's African program has been so successful is that Israel cannot be considered a colonial power. Its size and resources deflate any attempt by Arab propaganda to foster the idea of Israel neocolonialism.

Ghana was one of the first African states to benefit from Israel know-how. The story of the Black Star Shipping Line, the first shipping company to fly the flag of a new African state, is already a legend. Supplying 40 percent of the needed capital through the Zim Navigation Co., Israel took over the management of the line, while at the same time it instructed trainees for the jobs held by the Israel technicians. Within 2 years, the company began showing a profit, at which point the Ghanaian Government was encouraged to buy out Israel's shares. With the replacement of the last Israel technicians, Israel withdrew from the shipping line, leaving behind a job well done and amicable relations.

Again in Ghana, technicians helped to establish agricultural cooperative banks and a training academy for the Ghanaian Air Force. The Ghana National Construction Co. was established with capital, 60 percent owned by the Government-owned Ghana Industrial Development Corp. and 40 percent by the Histadrut's Solel Boneh. Here again Israel's capital has been replaced, but

many technicians continue to serve in technical positions since the company is concerned with large-scale construction projects, requiring the services of the specialized Israel technicians.

In all 28 African nations have received in one form or another Israel aid. Treaties of friendship and mutual technical assistance provide for cooperation in agriculture, fisheries, industrial development, youth training, vocational training, medical services, mineral exploitation, communications, and transport. Of particular interest is the installation of a water supply system at the University of Eastern Nigeria as another example of the devoted service expended by the Israel technicians. It has been acknowledged that this project is an engineering feat of miraculous proportions. In Sierra Leona, the construction of the main hall of the Parliament Building in time for the independence celebrations in 1961, certainly raised Israel's prestige, especially when the job had been considered an impossibility. An Israeli team established the first eye clinic in Liberia. A children's hospital wing was set up and inaugurated in upper Volta and was named after Israel's late President, Izhak Ben-Zvi. Israel poultry breeders are even sending in day-old chicks to various African states, in order to develop the poultry industries in those requesting countries.

Perhaps more important than the flow of capital and experts to Africa is the establishment of institutions in Israel for the African students. As in ancient Israel, thousands flock to these founts of learning to study the techniques which have made Israel the well-developed state it is. Instruction now available ranges from practical nursing to poultry breeding, and includes teacher training, agricultural engineering, local administration, electromechanics, medicine, home economics, and irrigation techniques, to name only a few. As of 1960, 23 scientific institutions were engaged in basic and applied research to which Africans could come.

At the end of 1962, it was reported that some 1,200 Africans were in residence in Israel. At the completion of their studies, the students have or will return to their respective countries to carry on the work inaugurated by the 500 or so Israeli technicians who had preceded these students to the various states, to begin development projects or assist in the running of the country's administrations.

As Americans, we should feel proud of the rapid development of Israel; for it was with our help that progress was achieved. Israel now has a per capita income of $540, while the gross national product has increased annually at a rate of 10 percent. Since the program's inception in 1949, the U.S. Government has provided technical assistance and economic aid which have been used for development banks, irrigation systems, telecommunications, and building construction.

More important to the Israelis have been the private contributions, funds amassed by bond drives and collections here in the United States. Some $90 million is grossed annually by the United Jewish Appeal, the Histadrut subsidiaries, the National Council of Jewish Women, Pioneer Women's Organization, and many more, for their oversea programs in Israel.

The United States and Israel have also shared their talent with one another. Through cultural exchange programs, the people of Israel have heard our great singers, have seen our conductors in action, and have watched our musicians at their keyboards or other instruments. We, here, have enjoyed the folk dances and songs of their touring companies, the artistic ability of Israel's painters and sculptors, the talent of their musicians. Moreover, there has been a steady increase in the number of tourists who go to Israel, to be amazed at its progress. This interchange of ideas and people has helped to cement a strong friendship.

For these and many more reasons I am proud to extend my congratulations to the people of this country on their 16th independence anniversary. Their progress and achievements during this short span of time will stand as a guidepost and a byword among all people. I wish them continued success and salute the friendship between our two nations on this happy occasion.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, on May 15, 1948, a new Republic was born—Israel. As a baby nation bereft of industrial, agricultural, and cultural development, it can be honestly said that it started at scratch. And to add to its impoverishment—thousands of refugees flocked from many nations of the world to seek asylum within its boundaries.

The progress made in these years has been phenomenal. The Hulch Basin in Galilee, formerly a swamp infested with mosquitoes infecting malaria, is now an agricultural producing area of fertile fields, enormous plantations, and numerous fishpounds. The draining of the swamp exposed acres of peat deposits now used as fertilizer.

An industrial center was developed at the town of Kiryat—15,000 population—located in Negev's Lakehish area. The measure of growth from 500 old settlers—Israel before 1948—was due to the influx of immigrants from Asia and north Africa.

We do not realize that only 37 percent of the population are native Israeli—the others are immigrants from over 100 countries. Of the total inhabitants: 2,232,200, Jews number, 1,984,200; Moslems, 52,000; Christians and druze, 24,000.

Israel, in spite of her lack of wealth, has provided the million refugees with places to live either in a reception camp—abandoned 1950—or to the "ma-abarot"—a hutted transitional quarter and then on to a permanent housing area. Since 1957 they have been assigned to villages or towns to a job and a home.

The growing economy is prospering in Haifa, Jerusalem, and Tel Aviv—business is also fine in the towns and villages.

The city of Beersheba, capital of Negev, is a market and transportation center with a population of close to 65,000—once a city of 3,000, mostly slums, today a city of homes and employment at its peak.

The Government has promoted the establishment of many varied types of industry to insure the production of diversified goods processed or manufactured, including foodstuffs, clothing, chemicals, cosmetics, pharmaceuticals, paper, glass, plastics, tobacco, beverages, ceramics, and building materials.

The reclaiming of land is a major project everywhere. Science and education are solving many of the difficult problems. With the completion of the pipeline from the Jordan at Negev to Zarchin the water problem will be resolved.

The people of Israel are avid readers of journals. There are 14 language newspapers as well as other dailies in English, German, Arabic, Hungarian, French, Polish, Yiddish, Rumanian, and Bulgarian.

In spite of all this progress it has been reported by military authority that a large Arab army is entrenched along a mountain ridge fronting a strip of Israel territory on the east coast of the Sea of Galilee.

The major goal of King Hussein is to establish Arab unity. President Gamal Adbel Nasser promises to "liberalize Israel" after purging Arab countries of reactionary leaders. The leader of Yemeni—Abdull ah Sallal promises that "Gamal and I will meet in Tel Aviv."

These pledges of hostility are not idle mouthings of indiscreet leaders—but, of course, recent developments in the press, radio, television, and the Congress itself caused the President of the United States to reassert the established policy of the United States to defend the rights and lands of Israel against any power who seeks to violate those rights.

President Lyndon Johnson is to be congratulated upon his statement to the young Monarch, Hussein, reasserting the U.S. Mideast policy for a just peace relationship between Israel and the 13 Arab nations. President Lyndon Johnson, in a cordial manner, reasserted the strong position taken by our martyred President, John Kennedy, in his firm stand when he said he would place the military power of the United States in support of the Israel Government and its persecuted millions. King Hussein, in his statement, expressed concern about U.S. policy in that area. The King, who is dependent upon American aid, speaking for the 13 Arab nations, said that the U.S. policy toward "the tragedy of Palestine" has been "distressing." He further averred for the United States to take a "new look" at the problem in light of "morality, legality," and its own interests. In addition, said Hussein, the "adherents of the Jew-

ish faith" should conduct "a deep soul-searching" of the "whole problem of Zionism" that can "engulf them and others in a senseless and ruthless calamity."

He said "all Arabs" regard the existence of Israel as "a real and ever-present danger to their national survival."

But despite that language, Hussein, an acknowledged "good friend" of the United States, completed talks with President Johnson that were jointly described as marked by "cordiality, good will, and candor."

King Hussein spoke with gratitude about contributions Americans have made "generously and selflessly" to Jordan "since the 19th century toward our modern awakening."

Regardless of King Hussein's harsh public remarks, Israel's actual relations with Jordan are better than those with any other Arab nation, although 600,000 of the million Arab refugees from Palestine now live in Jordan.

President Johnson emphasized the strong desire of the United States for friendly relations with all Arab States, and its devotion to peace in the area.

President Johnson said that it was the U.S. intention to continue to support Jordanian efforts to attain a viable and self-sustaining economy.

King Hussein said "2 million Israelis, with massive assistance from the outside, maintain an armed establishment almost half that which 50 million people of the Federal Republic of Germany possesses." He also said that, "Israel, with outside aid has been working on the development of atomic power and other media of mass destruction." Hussein said such development runs counter to U.S. policy of "preventing a proliferation of the deadly weapons of destruction."

Hussein also reiterated Arab concern about Israel's plans to divert waters of the River Jordan.

At last a King at first hand knows that Israel no longer stands alone and unprotected.

Mrs. KELLY. Mr. Speaker, "the bastion of democracy," "the country of opportunity," "the land of milk and honey," these are nomenclatures used when speaking of Israel. Yet 16 years ago, when the nation was first proclaimed independent, pessimists throughout the world foredoomed this fledgling to failure. It is true that Israel, in its first years, almost succumbed to the prophesies which were forecast. A population divided among the 80 nationalities which comprise the country, beset on three sides by hostile neighbors intent on its complete destruction, and blocked from certain markets by economic sanctions, the future of Israel in 1948 was not promising.

Today, 16 years later, we see another Israel, one which boasts modern cities, full employment, a strong armed service, and a unified people. By means of aid from foreign sources, principally from the United States, Israel rose from the rubble caused by its war for independence. Development projects, astutely planned and inaugurated by the Government, stressed the needs of the country. Irrigation systems, industries, port cities, housing, medical welfare, and education headed the list. The results have been spectacular. The gross national product has been growing at an annual rate of 10 percent, despite the continuous inflow of immigrants. The per capita income figure has also risen steadily at a rate of 4 to 5 percent annually. Illiteracy is listed as only 12 percent of the population, and even this figure will diminish rapidly through the newly inaugurated plans for increased educational facilities for remote villages.

Perhaps the most dynamic project undertaken has been the construction of a 9-foot-in-diameter pipeline, from the north to the Negev in the south, through which water will be piped to irrigate the arid desertlands, bringing to reality the prophecy of David Ben-Gurion to "make the desert bloom."

Israel's technical know-how and experience gained in its own development is now being exported for the betterment of less-developed nations. Throughout Africa, Asia, and South America, Israeli technicians and teachers are helping requesting nations to develop their educational systems, port facilities, and industrial combines. This "Point Four" program has, in turn, opened up new markets for Israeli goods providing greater profits for the economic growth of the state.

Thus we see what hard work and ingenuity has done for one nation. I am proud to extend to the Israeli people on their 16th anniversary of independence my congratulations for a job well done.

Mr. REUSS. Mr. Speaker, today we commemorate the 16th anniversary of the independence of Israel. Since its foundation, Israel has demonstrated again that a small nation can be great. This beleaguered country has contributed much to the world by action as well as by example.

The modern State of Israel has achieved remarkable social and economic progress in the face of heavy odds. Hemmed in and harassed by hostile neighbors in a naturally poor land no larger than Massachusetts, the Israelis set about turning their wilderness into a productive land.

They increased agricultural production—by draining marshes, by irrigating desert, by introducing new crops and new methods. They increased industrial production, introducing new industries and strengthening old ones. Industrial employment jumped from 73,000 in 1949 to some 200,000 now and industrial exports have soared from $5 to $112 million in the same period. Efforts to discover and exploit raw materials have borne fruit in new mining industries in the Negev, producing copper, manganese, and other minerals.

These accomplishments required skill and understanding and a willingness for self-sacrifice and hard work on the part of the Israeli people. Combined with these strenuous efforts to help themselves was a very large inflow of capital, much of it from the United States and the German Federal Republic. I am proud that the $985 million in American aid that we have sent to Israel has played a major role in the growth and development of that country.

Israel's progress in the 16 years of its independence would have been remarkable under any circumstances; it is all the more so when one remembers that Israel has absorbed a wave of immigration much like our own in years gone by. In 1948, Israel's population was only 650,000. Now it has more than tripled, totaling 2,400,000.

Many of the immigrants arrived penniless and without skills, some from countries entirely bypassed by modern science and technology. They spoke different languages and were the products of different traditions. So in addition to a massive task of resettlement, the country faced a massive task of manpower upgrading.

Israel responded with a network of vocational schools. Extension courses for farmers were organized, with instructors living in the villages teaching modern farming methods. Special courses, some of them peripatetic, have prepared immigrants for productive employment in trades. The standing army has been shaped to serve as a school for vocational training as well as for good citizenship.

In the face of all its problems, the people of Israel have done two things which are shining tributes to their spirit which I should like to point to today.

First. They have maintained a democratic Government consisting of a Parliament elected, under proportional representation, by the free vote of the people. When people say that democracy cannot work in a society making great social and economic changes they should look at Israel. There it has worked. And through democracy, the Israelis have preserved and fostered freedom of speech, freedom of the press, freedom of worship, and social welfare.

Second. Israel has not become obsessed with itself but has looked outward and, as soon as it could, extended a helping hand to others. Israel has been sharing her human and technical experience with developing nations for over 5 years. Recently, more than 163 Israeli advisers, 45 teachers, and 187 technicians were working in some 50 countries of Africa, Asia, Latin America, and Europe. Israel has been in a unique position to extend precisely the kind of aid which is often most needed by developing societies. Techniques and practices tested and proved in the development of Israel and in the training of Israel's unskilled immigrants are just suited to the need of developing countries.

A Foreign Ministry statement sums up Israel's attitude toward the developing world:

> Its own chequered history has taught the people of Israel to realize how important are human dignity and understanding, and that political independence must be coupled with economic development and social reform. Israel knows, as well, that as a new nation, she has a particularly pressing duty to place the benefits of her young independence at the disposal of societies in search of new ways.

Mr. Speaker, on this day I take great pleasure in commending the people of Israel for their accomplishments and wishing them well for the years ahead.

Mr. HEALEY. Mr. Speaker, I am happy to join my colleagues in felicitations on Israel's 16th birthday.

When, in 1948, Israel was born into the society of nations, the infant state was handicapped by an environment which, according to the long experience of the region, did not auger well for its development. The land was eroded by centuries of neglect. The desert lay waste and fallow. There was not enough water where it was needed and there were only the rudiments of industry on which to begin building a 20th century economy. But, amazingly, these formidable difficulties did not impede the new nation. Indeed, they spurred on the pioneering spirit of a people determined to build a home and a future for themselves and for those who were to come.

We congratulate Israel on her progress—on the cities she has built, the industry she has developed and on the schools, hospitals, scientific institutions, and cultural centers with which she has sustained and enriched the life of her people. Israel has prospered. She has made great strides in an unbelievably short period of time because she has put skill, industry, and foresight into the management of her own meager resources and the generous aid she has received.

We extol her democratic way of life, as a member of the free world, ready to lend her assistance, by example and cooperation, to other nations which are eager for both. There are now 87 of them—in Asia, Latin America, and Africa—where Israel is helping to build the foundations of growth, in the ways of freedom.

On this 16th birthday, we wish Israel well, as we have on each of her preceding anniversaries. We hope she will continue to prosper—in peace. For everything Israel has accomplished, and everything she hopes for in the future, rests on one fundamental condition, on one essential ingredient—peace.

And so today I would like to urge our Government to reaffirm a 16-year-old commitment: that we do all we must do to bring peace to this dedicated nation and that we endeavor to prevail upon her enemies to give up war and to sit with her at the conference table, recognizing her existence and negotiating with her as a neighbor and a member state in the United Nations.

I would like to see an end to the threat of war, to boycott and blockade, to hate propaganda, and to a dangerous arms buildup. But if these goals are not to be considered practical, if they are really tactically unattainable, then I believe that Israel must be helped to a position of strength which would make a military attack against her untenable and unlikely.

Mr. STRATTON. Mr. Speaker, I am happy indeed to join in extending my warm congratulations today to the State of Israel on the 16th anniversary of her formation.

During these 16 years Israel has stood out as one of the real bastions of democracy in the world and the only true friend of the United States in the explosive Middle Eastern area. Over these years we have all watched with excitement and admiration as the people of Israel have forged a modern democratic society of what was once almost a wasteland and a wilderness. Yet even today, after 16 years of achievement, the people of Israel still find that they cannot completely relax their vigilance, for there are in the area today still signs that the enemies of Israel are continuing to hope for and to plot her destruction.

Surely, Mr. Speaker, we can never let this event occur. As we pause today to salute Israel on her birthday, I do hope that the officials of our Government will recognize the importance of taking steps as promptly as possible to make our determination to protect Israel's independence, come what may, unmistakably clear to the rest of the world.

To the people of Israel I extend my warm and hearty congratulations and best wishes for a prosperous and peaceful future.

Mrs. DWYER. Mr. Speaker, the 16th anniversary of the establishment of Israel as an independent nation is an occasion for joy and celebration wherever men value freedom and for renewed hope wherever there has been doubt about man's capacity to shape his own future. It is an occasion, too, for continued alertness and determination in the face of the stubborn and unreasoning hostility vented against Israel by her Arab neighbors and of the increasing evidence of active anti-Semitism in the Soviet Union.

It would be difficult, Mr. Speaker, to exaggerate the achievement of the people of Israel in the years since 1948. Burdened with the horrible memories of Hitler's persecution, confronted by the hatred of the Arab States, inundated by waves of immigrants of the most diverse social, economic, and cultural backgrounds, handicapped by lack of funds and space and the barren condition of much of the land, the Israeli people triumphed over every obstacle. It was a triumph of hope and of the courage and faith and determination which transformed that hope into impressive reality.

But Israel's triumph cannot be taken for granted. Her victories so far can only be considered temporary, for the tiny but dynamic country is still engaged in a struggle for survival. We in America, who should understand better than most, the unique quality of Israel's accomplishments, cannot be indifferent to that struggle. Our commemoration today of Israel's 16th anniversary tomorrow will, I hope, demonstrate that the Congress of the United States remains deeply interested and concerned.

As a part of my remarks, Mr. Speaker, I include an article entitled "The Big Small Country," by Gabriel Gersh, which was published in the April 17 issue of the Commonweal magazine. I think our colleagues will find that Mr. Gersh has captured well the meaning, the spirit, and the flavor of Israel and of what it means today to be an Israeli.

The article follows:

THE BIG SMALL COUNTRY—TO BE AN ISRAELI IS A POINT OF NO RETURN

(By Gabriel Gersh)

"We are a small country," Israelis tell you. They do not believe this, nor do I. Geographically, yes; a half-hour jet flight from south to north and, from the Mediterranean inland, at places no wider than a taxi ride. Population minute as well: 2,250,000, one-quarter million being non-Jewish minorities.

Then why does one leave Israel knowing it is a big small country? The key question is its people. In 1948, during the war of independence, there were only 600,000 Jews in Palestine. By the subsequent law of return, which gave any Jew anywhere an inalienable right to Israel citizenship, a million and a half from more than 70 countries have arrived. This gives to Israel a fantastic variety of cultures and of talents, all Jewish, all desperately patriotic despite ferocious internal political dispute, and all knowing, to a man, to be an Israeli is a point of no return: we must make it here, or nowhere.

Binding this polyglot diversity are potent centripetal forces. The first is the Hebrew language. In 1900, outside the synagogues and literary circles, this ancient tongue was spoken by only a few thousand. The pioneers in Palestine of this century, seeing in a Hebrew revival a prime unifying force, taught themselves to speak, write, and think it, so that there are already younger generations for whom Hebrew is a mother tongue. The later immigrant mass was subjected, as first priority, to crash courses in the language. Everyone went back to school; for the first time in history, a dead speech was colloquially reborn.

The next solvent is the Book: the Bible, and its later commentaries. I had known, before visiting Israel, that these sacred words were the subject of intense study by the orthodox; but had no idea that for unbelievers the Bible is just as much a daily inspiration. For the texts are not only holy: They are manuals of history, law, social morals, agriculture, even warfare, all with practical modern relevance.

The third cohesive factor is the army. For 30 months, the sons and daughters of immigrants of totally different backgrounds live in momentary unity. Additionally, the Israel army, unlike that of any in Western Europe since the Spanish Civil War, remains, despite increasing armament and hierarchy, basically ideological. In 1948 Haganah was a people in arms for an ideal and for survival: In essence, Israel has still a people's army.

The ultimate cement is the land itself. Its historic folk memories have, for Jews, a resonance exceeding even that for Christians of their Holy Land, since modern Christians are not descended from those who ever lived there. Then, indirectly, there are unifying pressures arising from a six-hundred-mile land frontier hermetically sealed by four implacably hostile neighbors, whose total population exceed 30 million.

Recalling these conditions—and the atrocious pasts, in the Middle East as well as Europe, of so many of the immigrant majority—one might expect a certain national hysteria. But one does not find this: Israelis, especially the sabras or native born, play it very cool indeed. To meet they are relaxed, helpful, and always ready to put you in contact with almost anyone—for with its small population, everyone in Israel seems to know, or at any rate know about, everyone else.

At the same time, you cannot kid an Israeli, or easily impress him: They have seen

so much, in the 16 years of their existence, and expect to see so much more, that they have learned total self-reliance. To the stranger, the general attitude is, "You like us? Fine. What can we do for you"? But also "You don't like us? OK—go jump in the Dead Sea, we've other things to do and think about."

While there are already big differences in personal income and educational status, these have not yet hardened into class divisions: In a human sense, the spirit is still equalitarian. Though uncensorious, and far from puritanical, Israelis seem an exceptionally moral people: frank, life-loving, but serious by necessity as well as inclination. In appearance, the young especially are dazzlingly handsome, tough, sexy, extremely self-possessed. You may search in vain for a characteristic Jewish type—though not, perhaps, for a basic Jewish temperament—of which I believe the key factor is an absolute devotion to, and acceptance of, the laws of natural life, and its continuity despite everything.

Americans and Europeans knowing only occidental Jews must revise their ideas entirely. It is true the founding fathers of the Israeli state—the pioneer settlers from the 1880's, and of the first kibbutzim after 1909—came mostly from Europe, chiefly Russia, Poland, Germany. But since 1948, a majority of immigrants are "oriental" Jews from North Africa and the Middle East. So that while the present political elite are of European origin, the younger generations will increasingly be oriental—the more so as their birth rate is the higher.

One can see here a possibility—no more as yet—of a novel social friction: For though it is true that the Israeli-born children of, say, a German or a Yemenite immigrant are closer in spirit than either is to its own parents, the cultural standard of the occidental family is likely to be higher; so that until this can be corrected, the probability is of a continuing "occidental" educational, and hence political, superiority. What does not help here is that, largely because of a monstrous military budget, high school and university education are not yet—as elementary school is—free. (All Israel problems, one grows to feel, are those of priorities—what limited resources to deploy first on which host of absolute essentials. For as well as its military imperative, the country has to face a problem no other nation had to—which is how to get its economy "off the ground" with, from the outset, a universally high living standard.)

Over all these perplexities hangs one enormous question mark. In every country of the world save one, Jewish communities have by now had time to opt for Israeli citizenship, or to prefer taking a different kind of chance with a continuing diaspora. The exception is Russia, whose 3 million Jews have not yet been given a free choice. If, in a shift in the political kaleidoscope, Russia should decide to let its Jewish community go—and another "if," should these 3 million opt for emigration—then the balance of "occidental" and "oriental" Jews would be sensationally reversed. If this final mass immigration should ever occur, no one can doubt Israelis would face up to, at whatever cost, the enormous disruption of their social life it would engender.

To describe the country itself, one must first insist on its extreme physical and cultural diversity. You leave Tel Aviv, with a half million inhabitants, after sophisticated chats with Israeli intellectuals, you drive a few hours south to Beersheba and find yourself, so to speak, in America of the 1860's: guns, camels, Bedouin, new frontier towns, the enormous Negev desert. Or you set off from Jerusalem, with its concentration of brains at the Hebrew University, and a mere day's drive northward takes you past bustling new factories and the raucous port of Haifa to the exquisite loneliness of Galilee, where isolated kibbutzim overlook the River Jordan and a ferociously hostile Syria.

Despairing of giving abstract coherence to the impressions of 2 weeks, I offer some indelible vignettes:

Amiram and Micha, with other young pioneers, discovered, in the marshes south of the Dead Sea, how to grow certain crops with water partly saline. Water is a prime obsession of Israelis: After a few days you find yourself, like them, scanning the sky for clouds of the right hue. (From the Sea of Galilee, in the far north, a huge conduit—a car can be driven through it—will soon carry water south, twisting along the eastern frontier, to drench the parched land around Beersheba.)

Amiram and Micha drove us, from our luxury hotel there, to the boomtown of Arad—where one expected to meet Gary Cooper and did, in fact, see his Israeli counterpart. Here the broad metaled road stopped dead, and our jeep rocked and switchbacked through sensationally barren tors and gulches on its sickening drop to the Dead Sea, 1,300 feet below sea level. On this hallucinating journey we encountered, as one does all over Israel, vestiges of those hosts of quarrelsome peoples who have fought for the Holy Lands: Egyptians, Jews, Philistines, Greeks, Romans, Byzantines, Arabs, Mamelukes, Crusaders, Ottomans British—then Jews and Egyptians once again.

Near the revolting but chemically rich Dead Sea—we declined kind suggestions to bathe in its potassium sodium, and magnesium chlorides—we picnicked, beyond the vast new potash factory, in a dramatically eerie canyon which we reached up a track that had to be rebulldozed open for us because of earthworks for new roads and villages. (Israelis are always building villages and roads; they simply never stop.) We reached the experimental farm at dusk, and Amiram showed us his cattle (from India and Kenya as well as Europe), and the rich acres he and his friends have wooed from the salt wastes. He stopped his jeep suddenly in a field and said, "Here's the frontier: if you've got your passport, you can walk into Jordan." I asked him why, when crossing the desert far from the border, he had carried guns, but as soon as he reached his farm had left them at the house. In the desert, he replied, you were not sure whom you might meet, but here, though the frontier ran through his garden, it was his home, so he had no need to carry guns.

We saw three kibbutzim in an afternoon, all on the Syrian frontier where the green Jordan serpentines through a fertile valley between fierce hills, bringing life into Israel's essential heart—or lung—Yam Kinneret, the Sea of Galilee.

The first was settled by former Englishmen who, with their various English accents and amiable cups of tea, seemed, in this setting, as exotic as I have ever seen Britons (or ex-Britons) to be before. The next was a nahal—not strictly a kibbutz, but a military settlement in which soldiers of both sexes, after basic training, work as farmers. The atmosphere was efficient and relaxed—and I was reminded of the earlier sight, when visiting the Roman remains of Ashqelon, of a party comprising a colonel, several officers (two female), a fearsome sergeant-major, and a bunch of privates, who chattered easily together and hoisted a she lieutenant up on an antique pillar to take photographs. The last kibbutz was a rich one with a sumptious guesthouse conducted by a veteran colonel of the war of 1948, who told me, in tones of affable menace, that Israel was not receiving enough support from the West.

Before 1948, the kibbutzim were at once pioneering settlements, military outposts, and strongholds of Zionist ideology. Conventional village cooperatives are now more important economically than the communal and dedicated kibbutzim, but these still remain, so to speak, the sacred places of the nation, and their members a kind of egalitarian aristocracy. While they are far more varied than is usually realized abroad—of the 225 settlements, some are orthodox, some atheist, some prosperous, some poor, and each has members of varied political creeds and national origins—their life still seems rigorous, and fails to attract sufficient volunteers among the Israeli youth (to the sorrow of David Ben-Gurion, who sometimes retires to meditate, as a shepherd, in his kibbutz at Sde Boker in the Negev). Yet kibbutzim are still of prime spiritual significance; and whereas the economy in the industrial and commercial sectors is now increasingly capitalist (the money often coming from abroad), the fructifying of the land must still be socialist and national.

In Nazareth, chief Arab city, the citizens watch TV programs showing Colonel Nasser threatening Israel with massive Soviet armaments, interspersed by enticing belly dancers; for there is not yet an Israeli television, though the Rothschild family have promised the nation one. The quarter-million Israeli Arabs cannot be happy, the half-million or more refugees in Arab countries even less. The Jewish majority, though they seem free, so far as I could judge, from racial antipathy toward the Arabs—the hostility is political—understandably cannot trust them. Equally understandably, if heartless, the surrounding Arab nations seek to use the Arab minority for their own ends.

That Israeli Arabs have been wronged cannot be questioned. To this wrong, the Jews have powerful replies. We are here, says their Declaration of Independence, by historic right; by the work of our pioneers who, in more than a half century, rebuilt the country; by international charter—Balfour Declaration, League of Nations mandate, U.N. resolution of 1947; by the men we lost in two world wars, the War of Independence, and the Sinai campaign of 1956.

But the real justification of the Israeli presence—and the only true answer, it seems to me, a Jewish Israeli can give an Arab—is that Jews are in Israel by dire necessity. As a people they survived—a few other races have—for 3,000 years, chiefly of oppression; and in our century, a last lethal attempt was made, by paganized Christians in Europe, to exterminate them utterly. Their choice was conquest in Israel, or destruction; and no people who has not faced that alternative can fully judge them.

The disaster here is that it seems obvious to anyone who, unlike a Jew or Arab, is not physically involved, the whole Middle East would be enormously enriched by what seems impossible now—a Semitic union. Just as one instance, between Galilee and the Dead Sea, the water falls sufficiently for a dam that would fertilize the whole Jordan Valley; but since, to the Arabs, Israel does not exist, this dam remains unbuilt. Perhaps, with the generations, given peace (or semipeace), the younger on each side of these fantastic frontiers will see a common interest; but there is no sign as yet.

At Mea Shearin in Jerusalem live the dogmatically orthodox sect of Neturi Karta. The men, looking like Rembrandt elders, wear circular fur caps, gowns from which prayer shawls dangle, white stockings with buckled shoes, and they shuffle like purposeful landcrabs, grasping pale children with faces framed by curls and surmounted by Quaker hats. On the Sabbath, I saw an angry group of them bawling out two teenagers on a Vespa

for violating the holy day; and I was rebuked—by a wan, owlish youth carrying a baby—for smoking my pipe (fire must not be created on the Sabbath, though liquor, surprisingly, may be drunk).

These fervent gnostics were the only people I saw in Israel whom I found repellent. Israelis feel toward them, I believe, ambiguously. A majority of the nation, and most of its leading figures (even Ben-Gurion), are not orthodox; and in gay Tel Aviv, and left-of-leftwing Haifa, the Sabbath is not rigorously observed. And yet * * * all Jews must recollect that, for 2,000 years of the diaspora, it was religion—together with Christian persecution—that held the race together. Can the lay Israel state, as it becomes increasingly unorthodox, preserve the unity of its people as the ancestors of these fanatics did?

Though Israelis disagree about religion, they can never afford to let this question rend the nation; which accounts for the disproportionate influence of the devout, and for the fact that all marriages still must be made before a rabbi. Toward non-Jewish faiths, incidentally—Christian as well as Moslem—there is total toleration, with one exception: proselytizing is discouraged. The Jewish is not a missionary faith, and resents this activity in others.

Each country has its charmers, and in Israel these are the Yemenites who in 1950 (and in fulfillment of an ancient prophecy) were flown out of Aden to the Promised Land. They are small-boned, olive-skinned, with wise desert eyes, exquisite gestures, and totally disarming smiles. By reputation they are brave, industrious, and exceptionally musical (their Inbal troupe of singers and dancers is always touring the world).

I called on them at the villages of Eshtaol and Elyakim. At once you are surrounded, like Pied Piper, by confident, handsome kids who try out their English on you, invite you to play soccer, and make you promise to become a pen pal. I asked one of the older men about the flight to Israel from Yemen. The entire Jewish community walked 2 weeks to the coast where they saw their first modern city—and the Dakotas. Were they anxious at all, I asked? Not when the plane took off, he replied, but once up in the air they wondered whether they would ever come down.

At the Gaza strip I had the biggest surprise of all. I had expected prohibited zones, tanks, planes—the lot. In fact, there was a single Israel sentry with some Danish U.N. troops farther up the road. The Israeli posed amiably for photographs (abandoning his box and cigarette to strike a menacing pose), and we scanned the Scandinavians with binoculars. One knew the heavy stuff must be parked somewhere farther out of sight, but of it there was no sign whatever. Nor, one grows to realize, can there be "military zones" in Israel—the land is so little and precious that life must continue right up to the barbed wire.

Israel has planted 80 million trees, and visitors are invited to hearken the admonition of Leviticus 19: 23, and add one of their own. There is a touching blend of the astute, practical and sentimental in this custom, and I now feel my own infant cypress in the Edwina Mountbatten plantation is a sort of pledge.

Touristically, Israel is delightful. Hotels of every category abound, with swift, unfussy service. The food is varied—oriental dishes are driving out central European—and the wines, especially the white (Avdat, Ashqelon), delicious. Public transportation by plane, rail, bus or communal taxi is excellent. There are cities and villages of every size, vivid, placed or alarming scenery, cool hill resorts for summer, and bathing at sea level in the winter.

At the same time, I did sometimes feel—as I think Israelis also must—a certain claustrophobia, especially in Jerusalem, with its no man's land dividing the Israel and Jordanian cities like a wired Berlin wall. Or emerging on the Gulf of Eilat, after driving between frontiers that narrow to a 6-mile strip, one feels the liberation of the open sea. In Israel, only the Mediterranean is a border without menace.

My strongest impression, unexpectedly, was that Israelis live in a different century from ourselves. Their future may be perilous and indiscernible, but they live in it absolutely, always looking forward. For in contrast to many Western countries, Israel, despite the accumulations of its past, seems a modern country. One has the impression, existentially speaking, of a people who, by necessity, have probed and confronted the realities about their lives that really matter—political, social, moral.

I doubt whether there can be, on the globe, a country quite so pecular; man made, created in defiance of hostile odds and even probability. So small, yet looming vastly in the hatred, or solicitude, of every country in the Western World. Set in the Middle East, and yet not Levantine; precariously based, save in a confidence born of fierce experience and desperate will.

The habitual greeting in the country is shalom, or peace. One might suppose daily repetition would debase this word into a vacant platitude—or that the struggle which made Israel, and by which it must endure, would give it undertones of irony. Yet curiously, the word still seems right and meaningful; and I think this is because Jews, despite all proofs of their restoration to the ancient role of warriors, do long for peace, and wish it for mankind.

Mr. DULSKI. Mr. Speaker, it is a privilege to participate in this tribute to Israel today upon the occasion of the 16th anniversary of her independence.

This anniversary brings to mind the long struggle which preceded the restoration of Jewish national independence, the heart-rending tragedies and great sacrifices that led to Israel's rebirth 16 years ago. These years can be compared to the idealism of our own country in its independence struggles and development.

It is, therefore, only natural that the American people, who love freedom and justice, share the joy of this nation's 16th anniversary.

The State of Israel, made up of people from almost every country on earth, was faced with great difficulties at the beginning. Despite a shortage of nearly all kinds of natural resources and barren soil, these ingenious people did not feel helpless but proceeded to build a strong nation internally and economically. To tell the story of its progress would take pages, but I know of no other nation which has accomplished so much in such little time.

Nations around the world, both young and old, can look upon Israel as evidence of what a determined people can do against great odds.

We salute Israel's cultural achievements, its industrialization, its program of social legislation, and many other accomplishments made by these brave and proud people. She has carved an enviable niche in the family of nations as a responsible democracy.

I salute the leaders of Israel, and wish them Godspeed in the days that lie ahead.

ISRAEL INDEPENDENCE DAY

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] 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 California?

There was no objection.

Mr. BARRY. Mr. Speaker, the 16th anniversary of Israeli Independence is being celebrated today. The Jews of the United States, and indeed, all the people of the United States have watched the development of the new nation on the shores of the Mediterranean with great interest. We can see in its struggles the hope of a kindred people for freedom. We can see in the Knesset, in the basic laws which assure all of the fundamental freedoms, and in the daily attitudes of the Israeli, the same democracy which motivates the United States.

The best known leader of modern Israel, David Ben-Gurion, holds much the same place in the hearts of the Israeli as does George Washington, the Father of our Country, in our own hearts.

David Ben-Gurion symbolizes the vigor and dedication of a reborn Israel, and the capabilities of a whole new generation of Jewish leaders. Through every crisis, in the face of every challenge, he showed incomparable skill and stamina. His example of modest living and true devotion to the good of his country above his own interests are a model for democratic leaders everywhere. All of those who wish Israel well honor David Ben-Gurion as the modern Lion of Judah and father of Medinat Israel.

Our Government has been in a very difficult situation because we desire friendship with both Jews and Arabs. Conflicts like those in the Gaza strip and the many lives that have been lost by both sides, bring sorrow to the American people.

The city of Jerusalem, which should be united in peace as one of the holiest places of three great religions, is today divided. Jews and Arabs have found that their differences outweigh their common historical and religious interests. In the conflict, the people of both sides suffer. Let us hope that in the very near future cooperation may replace enmity as the way of life in the Middle East. The people of the United States would be much relieved.

The last 16 years of Israeli independence have seen remarkable changes in the barren lands of Palestine. Jews have proved their determination and ability to create a magnificent civilization on the foundations of that of their ancient ancestors. In the years to come there will surely be no lack of motivation to carry on their struggle. But all the good that has been accomplished can be destroyed by war and conflict. Let us wish the new State of Israel a joyful 16th anniversary and hope for many more in peace and international understanding.

DOES THE NEW YORK STOCK EXCHANGE QUALIFY FOR RELIEF?

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WIDNALL. Mr. Speaker, that venerable institution, the New York Stock Exchange, symbol of the triumph of free enterprise and private initiative, has fallen on bad times. Although only a few months ago the exchange had no difficulty raising among its members $9 million to voluntarily liquidate the debts of a member company caught up in the soybean oil deal, it now appears unable to afford a new home. Instead, the exchange must depend on public largesse, throwing itself on the mercy of those who carry on the Johnson administration's "war on poverty" under the banner of urban renewal.

Proving again that the Johnson administration's "quality of mercy is not strained," even by the thought of aiding the New York Stock Exchange with taxpayer money under the guise of a slum clearance program, Federal officials are reported to have tentatively approved the acquisition of 12.8 acres in the heart of the financial district for this purpose. According to an article by Lawrence G. O'Donnell in the Wall Street Journal of April 10, 1964, this informal approval was evident even before the New York City Board of Estimate unanimously backed the project on April 9.

Mr. Speaker, as ranking minority member of the House Special Housing Subcommittee, I have run across many strange and wonderful ways in which the urban renewal program has been diverted from its original goal of "a decent home and a suitable living environment for every American family," quoting the Housing Act of 1949. That goal is one we can all support. This particular venture, however, is the most outrageous misuse of the urban renewal program I have ever encountered. Perhaps I misread the figure being used to justify the President's war on poverty—was that a $3,000 income per year or per week?

The facts of this case prove the deliberate discrepancy between this project and the clear intent and letter of the law. After the city of New York rejected the area as a site for luxury housing, the present owners began buying up the property for the purpose of putting up a 40-story office building. In December of 1962, the stock exchange signed a letter of intent with the city housing board to acquire the site and redevelop it for its own purposes.

In testimony and discussion before the board of estimate, according to the Wall Street Journal article, the present owners contended that they had been willing, and still are willing, to develop the property with the needs of the exchange in mind, including renting floor space for the new trading floor and office space for the exchange. Neither the exchange nor the housing board has shown any interest in discussing the matter. No cost estimate has been given for acquisition of the site, or any comparison with the cost of leasing, and, in fact, the deputy mayor of New York called the whole presentation on costs "sort of whimsical."

I have already pointed out that an urban renewal project designed to do no more than provide a new home for the New York Stock Exchange hardly meets the intent of Congress to provide suitable living quarters for our low-income citizens. Another policy clearly set out in the Housing Act in several places is that "private enterprise shall be encouraged to serve as large a part of the total need as it can," a policy being ignored apparently both by city officials and the Federal Government agency involved. There is not even an attempt to explore this aspect. In fact, the chairman of the housing board in New York City was insistent on pointing out that it was the exchange that wanted to acquire the site through urban renewal so that it would not have to rent space.

A spokesman for the exchange indicated that cost was no factor in terms of purchasing the land. The only reason urban renewal is being resorted to, therefore, is so that one private organization will not have to rent from another. This can hardly be said to be sufficient excuse for taking another man's property. According to the clear language of the law, predominately nonresidential development can only take place where it is "necessary for the proper development of the community," and since that development could take place anyway, this project simply does not qualify for the American taxpayers' funds.

There are more specifics in the law that should be cited. For example, title 42 of the United States Code, section 1455(e), deals with public disclosure by developers. It states that no "understanding" can be entered into with regard to the disposition of land until the local agency makes public the redeveloper's estimate of the cost. No estimate of the cost has been made public to my knowledge, and from the press reports, no one seems to know what the cost will be. Is it so high that an estimate would be unpolitical? Are projects like this one the reason the Johnson administration is asking for a bigger slice of the pie for commercial renewal? An increase from 30 to 35 percent for nonresidential development is proposed in the administration housing bill at the expense of the slumdweller. Is this what the President was referring to in his housing message when he spoke of the "known demand" for more nonresidential renewal funds?

The major grounds for opposition to this project, aside from the clear national policy of helping the needy instead of those who can pay their own way, is found in section 1455, title 42 of the United States Code, subsection (a). Contracts for loans or capital grants can only be made where the urban renewal plan has been approved by the local governing body, and that such approval must contain findings by that body that—as the code states:

(i) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the urban renewal plan,"

(ii) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise,"

(iii) the urban renewal plan conforms to a general plan for the development of the locality as a whole."

In my opinion, none of these criteria have been met, on the facts that I have available to me. There has been no estimate of cost of acquiring the land through eminent domain, and no comparison of that cost with that of renting from a private developer for the same purpose. Under the circumstances, no one could possibly find that the first criteria of the need of Government assistance had been met.

Secondly, the plan for this 12.8-acre tract makes no arrangements at all for private enterprise development instead of purchase and resale by the Government to a favored party. The question has not even been explored, if the newspaper reports are true.

Thirdly, the stock exchange approached the housing body to create an urban renewal plan for that particular area for that particular purpose. It can hardly be said that this project and purpose was anticipated in any general plan for the community as a whole. There is no evidence, moreover, that this new exchange via urban renewal is necessary to keep the exchange in New York City, or to increase the intake of property taxes, or to stimulate new business. On the contrary, realtors in the area are complaining that any move, even 400 yards away, would hurt present office and commercial establishments.

Mr. Speaker, this is a prime example of how far afield we have gone in the urban renewal program. No longer are we helping the needy, no longer are we concerned with the ill-housed, the small businessman, the minority groups. I would like to see any administration official go into the rent strike areas of Harlem, or Cleveland, or the Nation's Capital for that matter, and tell them why money that should be spent to meet their needs is being spent elsewhere to benefit the New York Stock Exchange and other commercial ventures that could well afford to help themselves. This is precisely why the Republican housing proposal includes a specific set of priorities, placing housing first, and commercial redevelopment on a loan basis.

There is another thing that worries me, however. We are told that urban renewal projects are the result of local decisions and local initiative, and are solemnly assured that no Federal official attempts to "sell" the program. Yet here we have a situation where it is reported that Federal urban renewal officials gave tentative approval to a plan having nothing to do with the purpose of urban renewal, and they did so even

before the city officials acted. I would like to know who these Federal officials are, what contacts were made, what promises given, and what influence an apparent prior Federal approval had on the city board of estimate. As far as I am concerned, such conduct is out of line with their official duties, and if true, should be sufficient to end their employment by the American taxpayers.

The Wall Street Journal article of April 10, 1964, follows:

NEW YORK UNIT VOTES URBAN RENEWAL PLAN FOR BIG BOARD'S PROPOSED NEW QUARTERS

(By Laurence G. O'Donnell)

NEW YORK.—An urban renewal plan, under which New York City will acquire 12.8 acres as a site for the New York Stock Exchange's new headquarters, was approved unanimously by the city's board of estimate.

The decision clears the way for the slum clearance plan, which already has tentative approval of Federal urban renewal officials.

But it may take years for the site to be acquired from its present owners, chiefly a group headed by John P. McGrath, a lawyer and former city corporation counsel, and Sol Atlas, a real estate developer. They oppose the urban renewal plan.

The land, at Manhattan's southern tip, will have to be taken from the present owners through court condemnation proceedings, unless these owners come to terms with the city out of court. There was no indication yesterday that this would happen.

CALLED UNCONSTITUTIONAL

Mr. McGrath renewed his objection to the plan, arguing that it was unconstitutional and contrary to the intent of the urban renewal program to take rundown property from private owners—who planned to redevelop it themselves—and then turn it over to a private business organization, such as a stock exchange. Such condemnation, Mr. McGrath argued, would be unique.

He said his group, which wants to build a 40-story office building on a portion of the site, would lease or sell land to the exchange large enough to house its new trading floor. He asserted that the exchange could get its site cheaper this way than through condemnation. The exchange could rent office space in the building.

Mr. McGrath also proposed that officials of the exchange and the city's housing and redevelopment board, its urban renewal agency, meet with the present owners in an effort to make a deal and avoid condemnation proceedings.

But neither an exchange spokesman nor the head of the housing board expressed any interest in Mr. McGrath's proposal.

DISCUSSED COSTS

Members of the board of estimate spent much of the hearing trying to find out whether the big board knew how much it thought it would cost to acquire the site through condemnation or had any interest in occupying facilities owned by a private developer.

Charles Klem, a vice president of the exchange, said big board officials were not convinced that acquiring the site through a private developer would be cheaper, but added that if shown that it was, the lower cost would be a factor to be weighed but it might not be a controlling factor. He indicated the big board was willing to pay whatever the court awarded.

One member of the board of estimate, Edward Cavanaugh, deputy mayor, charged Mr. Klem with being "sort of whimsical" and "a little vague on the matter of costs."

Milton Mollen, chairman of the housing board, brought out that it was the exchange that wanted to acquire the site through urban renewal and build its own facilities, so that it wouldn't have to rent space. Mr. Klem agreed with the description of the exchange's position.

Mr. Klem's appearance was the first by an exchange official before a public hearing on the urban renewal plan. Previously the exchange declined to comment on charges raised at the hearings.

RAISES QUESTIONS

Mr. Mollen also disputed Mr. McGrath's contention that condemnation of property for resale to the exchange was unconstitutional. He indirectly raised questions about the McGrath group's intentions when it started to assemble the site in the spring of 1962.

The housing official cited early 1962 newspaper articles reporting the big board's interest in the site at Manhattan's tip after the city rejected it as a luxury housing area. Mr. McGrath had argued that the land gathering started after the decision on luxury housing but long before the exchange announced in late December 1962 that it had signed a letter of intent with the housing board to acquire the site and redevelop it with a new trading facility. "This wasn't the case of opportunistic speculators moving ing in" he said.

Mr. McGrath also charged that he had been rebuffed in his efforts to make a proposal to the exchange. Instead, he said, he was shunted back and forth between the exchange's real estate consultants who he contended unofficially endorsed his plan, and the housing board.

Strenuous objections to the urban renewal plan also were expressed by owners and operators of office buildings near the existing exchange, some 400 yards north of the urban renewal area. They contended values of their holdings would be hurt when the exchange left Wall Street for the new site. The move would create vacancies, already high in some of the buildings, as brokerage houses and others sought new quarters, possibly in new buildings that may be built, near the new headquarters, the owners argued. These real estate interests included Tenney Corp., Franchard Corp., and Real Properties Corp. of America, all real estate investment companies.

PAY RAISE—PRAISE FOR A "NO" VOTE FROM FEDERAL EMPLOYEES

Mr. BELL. 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 California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it is not often that a Congressman receives a letter from his district from one who works for the Federal Government and who applauds a Congressman for voting against a pay raise that affects the constituent. For this reason, I am pleased and proud to report that several of my constituents whose pay was not increased have assured me that they thought my vote against the pay raise bill this year was correct. One such person in particular wrote me a thoughtful letter and has given me permission to publicize this letter, which I do so now.

CONCORD, N.H.,
March 19, 1964.

Hon. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR MR. CLEVELAND: Congress has my wholehearted approval in rejecting the recent pay bill, by which its Members and other Government employees would have received substantial raises.

Let us not be concerned about pay increases for our already, in my opinion, well-paid Government workers when there is so much unemployment, unequality, and hardship in our land.

I should like to point out that all of the federally paid employees I know are earning far in excess of those employees of private industry or State and local municipalities who must contribute heavily in tax dollars toward these salaries. New Hampshire State employees receive salaries far less than those of Government employees doing comparable work—for 11 years I worked for our State and observed this firsthand. As a matter of fact, federally paid employees also enjoy more generous fringe benefits than do employees of most other establishments.

Government workers received a liberal raise only 2 months ago under the second phase of the 1962 Salary Act, and to have granted them an additional increase in pay now would have been completely unrealistic, unjustified, and unnecessary.

Please continue to help Uncle Sam to wisely and prudently spend our hard-earned tax dollars—as President Johnson only last Sunday indicated that to do so was his desire and objective aim. We taxpayers are proud of America and its leaders and want our country to be economically sound.

I feel I am fully justified in expressing my opinion in this way because I am a Government employee, and have been for nearly 9 years.

Sincerely yours,

EDNA WEEKS.

CORRESPONDENCE WITH DR. HELLER ON THE WAGE-PRICE GUIDELINES

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman 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 California?

There was no objection.

Mr. CURTIS. Mr. Speaker, on March 23, I wrote to Dr. Walter W. Heller, Chairman of the President's Council of Economic Advisers, inquiring about an article from the Wall Street Journal relating to the implementation of the administration's wage-price guidelines. On April 3, Chairman Heller replied to my letter. I have now replied to his.

Because of the critical importance of the wage-price guidelines, I think it would increase public understanding of administration policy if this correspondence were made generally available. Therefore, I ask unanimous consent that the correspondence to which I have referred, as well as a copy of the Wall Street Journal article, be included in the RECORD at this point. I also ask unanimous consent that a question on the wage-price guidelines which I submitted to Dr. Heller on January 23, along

with his reply, also be included in the RECORD at this point.

APRIL 17, 1964.

DR. WALTER W. HELLER,
Chairman, Council of Economic Advisers,
Executive Office of the President,
Washington, D.C.

DEAR DR. HELLER: Thank you for your reply of April 3 to my letter of March 23, inquiring about a Wall Street Journal report that the administration's price-wage early warning system was going into high gear.

Contrary to the impression I received from the Journal story, I infer from your letter that the early warning system and the implementation of the guidelines has not developed beyond your reply to my question on the same subject submitted to you on January 23.

The drawing up of wage-price guidelines by the Council and the administration's stated determination that unions and management must abide by them is an important departure from existing practice and has vast implications for the future relationship between the public and private sectors. It is my hope that our correspondence will help to promote public understanding of administration policy in the vital area of price and wage decisionmaking.

At the moment, this understanding is imprecise and vague. The Council has, to be sure, spelled out the guidelines in some detail in its recent economic reports. How the guidelines will be implemented remains more of a mystery.

Your letter, for example, says that the purpose of the early warning system is to enable the administration to inform itself on situations to which further attention might need be given. In your reply to my question of January 23, you said that the idea was to keep the President informed of industry situations that threaten to overstep the bounds of responsible price and wagemaking. Such situations, you said, "if serious enough, would become candidates for further administration consideration."

Two questions arise. In the first place, what standards will determine whether a particular price or wage decision needs "further attention" or becomes a "candidate" for further consideration? I take it from your statement that not every situation that exceeds the guidelines will automatically fall into this category. Except for government, the rules of the game will not be known to the players. The result is intolerable uncertainty that is patently unfair as well as potentially damaging to the smooth functioning of our economy. Discriminatory abuse of its powers by government is also an ever-present and disturbing possibility.

In the second place, what type of action does the administration plan to take in those situations where it feels that some action is called for? Your reply to my question of January 23 stated that "specific means by which the President might wish to focus public attention on particular situations, and otherwise convey his interest and concern to the parties involved, would, of course, be up to the President."

Evidently the administration expects to take action against what it deems to be serious infractions of the guidelines by invoking the power and prestige of the Presidency. At the moment, the methods by which the President will resist objectionable wage and price decisions are inscrutable. You have assured me, however, that there would be no repetition of the unfortunate 1962 steel episode.

What is clear is that the parties to a particular wage and price situation will not know in advance either the nature of the behavior which will set off a Presidential response or what the nature of that response might be. Among the many objections to this procedure—aside from the fact that it is not based upon a statutory grant of authority—is that the impossibly heavy burden of implementation placed upon the Presidency is certain to weaken both the authority and the prestige of that high office.

I feel certain that you share my view that the public has the right to know as well as the need to know precisely what the administration's policy is as it unfolds.

Sincerely yours,

THOMAS B. CURTIS.

P.S.—I think it would be particularly helpful to relate the wage-price guidelines to the biggest single employer in our economy, the Federal Government, in light of the administration's sponsoring the general Federal employee pay increase legislation at this time.

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
Washington, April 3, 1964.

HON. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR MR. CURTIS: The "early warning system" referred to in the Wall Street Journal article of March 20, evidently refers to the administration's efforts to expedite the reporting of particular price and wage changes already put into effect, or announced and not yet put into effect, or being contemplated but not yet decided. The purpose of these efforts is for the administration to inform itself in timely fashion as to current and prospective developments so that it may identify and assess situations to which further attention might need be given.

This effort was described in our reply to one of the questions you submitted to the Council at the JEC hearings on the economic report. In reply to your question No. 13, we noted that "making use of this information, senior officials of the same agencies will identify, and keep the President informed of, industry situations that threaten to overstep the bounds of responsible price and wage making. Such situations, if serious enough, would become candidates for further administration consideration. The specific means by which the President might wish to focus public attention on particular situations, and otherwise convey his interest and concern to the parties involved, would of course be up to the President" (hearings, pp. 21–22).

We do not know what might be the basis for the assertion that 15 major industries are "under special scrutiny." Conceivably, this idea might be based on the fact that an analysis of actual and preferred rates of operation and output expectations for 15 broad sectors of manufacturing was presented as part of our reply to another of the questions you submitted at the Joint Economic Committee hearings. Your question was: "Do you have a breakdown of industries which are operating at or near their preferred operating rate? Is it not true that too sharp of an expansion would cause price pressures in these industries which would tend to spill over into other sectors of the economy?" There was no implication in our response that the 15 manufacturing industries were under special scrutiny. Indeed, these 15 sectors represent practically the whole of manufacturing.

In reply to your final question, I can assure you that our "early warning system" is concerned equally with price and wage developments. The administration is scrutinizing all forthcoming major collective bargaining situations in terms of the public interest.

As President Johnson said last week to the United Automobile Workers, and, indirectly, to employers and unions in all industries: "We must not choke off our * * * our economic expansion by a revival of the price-wage spiral. Avoiding that spiral is the responsibility of business. And it is also the responsibility of labor."

Sincerely,

WALTER W. HELLER.

MARCH 23, 1964.

DR. WALTER W. HELLER,
Chairman, Council of Economic Advisers,
Executive Office of the President,
Washington, D.C.

DEAR DR. HELLER: I noted in the Wall Street Journal of March 20 that a price-wage early warning system is going into high gear, with 15 major industries under special scrutiny. According to the Journal, planned price boosts are getting top-level attention faster, with the possibility that individual dissuasion efforts on the part of administration officials will follow.

Is this report true? If so, I would appreciate knowing the 15 major industries reportedly under scrutiny. I would also like to know the procedures set up under the early warning system and the action which the administration intends to take in cases where it considers that particular wage and price decisions have violated the guideposts.

It has also been noted in the press recently that the United Auto Workers have announced that they will ask for an increase in wage and fringe benefits of 4.9 percent, which certainly exceeds the administration's guideposts. Can you tell me if the administration also has under scrutiny individual collective bargaining situations that could lead to a wage spiral this year?

Because of the importance of this matter, I hope you will reply to this letter at your earliest possible convenience.

Sincerely yours,

THOMAS B. CURTIS.

[From the Wall Street Journal, Mar. 20, 1964]

WASHINGTON WIRE: A SPECIAL WEEKLY REPORT FROM THE WALL STREET JOURNAL'S CAPITAL BUREAU—JAWBONE ATTACK AGAINST PRICE AND WAGE INCREASES HEADS INTO FULL CRY

Johnson Adviser Heller, speaking Monday to the Detroit Economic Club, will hammer on the need for restraint; big auto executives will be listening. Hodges, Tax Collector Caplin strum the same theme. Some seldom-involved officials begin to talk up anti-inflation efforts; signs of prices inching up add to the urgency.

An early warning system goes into high gear, with 15 major industries under special scrutiny. Planned price boosts get top-level attention faster; individual dissuasion efforts may follow. "We'll hit every part of the anatomy," vows one official. "We'll jawbone, arm-twist, and needle." Labor-management attacks on Johnson's wage-price guidelines only convince some officials the idea is right.

There's no sign now of any plan for compulsory controls. A line in a Caplin speech last week, seeming to warn of compulsion, was not intended to sound as it did.

QUESTION SUBMITTED TO DR. WALTER W. HELLER, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, DURING HEARINGS BEFORE THE JOINT ECONOMIC COMMITTEE, JANUARY 1964 ECONOMIC REPORT OF THE PRESIDENT, JANUARY 23, 1964

Question 13. Please describe the "early warning system" being set up in the agencies to warn of impending price increases. How do you intend to differentiate between increases that are inflationary and those that are not? In what fashion will the President bring to the attention of the public increases which he considers inflationary? How will

you avoid a repetition of the disastrous reaction to the steel-pricing crisis in 1962? Since price changes serve a vital economic function of allocating resources, how will you avoid the harmful effects which would follow from any tendency to freeze price relationships?

Answer. Industry specialists in the Department of Commerce and collective-bargaining specialists in the Department of Labor have arranged regularly to supply the administration with current information on impending and already announced price changes of significance. Staff-level technical task forces from these agencies and the Council of Economic Advisers also will assemble a variety of economic data on industries where critical price and/or wage changes are anticipated. Making use of this information, senior officials of the same agencies will identify, and keep the President informed of industry situations that threaten to overstep the bounds of responsible price and wage making. Such situations, if serious enough, would become candidates for further administration consideration. The specific means by which the President might wish to focus public attention on particular situations, and otherwise convey his interest and concern to the parties involved, would, of course, be up to the President.

In the most fundamental terms, the distinction between price and wage increases that are inflationary and those that are not is the distinction between increases that fall within the administration price and wage guideposts and those that do not. These guideposts have been publicly set forth in the 1962, 1963, and 1964 Economic Reports. The data being assembled by the Department of Labor and the Department of Commerce will facilitate the evaluation of price trends in various industries—rising, stable, and falling—in the light of the guideposts.

It is not the purpose of the guideposts to freeze price relationships and therefore to prevent prices from performing their allocative function. Quite the contrary. Price and wage decisions which adhere to the guideposts are consistent with the tendencies of competitive labor and product markets, and therefore with efficient allocation of resources. Under the guideposts relative price movements depend—as they should—on relative productivity movements. In general, prices would be expected to increase in industries experiencing less than average trend productivity increases, and prices would be expected to decrease in industries with greater than average trend productivity increases. Individual price rigidity is therefore the exception rather than the rule. A stable price level for a product where quality is unchanged but where productivity is rapidly advancing is clearly a violation of the guideposts.

It is not anticipated that a repetition of the 1962 steel episode will occur. There is greater recognition on the part of major private groups today than there was even 2 years ago that the exercise of private power carries with it the need to exercise private responsibility. In 1964 any firm, industry, or union that openly flouts the public interest in noninflationary price and wage behavior is likely to incur the censure, not only of an alert public, but of the (predominantly responsible) leaders of its own interest group. The purpose of the administration will be to promote responsible behavior, self-administered.

INTEROCEANIC CANALS LEGISLATION: GRAVELY IMPORTANT AND NOT OF CASUAL AND ROUTINE CHARACTER

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] 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 Florida?

There was no objection.

Mr. FLOOD. Mr. Speaker, on March 9 and 11, I addressed this body at length on the gravely important subject of interoceanic canals, including the question of increased capacity for the existing Panama Canal; also the matter of a new canal at another site. I advocated the enactment by the Congress of legislation for the creation of the Interoceanic Canals Commission consisting of 11 members to be appointed by the President by and with the advice and consent of the Senate to be charged with the duty of making a thorough study of the indicated matters. Identical bills providing for the creation of such Commission, now pending before the Committee on Merchant Marine and Fisheries, are H.R. 863, H.R. 5787, H.R. 8563, and H.R. 3858, introduced, respectively, by Representatives BOW, HOSMER, THOMPSON of Texas, and myself.

These measures contemplate the personnel of the proposed Commission to be made up of eight civilians and three officers from Armed Forces, with one of the civilians as chairman. Such a body would provide a membership of various categories and qualifications so necessary for an objective and comprehensive approach to the questions involved.

In this connection, I would remind the House that in the studies for the selection of the site and the construction of the existing canal that the Congress created an Isthmian Canal Commission broadly based; and the ultimate result was in the existing Panama Canal. By the same token, the problems now to be met are comparable in every way with those that faced the United States during the life of the Isthmian Canal Commissions, 1899–1914.

Many of us in the House earnestly believe that the questions to be solved should be studied by an organization of the amplest breadth and not to be left to purely administrative officials who have preconceived judgment as to what should be done, as would certainly obtain if the House should accept S. 2701, which on March 30 passed the Senate without debate.

In the House, I am sure that full discussion will be had before any vote is taken on any measure of this character. Such is the long-sustained practice and procedure of the House with respect to legislation of this gravity, to be preceded by adequate committee hearings and report.

The fate of the entire world may depend on what the Congress does in the premises; and the enactment of such legislation should not be as simple as taking a drink but should be dignified by comprehensive committee hearings and thorough discussion of the entire situation.

Mr. Speaker, I may say that in the judgment of some of us, who have made long-sustained and most careful studies of these questions and have voiced our opinions in this Chamber, the House will desire and respectfully demand that the usual House practice in such matters be followed.

The Senate bill referred to provides for the appointment of a seven-member Commission, three of which would be administrative officers of the Government; namely, the Secretary of State, the Secretary of Defense, and the Chairman of the Atomic Energy Commission. The selection of the other four members would be left wholly to the President and might also be administrative officials, or nonadministrative officials as the President might determine.

I do not believe, Mr. Speaker, that legislation so loosely drawn and so casually considered can adequately and justly meet the problems involved. Because of the gravity of the questions presented, the proponents of the pending House measures gave long and thorough study as to the best means of providing the broadest possible base and the most experienced and capable membership and objectivity in the creation of the required Commission. For instance, the navigability and protection of such waterway must receive the opinions and judgment of those who, by experience and qualification, are fitted to evaluate navigational and defense problems; and the House bills so provide. As outlined in my statement to the House on March 11, they also will enable other members of the proposed Commission to possess the qualifications and experience to deal with all the other vital factors that go into the Isthmian Canal equation. This certainly seems to be the scientific, commonsense and objective approach required to a subject of the great magnitude of interoceanic canals.

Mr. Speaker, I trust that the cognizant committee of the House will approach these problems with the care that is imperative; that full hearings will be given with opportunity for presentation of all the angles involved; and that thereupon report shall be made to the House based upon the information and evidence evolved with appropriate recommendation. The House will then be in a position to discuss openly and adequately these important questions and to pass such legislation as it may deem adequate.

In order that the membership of this body may compare the Senate and the indicated House proposals, I include as part of my remarks the texts of the Senate bill and the four House bills in question:

S. 2701

A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of seven men including the Secretary of State, the Secretary of the Army, and the Chairman of the United States Atomic Energy Commission,

to make a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and such other matters as they may determine to be important, for the purpose of determining the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

SEC. 2. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 3. The Commission shall complete the investigation and study as provided in section 1 of this Act and present its findings and conclusions to the President and the Congress by January 31, 1966. The President shall submit such recommendations to the Congress as he deems advisable.

SEC. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

H.R. 3858

A bill to create the Interoceanic Canals Commission, 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 "Interoceanic Canals Commission Act of 1963".

SEC. 2. (a) A commission is hereby created, to be known as the "Interoceanic Canals Commission" (hereinafter referred to as the "Commission"), and to be composed of eleven members to be appointed by the President, by and with the advice and consent of the Senate, as follows: One member shall be a commissioned officer of the line (active or retired) of the United States Army; one member shall be a commissioned officer of the line (active or retired) of the United States Navy; one member shall be a commissioned officer of the line (active or retired) of the United States Air Force; and eight members from civil life, four of whom shall be persons learned and skilled in the science of engineering. The President shall designate one of the members from civil life as Chairman, and shall fill all vacancies on the Commission in the same manner as are made the original appointments. The Commission shall cease to exist upon the completion of its work hereunder.

(b) The Chairman of the Commission shall receive compensation at the rate of $25,000 per annum, and the other members shall receive compensation at the rate of $22,500 per annum, each; but the members appointed from the Army, Navy, and Air Force shall receive only such compensation, in addition to their pay and allowances, as will make their total compensation from the United States $22,500 each.

SEC. 3. The Commission is authorized and directed to make and conduct a comprehensive investigation and study of all problems involved or arising in connection with plans or proposals for—

(a) an increase in the capacity and operational efficiency of the present Panama Canal through the adaptation of the Third Locks Project (53 Stat. 1409) to provide a summit-level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end, or by other modification or design of the existing facilities;

(b) the construction of a new Panama Canal of sea-level design, or any modification thereof;

(c) the construction and ownership, by the United States, of another canal or canals connecting the Atlantic and Pacific Oceans;

(d) the operation, maintenance, and protection of the Panama Canal, and of any other canal or canals which may be recommended by the Commission;

(e) treaty and territorial rights which may be deemed essential hereunder; and

(f) estimates of the respective costs of the undertakings herein enumerated.

SEC. 4. For the purpose of conducting all inquiries and investigations deemed necessary by the Commission in carrying out the provisions of this Act, the Commission is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Commission is given power to designate and authorize any member, or other officer, of the Commission, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Commission may deem relevant or material for the purposes herein named. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 5. The Commission shall submit to the President and the Congress, not later than two years after the date of the enactment hereof, a final report containing the results and conclusions of its investigations and studies hereunder, with recommendations; and may, in its discretion, submit interim reports to the President and the Congress concerning the progress of its work. Such final report shall contain—

(a) the recommendations of the Commission with respect to the Panama Canal, and to any new interoceanic canal or canals which the Commission may consider feasible or desirable for the United States to construct, own, maintain, and operate;

(b) the estimates of the Commission as regards the approximate cost of carrying out its recommendations; and like estimates of cost as to the respective proposals and plans considered by the Commission and embraced in its final report; and

(c) such information as the Commission may have been able to obtain with respect to the necessity for the acquisition, by the United States, of new, or additional, rights, privileges, and concessions, by means of treaties or agreements with foreign nations, before there may be made the execution of any plans or projects recommended by the Commission.

SEC. 6. The Commission shall appoint a secretary, who shall receive compensation fixed in accordance with the Classification Act of 1949, as amended, and shall serve at the pleasure of the Commission.

SEC. 7. The Commission is hereby authorized to appoint and fix the compensation of such engineers, surveyors, experts, or advisers deemed by the Commission necessary hereunder, as limited by the provisions in title 5, United States Code, section 55a (1946 edition); and may make such expenditures—including those for actual travel and subsistence of members of the Commission and its employees—not exceeding $13 for subsistence expense for any one person for any calendar day; for rent of quarters at the seat of government, or elsewhere; for personal services at the seat of government, or elsewhere; and for printing and binding necessary for the efficient and adequate functions of the Commission hereunder. All expenses of the Commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Commission, or such other official of the Commission as the Commission may designate.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

COMMUNIST INFILTRATION INTO THE CIVIL RIGHTS MOVEMENT

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] 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 Florida?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I was pleased and at the same time a little amused as I read the syndicated column of the liberal pundit, Joseph Alsop, in the Washington Post of April 15.

In it, he finally admits what many of us have been saying for months and years: that Communists have infiltrated the so-called civil rights movement. He hastens to say that anyone who said so prior to yesterday's Post is a racist, but from yesterday on, it is okay to admit that Communists are in control because he, Alsop, now admits that they are.

On only one point would I take exception to what he has written and that is when he states there has been no significant infiltration into the NAACP. I can only remind him that it took 30 pages of small type to list the Communist-front citations of the present and past leadership of the NAACP in the CONGRESSIONAL RECORD of July 29, 1963. If Mr. Alsop wants a copy, I will be happy to furnish it to him or refer him to my colleague, Representative E. C. GATHINGS, of Arkansas who made the insertion.

AN UNHAPPY SECRET

(By Joseph Alsop)

An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and disarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.

The infiltration is spotty, as yet. But it is a very serious matter, nonetheless, that the charges of Communist influence, which have been hurled for so long by anticivil rights racists, should now be acquiring some color of truth.

The Southern Christian Leadership Conference, headed by Rev. Martin Luther King, the Students Nonviolent Coordinating Committee, more usually called "Snick"; and the Congress on Racial Equality, more usually called "CORE," are all affected in greater or less degree.

These, it should be noted, are all relatively new-fledged outfits. The older, more experienced organizations of Negro civil rights fighters, the National Association for the Advancement of Colored Peoples and the Urban League, are quite untouched.

Both the Urban League and the NAACP learned their lesson the hard way in the late 1930's and early 1940's—the period which was also the high water mark of Communist infiltration in the labor movement. Like the CIO, both these civil rights organizations expelled the Communist infiltrators, after a hard struggle but with total success.

Very recently, the NAACP staged a repeat performance with Robert Williams, who had been active in the North Carolina branch. This is the man who went to Cuba after his comeuppance from the NAACP, there to become a Castro propagandist.

Of the infiltrated organizations, CORE has the least serious problem. A few Communists are reported in some of the local branches, but none are known to be in CORE at the national level.

In the case of Snick, the name, Students' Nonviolent Coordinating Committee, is in itself deceptive; for the Snick leader, John Lewis, though not a Communist, quite frankly believes in quasi-insurrectionary tactics. Thus no great difference has been made in Snick's tactics, because known Communists have also begun to play a certain role in Snick.

The subject of the real headshaking is the Reverend Martin Luther King. His influence is very great. His original dedication to nonviolence can hardly be doubted. Yet he has accepted and is almost certainly still accepting Communist collaboration and even Communist advice.

In 1962–63, the issue of the Communists' role in the King organization was raised because of Hunter Pitts O'Dell, commonly called Jack O'Dell. This man, a known Communist, held posts in the Southern Christian Leadership Council, first in the South and then in the New York office, until the late spring of 1963. King finally dropped him when he was warned by U.S. Government officials that O'Dell was the genuine Communist article.

Official warnings have again been given to King about another, even more important associate who is known to be a key figure in the covert apparatus of the Communist Party. After the warnings, King broke off his open connections with this man, but a secondhand connection nonetheless continues. Without much doubt, this is simply a mark of the Reverend King's political innocence, but it is disturbing all the same. The King organization and King himself are clearly the prime Communist targets.

Such, then, are the facts. What ought to be made of the facts is the almost precise opposite of the kind of thing the anticivil rights racists will say about them. For despite these facts, the Negro civil rights movement is most emphatically not "run by Communists" or "inspired by Communists."

Instead, the newer and more inexperienced Negro civil rights organizations have at length proved vulnerable to Communist infiltration. But they have been vulnerable because the grievance for which they seek redress is so shocking, and therefore so emotionally obsessive.

Every man must bear the responsibility for his own acts. Yet in this case, a heavy burden of responsibility, a vast share of the guilt, must also be charged to the white majority, which has created the grievance by injustice to the Negro minority.

The facts cited indeed constitute a strong argument for the earliest possible passage of a strong civil rights bill, and for other measures, too, that are needed to redress the Negro grievance. These facts are further proof that time is rapidly running out. Justice must be swiftly done; or gross injustice, complacently persisted in, will breed an incurable cancer in the bottom of American society.

PROPOSED AMENDMENT TO THE SOCIAL SECURITY ACT

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] 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 Florida?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, I have today introduced a bill that makes it possible for those receiving social security benefits to earn a maximum of $2,000 a year in outside wages without penalty instead of the present $1,200.

Increasing numbers of social security recipients are healthy, able-bodied people who want to remain active and useful as long as possible. These individuals can make a greater contribution to the national welfare by continuing to work, at least on a part-time basis. They should not be penalized and prevented from continuing to lead an active life by the unrealistic maximum of $1,200 for outside earnings.

Raising this figure to $2,000 will not totally solve the problem, but it will help. The cost of living and a sense of justice require that we take favorable action on this proposal without delay.

I ask that every Member of the House join me supporting this legislation.

TOM ECCLESTON

Mr. HALEY. 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 Florida?

There was no objection.

Mr. FOGARTY. Mr. Speaker, just a few weeks ago, Tom Eccleston, the hockey coach of Providence College and a very good friend of mine, was designated as "Hockey Coach of the Year" by the American College Hockey Coaches Association. The award was truly merited and was based on the fact that Eccleston brought his Providence College team successfully through the Eastern College Athletic Conference and reached the semifinals of the NCAA championship tournament in Denver, Colo. When it is realized that he did this with a club which does not have its own ice—the only major college hockey team in the Nation without its own rink, the full measure of Eccleston's great coaching ability is seen.

I am sure that I speak for all the people in Rhode Island, Mr. Speaker, when I express to Tom my warmest congratulations on his receiving this Spencer Penrose Memorial Trophy for his brilliant accomplishment.

Tom Eccleston and I have been friends for most of our lives and in each succeeding year I have discovered some new quality in him which was unique and outstanding. As an athlete, a coach, an educator, and particularly as a developer of character and a molder of better boys, Tom has been in a class by himself.

Years ago, when we played sandlot and semipro football together, Tom's attributes were plainly evident. He was a young man of firm determination who seemed to have a goal in life and all the necessary requisites to attain it. His career and activity since then exemplifies the great amount of good that such a determination can bring about. Who can estimate the number of young people who have been guided by him, who have had the benefit of his fine example on which to pattern their lives?

In his many years with the school department of the town of Burrillville as teacher, principal, and superintendent of schools as well as coach of hockey, football, and baseball, Tom Eccleston has established a reputation for the finest qualities of good sportsmanship. An outstanding athlete on the playing field, he has also been an outstanding citizen in his town and State. He has been exceptionally cooperative in lending his support to worthy causes in his community. Through these and through his activities as a civic leader and especially through his work with youngsters, Tom Eccleston has made an invaluable contribution to the entire Rhode Island community. For his efforts we are grateful. We all owe him a tremendous vote of thanks.

Mr. Speaker, under leave to extend my remarks, I should like to include a few of the newspaper stories covering the Coach of the Year Award to Mr. Eccleston.

[From the Providence (R.I.) Sunday Journal, Mar. 22, 1964]

ECCLESTON U.S. COLLEGE HOCKEY COACH OF YEAR—FRIARS' KISH NAMED TO ALL-AMERICA SQUAD'S EAST TEAM

(By Bob Englert)

DENVER.—Tom Eccleston of Providence College last night received the greatest honor in his long and illustrious coaching career when he was named "coach of the year" by the American College Hockey Coaches Association, which is holding its annual convention here in conjunction with the National Collegiate Athletic Association championship tournament.

In being voted the top college hockey coach of the year, Eccleston received the Spencer Penrose award, a huge three-foot-high silver bowl, a perpetual trophy that he will retain for 1 year. The bowl, plus a smaller duplicate which becomes Eccleston's permanent possession, will be taken back to Providence when the Friars head home this morning.

"It's the biggest thrill of my life," the surprised and happy Providence pilot said upon hearing the announcement. "It is probably the second best thing that has ever happened to me. The other was marrying my wife, Ruth."

The 53-year-old Eccleston, named superintendent of schools in Burrillville last year, first started to attract attention in the hockey world with his fine teams at Burrillville High School. Since moving up into the college ranks eight seasons ago, he has become well known among the coaches throughout the land.

Eccleston's Providence College teams have always been highly respected and welcomed

wherever they played. He has had some fine ones over the years at Providence College, but the current Friar array is probably his finest. Coming into the NCAA tournament here, it had compiled an overall record of 19–5 and an Eastern College Athletic Conference slate of 19–3.

When the Friars captured the eastern championship at Boston last week, Eccleston called that accomplishment his greatest sports thrill, but after last night, he took it back and put winning the "coach of the year" award at the top of the list.

In his 8 years at the Friars' helm, Eccleston has piloted his team to 106 victories against 75 losses and 5 ties. He started his college coaching career with a season that included victory over a Harvard team which was rated the best in the East at that time. Since then he and his teams have gone on to even greater heights.

Although highly successful in coaching football and baseball—he has turned down several college grid-coaching offers—Eccleston has had his greatest success in hockey. His teams have always been noted for their team play and precision passing. More than one coach has asked Tom about the pass patterns and plays that he employs.

Hockey has become a household word with the Ecclestons. Tom's eldest son, Tom 3d, was an All-State and All-New England schoolboy hockey selection and currently is head coach at Pilgrim High School in Warwick. Another son, Don, also All-State and All-New England, is a star with the Brown hockey team and a third son, Dick, plays with the Burrillville High School team. The Ecclestons' youngest son, Billy, has yet to be heard from.

Adding to Eccleston's pleasure last night was the selection of the Friars' ace defenseman and cocaptain, Larry Kish, on the All-America squad, two teams representing the East and the West.

"It couldn't have happened to a finer boy," Eccleston remarked. "Larry has been a terrific leader this year, along with Ray Mooney. He's a tremendous hockey player and it may be some time before we see another like him at Providence College."

The All-America squad:

Eastern—goal, Robert Perani, St. Lawrence; defense, Larry Kish, Providence, and Richard Green, Boston University; forwards, Bob Brinkworth and Jerry Knightley, Rensselaer, and Corby Adams, Clarkson.

Western—goal, Gary Baunan, Michigan Tech; defense, Tom Polonic, Michigan, and Carl Lackey, Michigan State; forwards, Gordon Wilkie, Michigan; Craig Falkman, Minnesota, and John Simus, Colorado College.

[From the Providence (R.I.) Journal, Mar. 25, 1964]

NEW ENGLAND HOCKEY FETE PILES MORE HONORS ON FRIARS

BOSTON.—Representatives of Providence College's eastern collegiate championship team received a substantial share of the honors last night at the annual dinner cosponsored by the New England College Hockey Association and the Boston Arena Authority.

The Friars' Tom Eccleston was named coach of the year; their Larry Kish, a defenseman, received the Walter A. Brown Memorial Award as the most valuable player in New England's collegiate ranks and their Grant Heffernan, a forward, received the Paul Hines Trophy as the most improved player in the area.

The selections were made by the area's coaches and sports writers, who also named Kish and Heffernan to their all-New England first team.

The Friars' Ray Mooney, a wing, was named to the second team, as was Bob Gaudreau, Brown defenseman and former Hope High School all-Stater. Brown's Leon Bryant and Terry Chapman were named spares.

Among others honored at the dinner, at the Hotel Kenmore, were John Marsh of Boston College, who was given the unsung-player award, and John Cunniff, also of Boston College, the sophomore-of-the-year award.

Eccleston, whose Friars barely were defeated by Michigan, the eventual titlist, in the national semifinals, had been named coach of the year last week by the American College Hockey Coaches Association.

The all-New England first team named last night:

Goal—John Ferreira of Boston College, former La Salle Academy all-Stater; defense—Kish and Richie Green, of Boston University, whose playing career was ended by a neck injury suffered in a trampoline accident late in the season; forwards—Heffernan, Cunniff and Gene Kinasewich, of Harvard.

[From the Providence (R.I.) Evening Bulletin, Mar. 25, 1964]

Eccleston, named the coach of the year in the country by the American College Hockey Coaches Association last week, won the same honor in New England, the Clark Hodder Award. The awarding of a plaque was made by Cooney Weiland, Harvard coach, who complimented Tom on P.C.'s play in the National Collegiate Athletic Association championships and said the Providence coach was "most deserving of the award and I am honored in making the presentation."

[From the Woonsocket (R.I.) Call, Mar. 21, 1964]

LOYAL BURRILLVILLE FRIENDS GIVE HIM NOISY RECEPTION

(By Louis Bleiweis)

Lines of strain eased on the face of the American College Hockey Coaches Association's "Coach of the Year" as he relaxed in an easy chair at his home at 47 Laurel Hill Avenue in the Bridgeton section of Burrillville last night.

At an end was the grueling campaign in which Coach Tom Eccleston brought the Friars of Providence College (the only major college team in the Nation without a rink of its own) to the pinnacle of the Eastern College Athletic Conference with a 19–3 record.

Written into the record books was a sensational although losing performance in the National Collegiate Athletic Association championship tournament in Denver, Colo., in which the Friars were ousted in the semifinals by Michigan, 3–2, and lost in an anticlimax to RPI, 2–1, in the consolation game.

Significantly, Michigan went on to rout Denver, 6–3, in the finals to grab the NCAA crown.

Occasionally Eccleston glanced toward the handsome Spencer Penrose Memorial Trophy awarded annually to the Nation's college hockey coach of the year.

Self-doubts that had gnawed at him for 8 years were at long last lifted.

"This makes up for the 15 years of vainly trying to bring Burrillville High School the New England hockey championship," he said. "After coming close so many times and having Burrillville win the New England title three times after I retired, I couldn't help but wonder whether it was my fault that the Broncos did not go all the way when I coached them."

His conclusions from self-analysis are shared by none in Burrillville and throughout Rhode Island.

During his 15 years at the Burrillville helm in hockey, his teams won 8 league titles and 6 State championships, compiling a record of 211 wins, 77 defeats and 12 ties.

Before he left the schoolboy coaching scenes, Eccleston, now Burrillville superintendent of schools, also distinguished himself as football and baseball mentor.

In 22 seasons as football coach his teams won 11 Class C championships, winning 149 games, losing 35 and tying 12. In one stretch his clubs won 28 consecutive games.

His baseball teams also were the toast of the State and won three State crowns, gaining the playoffs 7 times in 8 years as they rolled up 127 wins against only 36 setbacks. In 1950 the Broncos won 19 straight games to become the only undefeated team in State schoolboy history.

Taking over the Providence College hockey coaching reins from Dick Rondeau in 1956, Eccleston had only one losing season in eight. His Friar editions achieved 95 wins as against 72 wins and 5 ties.

Arriving at the college by bus from Logan Airport after a flight from Denver with a stopover in Chicago, Coach Eccleston was greeted last night by an outpouring of Burrillville officials that included most of the town council and school committee members and a delegation of Burrillville High School cheerleaders.

The Burrillville group with Coach and Mrs. Eccleston in a police car in front of the motorcade snaked through the town with horns blaring to escort the "coach of the year" to his home.

"To have my name inscribed on the same trophy with such great coaches as 'Snooks' Kelley, Eddie Jeremiah and Jack Riley must be the biggest thrill of my coaching career," he summed up.

QUESTIONS CONCERNING INTERNATIONAL, DOMESTIC, AND LOCAL AFFAIRS

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. RYAN] 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 Florida?

There was no objection.

Mr. RYAN of Michigan. Mr. Speaker, recently I sent a comprehensive questionnaire to a large number of my constituents in the 14th Congressional District. It dealt with questions concerning international, domestic, and local affairs. There was a very warm response to this questionnaire. Thousands of persons not only filled out the form, but several thousand also set forth their views and opinions with an accompanying letter.

To date, my staff and I have tabulated more than 14,000 completed and returned forms. The frank responses of my constituents indicate that I represent a district wherein the majority of the people are truly interested in their Government and in the welfare of their community and Nation.

I would like to share the opinions of the people of my district with my colleagues so that they might have a better understanding of how midwestern voters

residing in a large metropolitan area feel about current legislative issues. The results of my 1964 congressional questionnaire follow:

I welcome your opinion

	Yes	No	Not sure
YOUTH			
1. Do you favor the youth-employment bill which would provide 90,000 conservation jobs at a cost of $160,000,000?	8,570	2,908	1,543
2. Do you favor U.S. Government-sponsored vocational retraining programs for American youth?	8,888	2,945	1,140
FISCAL			
3. Should the U.S. Government purchase the Mackinac Bridge and operate it as part of the freeway?	5,685	5,635	1,815
4. Do you favor a pay raise for Congressmen?	4,713	6,028	2,328
5. Do you favor President Johnson's announced cuts in Federal spending?	9,875	1,100	863
A. If so, in which areas: Post Office 3,939 Defense 5,880 Civil Service 7,520.			
6. Should Federal spending be further reduced?	8,958	838	550
A. If so, in which areas: Space 4,825 Foreign aid 9,492 Education 1,080 Farm subsidies 7,692.			
7. Do you believe the Federal Government should subsidize mass transportation for metropolitan areas?	4,395	6,590	1,452
8. Do you feel a balanced budget is— Essential 5,635 Desirable 6,395 Unimportant 1,033			
TAXES			
9. If in business, do you object to the new income tax regulations of the Commissioner making a businessman keep a detailed record of his expense account, mileage, etc.?	4,008	5,098	792
10. Are you in favor of the President's recommendations for income tax cuts?	10,078	1,873	930
11. If taxes are to be cut to stimulate economic growth, should the temporary excise tax on automobiles, handbags, jewelry, luggage, cosmetics, travel, etc., be part of the package?	8,792	3,018	1,110
EDUCATION			
12. Would you favor legislation providing tax deductions for college tuition?	9,605	2,937	790
13. Should the Federal Government continue its aid to colleges and universities in the construction of academic buildings?	8,792	3,018	1,110
14. Are you in favor of Federal aid to education?	8,453	2,792	663
A. Private and public schools 4,650 Public schools only 4,613			
B. Grade and high schools 4,820 Colleges 5,310			
FOREIGN POLICY			
15. In light of the new nuclear test ban treaty, do you favor our Government conducting further peace negotiations and disarmament action?	10,008	1,975	1,218
16. Do you favor continuation of our space effort geared to a moon landing by 1967?	4,980	6,203	2,105
17. Should U.S. immigration laws be amended to adjust the quota allotments to permit a fair distribution of immigrant visas?	6,847	3,608	2,523
LOCAL			
18. Do you favor a World's Fair for Detroit in 1972?	8,093	3,268	1,928
19. Are you in favor of a bill to dedicate the new Federal building in Detroit in memoriam of President Kennedy?	5,850	6,095	1,118
20. Do you feel that the "Tell Your Congressman" breakfasts (during which I meet with various community leaders, such as religious, business, political, professional and labor) are good for the district?	10,668	755	1,600
21. Should the city of Detroit be considered as a single unit in determining unemployment data rather than included as a part of Wayne, Oakland, and Macomb Counties in order to be eligible for benefits under the Area Redevelopment Act?	6,970	4,093	2,095
LEGISLATIVE			
22. Do you favor the defeat of a bill which would permit wiretapping as evidence in court?	6,335	5,595	1,518
23. Do you favor making Columbus Day, Oct. 12, a national holiday?	5,920	6,203	1,147
24. Would you favor a social security plan with a retirement at 60 years of age?	8,695	3,723	872
25. Should the U.S. Constitution be amended to allow Bible reading or prayer during school hours?	8,545	3,560	1,078
26. Should Congress pass stronger legislation or give more authority to Post Office officials to prevent obscene or pornographic literature from going through the mails?	11,070	1,750	673
27. With regard to medical care for the elderly, do you favor—			
A. Increasing social security taxes to finance hospital and nursing home costs for those over 65 (King-Anderson bill)?	5,645	2,663	-------
B. A further development of the Kerr-Mills bill which is now in effect in the State of Michigan?	3,520	1,915	-------
C. Any Federal participation in this field?	3,793	2,445	-------
28. Do you favor the enactment of the pending Federal civil rights bill?	7,278	2,907	1,618
A. The right of all citizens to vote in Federal elections?	10,015	437	-------
B. The right of all citizens to attend American schools?	9,773	508	-------
C. Adoption of a public accommodations law (not to be confused with open occupancy)?	5,795	2,185	-------
D. Adoption of a Federal law providing for equal job opportunities?	7,580	1,545	-------

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. FARBSTEIN, for 60 minutes, today.

Mr. ROOSEVELT (at the request of Mr. BOGGS), for 60 minutes, today.

Mr. BERRY, for 1 hour, on April 28, and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. DORN.

Mr. PATMAN.

Mr. ZABLOCKI and to include extraneous matter.

(The following Members (at the request of Mr. HALEY) and to include extraneous matter:)

Mr. PEPPER.

Mr. FASCELL.

ADJOURNMENT

Mr. HALEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, April 20, 1964, 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:

1956. A letter from the Secretary of Agriculture, transmitting a report entitled "A National Forestry Research Program"; to the Committee on Agriculture.

1957. A letter from the Secretary of Commerce, transmitting a report relative to providing aviation war risk insurance as of March 31, 1964, pursuant to title XIII of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

1958. A letter from the Assistant Secretary of the Interior, transmitting a copy of proposed amendment No. 2 to concession contract No. 14–10–0100–417, as amended, authorizing a partnership, and the operation of the Oregon Inlet Fishing Center within Cape Hatteras National Seashore, pursuant to (70 Stat. 543); to the Committee on Interior and Insular Affairs.

1959. A letter from the Secretary, Smithsonian Institution, transmitting a report on tort claims paid by the Smithsonian Institution during the fiscal year 1963, pursuant to 28 U.S.C. 2673; to the Committee on the Judiciary.

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. SMITH of Virginia: Committee on Rules. House Resolution 695. Resolution for consideration of H.R. 1997, a bill to amend subsection (c) of section 1332 of title 28, United States Code, relating to diversity of citizenship; without amendment (Rept. No. 1328). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BATES:

H.R. 10926. A bill to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; to the Committee on Veterans' Affairs.

By Mr. BOLAND:

H.R. 10927. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GATHINGS:

H.R. 10928. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. GOODELL:

H.R. 10929. A bill to protect the Seneca Nation of Indians from the flooding of their lands by any department or agency of the United States before suitable provision has been made for their relocation; to the Committee on Interior and Insular Affairs.

By Mr. GRABOWSKI:

H.R. 10930. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY:

H.R. 10931. A bill to provide for the establishment of a National Council on the Arts and a National Arts Foundation to assist in the growth and development of the arts in the United States; to the Committee on Education and Labor.

By Mr. MILLER of New York:

H.R. 10932. A bill to amend the Internal Revenue Code of 1954 to exempt schoolbuses from the manufacturers excise tax; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 10933. 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. REID of New York:

H.R. 10934. A bill to amend the Administrative Procedure Act to provide for the disclosure of certain communications received by Government agencies from Members of Congress with respect to adjudicatory matters, and for other purposes; to the Committee on the Judiciary.

H.R. 10935. A bill to establish a Commission on the Organization of the Congress; to the Committee on Rules.

By Mr. ROBERTS of Texas:

H.R. 10936. A bill to designate the Veterans' Administration center at Bonham, Tex., as the Sam Rayburn Memorial Veterans Center; to the Committee on Veterans' Affairs.

By Mr. ST GERMAIN:

H.R. 10937. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. MORSE:

H.J. Res. 1001. Joint resolution to designate the Veterans' Administration hospital at Bedford, Mass., as the Edith Nourse Rogers Memorial Hospital; to the Committee on Veterans' Affairs.

By Mr. MILLER of New York:

H.J. Res. 1002. Joint resolution to establish a commission to develop and execute plans for the joint celebration with Canada of the 150th anniversary of the Treaty of Ghent; to the Committee on the Judiciary.

By Mr. REID of New York:

H. Con. Res. 288. Concurrent resolution to establish a Joint Committee on Ethics in the legislative branch of the Government, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SIBAL introduced a bill (H.R. 10938) for the relief of Domenico Venditti, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

852. The SPEAKER presented a petition of William Sullivan, city clerk, Springfield, Mass., requesting that the city council be placed on record as favoring the legislation, H.R. 7700 and S. 1932, which was referred to the Committee on the Judiciary.

SENATE

THURSDAY, APRIL 16, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rabbi William Berkowitz, of Congregation B'nai Jeshurun, New York, offered the following prayer:

O Lord, we recognize that prayer is the ladder bridging heaven and earth, bringing us ever closer to Thee.

O Thou who bestows wisdom upon the sons of men and gives of Thy sovereignty unto Thy children, we invoke Thy blessings upon those whom the people have set in authority and have been entrusted with the guardianship of our rights and liberties. In every age Thou didst cause fearless men and women to champion Thy word and didst endow them with zealous hearts and fervent lips. As then, so now, we are grateful for our Nation's Senators who dedicate themselves to the task of strengthening America, its ideals, and its way of life, pursuing justice and exalting our Nation in righteousness.

Yet, O Lord, leaders and people are ever mindful that the courage and wisdom we will require to meet the challenges of today and tomorrow will come to us only through a deeper faith in Thee and a greater reverence for Thy law and teachings. Thus do we beseech Thee: Continue to instruct us in the art of brotherhood. Continue to teach us to recognize the sacredness of the human personality and the equality of all men. Continue to inspire us to achieve for each other a harmonious and abundant life.

As a Jew and rabbi of my people, I thank Thee, that by Thy grace our lot has fallen in this blessed land. On this day when my fellow Jews here and in the State of Israel celebrate the 16th year of its establishment, we are grateful that the fallen tabernacle of David is risen up again, that Israel's ancient dream has come true with the noble help of these United States.

Accept then this, the humble prayer of Thy servant, who prays unto Thee that the light of Thy love may continue to shine forth upon the U.S. Senate. Grant them, O merciful Father, length of days. And may Thy Divine wisdom guide them to lead us unto those paths which will bring glory to Thy name and to this our great, beloved, and blessed democracy, the United States of America. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 15, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

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

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

CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

REPORTS OF COMMITTEE ON RULES AND ADMINISTRATION

The following reports of a committee were submitted:

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

H.R. 8465. An act to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress (Rept. No. 972);

S. Con. Res. 71. Concurrent resolution to appoint a joint committee to make arrangements for the inauguration of the President-elect and Vice-President-elect on January 20, 1965;

S. Con. Res. 73. Concurrent resolution authorizing the printing of additional copies of part 2 and part 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965 (Rept. No. 977);

H. Con. Res. 29. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator (Rept. No. 973);

H. Con. Res. 243. Concurrent resolution authorizing the printing as a House document in a form suitable for framing of the inaugural address of President John Fitzgerald Kennedy (Rept. No. 974);

H. Con. Res. 247. Concurrent resolution providing for printing additional copies of House Document No. 104, 88th Congress (Rept. No. 975);

H. Con. Res. 266. Concurrent resolution authorizing the printing as a House document of the Constitution of the United States, together with the Declaration of Independence; and providing for additional copies (Rept. No. 976);

S. Res. 240. Resolution to print as a Senate document, with additional copies, the second annual report to the Congress on the implementation of the Humphrey amendment (Rept. No. 978);

S. Res. 276. Resolution to print as a Senate document the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects (Rept. No. 979);

S. Res. 289. Resolution authorizing the printing of additional copies of the committee print entitled "Administration of National Security: Selected Papers" (Rept. No. 980);

S. Res. 300. Resolution to print a Senate document on the Federal prison system (Rept. No. 981);

S. Res. 301. Resolution authorizing expenditures by the Committee on Appropriations from the contingent fund of the Senate; and

S. Res. 302. Resolution authorizing the printing as a Senate document of the compilation entitled "World Communism—A Selected Bibliography" (Rept. No. 982).

CONTINUATION OF SENATE YOUTH PROGRAM

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 311) providing for the continuation of the Senate youth program, and submitted a report (No. 983) thereon.

TO PRINT AS A SENATE DOCUMENT A REVISED EDITION OF SENATE DOCUMENT NO. 92 OF THE 87TH CONGRESS, ENTITLED "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 312) authorizing the printing as a Senate document of a revised edition of Senate Document No. 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities," and submitted a report (No. 984) thereon.

TO PRINT AS A SENATE DOCUMENT COMPILATION ENTITLED "ELECTION LAW GUIDEBOOK"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 313) authorizing the printing of the "Election Law Guidebook" as a Senate document, and submitted a report (No. 985) thereon.

TO PRINT AS A SENATE DOCUMENT THE 66TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 314) authorizing the printing of the 66th annual report of the National Society of the Daughters of the American Revolution as a Senate document, and submitted a report (No. 986) thereon.

MARGARET I. CORKREAN

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 315) to pay a gratuity to Margaret I. Corkrean.

SUSAN L. MOSS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 316) to pay a gratuity to Susan L. Moss.

MARY E. WALTON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 317) to pay a gratuity to Mary E. Walton.

CONSIDERATION OF CERTAIN MEASURES FROM COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to bring up, out of order, certain measures which have been reported from the Committee on Rules and Administration; and I request their immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none; and the clerk will proceed to state these measures.

MICROFILMING OF CERTAIN PRESIDENTIAL PAPERS

The Senate proceeded to consider the bill (H.R. 8465) to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress."

Mr. MORSE. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN of North Carolina. I yield.

Mr. MORSE. I assume that all these measures have been reported from the committee with a quorum of the committee present, and that they have not been reported as a result of polling the committee.

Mr. JORDAN of North Carolina. The Senator from Oregon is correct.

The ACTING PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 8465) was ordered to a third reading, read the third time, and passed.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 972) was ordered to be printed in the RECORD, as follows:

H.R. 8465 would amend Public Law 85–147, as amended, "An act to organize and microfilm the papers of the Presidents of the United States in the collections of the Library of Congress" (71 Stat. 368), by removing the limitation on appropriations in the amount of $720,000 and providing in lieu thereof for the appropriation of such amounts as may be necessary to carry out the provisions of the act.

At the time the original authorization was made, the magnitude and the complexity of the project, which covers the papers of 23 Presidents of the United States ranging in date from those of George Washington through those of Calvin Coolidge, could not be accurately gaged and were therefore underestimated. Until the program was underway and the collections of Presidential papers were removed from their containers, only a very rough estimate of their extent could be made. They proved to be much larger than anticipated. For example, the Taft papers were estimated at 500,000 items but they proved to consist of 675,000, and the Wilson papers, estimated at 278,000 items, consist of 400,000. Also, some of the Presidential collections in the Library have, in the years since the program began, been augmented by important and substantial gifts, and these additional papers must, of course, be included in the project. Furthermore, the organization of the collections, which was satisfactory for the use of the originals in the Library, proved inappropriate for the rigid requirements of microfilming and indexing, and extensive refinement of their arrangement has been necessary. These factors, which require additional time and labor, could not be evaluated fully until a substantial amount of work had been performed.

There were other increased costs which could not have been anticipated. The several salary increases and additional fringe benefits to Government employees, granted since the original authorization was enacted, have increased the overall cost of the project.

COSTS

The original authorization was in the amount of $720,000, Public Law 85–147. The following sums have been expended by fiscal years:

1959	$60,000
1960	95,400
1961	121,700
1962	105,100
1963	132,100
1964 (estimated)	125,000
Total through June 30, 1964	639,300

The estimated cost for fiscal year 1965 is $134,000. On June 30, 1964, there will be an unexpended balance of $80,700 remaining in the original authorization. It is anticipated that the project will require approximately 8 additional years for completition at the current production rate. Under the provisions of H.R. 8465, officials of the Library of Congress would include an item in the Library budget as presented to the House Appropriations Committee to provide funds for the continuation of the project on a yearly basis.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS FROM THE CONTINGENT FUND OF THE SENATE

The Senate proceeded to consider the resolution (S. Res. 301) authorizing expenditures by the Committee on Appropriations from the contingent fund of the Senate, which was agreed to as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-eighth Congress, $30,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 128, agreed to May 9, 1963, and S. Res. 225, agreed to November 15, 1963.

JOINT COMMITTEE FOR INAUGURAL ARRANGEMENTS, 1965

The concurrent resolution (S. Con. Res. 71) to appoint a joint committee to make arrangements for the inauguration of the President-elect and Vice-President-elect on January 20, 1965, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the

President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President-elect of the United States on the 20th day of January 1965.

PRINTING OF ADDITIONAL COPIES OF A VETERANS' BENEFITS CALCULATOR

The concurrent resolution (H. Con. Res. 29) authorizing the printing of additional copies of a Veterans' Benefits Calculator, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 973) was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 29 would provide that after the conclusion of the 2d session of the 88th Congress there would be printed 50,240 copies of a Veterans' Benefits Calculator, to be prepared by the House Veterans' Affairs Committee, of which 2,000 copies would be for the use of that committee, 2,000 for the use of the Senate Finance Committee, 37,485 for the use of the House of Representatives (85 per Member), and 8,755 for the use of the Senate (85 per Member).

Estimated printing cost: $2,562.24.

TO PRINT AS A HOUSE DOCUMENT THE INAUGURAL ADDRESS OF PRESIDENT JOHN FITZGERALD KENNEDY

The concurrent resolution (H. Con. Res. 243) authorizing the printing as a House document in a form suitable for framing of the inaugural address of President John Fitzgerald Kennedy, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 974) was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 243 would authorize the printing as a House document of the inaugural address of the late President John Fitzgerald Kennedy, delivered at the U.S. Capitol on January 20, 1961. The address would be printed in a form appropriate for framing, and in such colors and with such artwork as directed by the Joint Committee on Printing.

Additional copies in the amount of 322,500 would be authorized, of which 103,000 would be for the use of the Senate (1,000 per Member) and 219,500 would be for the use of the House of Representatives (500 per Member).

The estimated printing cost is $15,446.

PRINTING OF ADDITIONAL COPIES OF HOUSE DOCUMENT NO. 104, 88TH CONGRESS

The concurrent resolution (H. Con. Res. 247) providing for printing additional copies of House Document No. 104, 88th Congress, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 975) was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 247 would authorize the printing of 300,000 additional copies of House Document No. 104, 88th Congress, entitled "Our Flag," of which 200,000 would be for the use of the House of Representatives (455 per Member) and 100,000 for the use of the Senate (970 per Member).

Printing-cost estimate: $16,000.

PRINTING AS A HOUSE DOCUMENT OF THE CONSTITUTION AND DECLARATION OF INDEPENDENCE

The concurrent resolution (H. Con. Res. 266) authorizing the printing as a House document of the Constitution of the United States, together with the Declaration of Independence, and providing for additional copies, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 976) was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 266 would provide that the Constitution of the United States, as amended to January 23, 1964, together with the Declaration of Independence, be printed as a House document, with an index, and in such form and style as may be directed by the Joint Committee on Printing. The concurrent resolution would further authorize the printing of 106,600 additional copies of such document, of which 80,850 would be for the use of the House of Representatives (180 per Member) and 25,750 for the use of the Senate (250 per Member).

Estimated printing cost: $29,581.42.

PRINTING OF ADDITIONAL COPIES OF 1964 HEARINGS OF JOINT COMMITTEE ON ATOMIC ENERGY ON ATOMIC ENERGY COMMISSION AUTHORIZING LEGISLATION, FISCAL YEAR 1965

The concurrent resolution (S. Con. Res. 73) authorizing the printing of additional copies of part 2 and part 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Committee on Atomic Energy two thousand additional copies each of part 2 and part 3 of its hearings on the Atomic Energy Commission authorizing legislation, fiscal year 1965.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 977) was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 73 would authorize the printing for the use of the Joint Committee on Atomic Energy of 2,000 additional copies of each of parts 2 and 3 of its hearings on the Atomic Energy Commission authorizing legislation, fiscal year 1965.

The printing-cost estimate supplied by the Public Printer, is as follows:

2,000 copies of pt. 2	$4,494.40
2,000 copies of pt. 3	5,300.00
Total estimated cost, S. Con. Res. 73	9,794.40

TO PRINT AS A SENATE DOCUMENT THE SECOND ANNUAL REPORT TO THE CONGRESS ON THE IMPLEMENTATION OF THE HUMPHREY AMENDMENT

The resolution (S. Res. 240) to print as a Senate document, with additional copies, the second annual report to the Congress on the implementation of the Humphrey amendment, was considered and agreed to, as follows:

Resolved, That there shall be printed as a Senate document the second annual report to the Congress on the implementation of the Humphrey amendment, prepared by the Agency for International Development, fiscal year 1963, and that an additional five thousand copies be printed for use by the Committee on Foreign Relations.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (978) was ordered to be printed in the RECORD, as follows:

Senate Resolution 240 would authorize the printing as a Senate document of the second annual report to the Congress on the implementation of the Humphrey amendment, prepared by the Agency for International Development to cover fiscal year 1963. The resolution would further authorize the printing of 5,000 additional copies of such document for the use of the Committee on Foreign Relations.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$964.70
5,000 additional copies, at $77.62 per thousand	388.10
Total estimated cost, S. Res. 240	1,352.80

TO PRINT AS A SENATE DOCUMENT THE SEVENTH ANNUAL REPORT ON THE STATUS OF THE COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

The resolution (S. Res. 276) to print as a Senate document the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects, was considered and agreed to, as follows:

Resolved, That there shall be printed as a Senate document the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects, prepared by the Department of the Interior, and an introductory statement by Senator ANDERSON.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 979) was ordered to be printed in the RECORD, as follows:

Senate Resolution 276 would authorize the printing as a Senate document of the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects, prepared by the Department of the Interior, and with an introductory statement by Senator CLINTON P. ANDERSON.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$754.81

PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "ADMINISTRATION OF NATIONAL SECURITY: SELECTED PAPERS"

The resolution (S. Res. 289) authorizing the printing of additional copies of the committee print entitled "Administration of National Security: Selected Papers," was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of the committee print entitled "Administration of National Security: Selected Papers", issued by that committee during the Eighty-seventh Congress, second session.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 980) was ordered to be printed in the RECORD, as follows:

Senate Resolution 289 would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of its committee print of the 87th Congress, entitled "Administration of National Security: Selected Papers."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Back to press, 1st 1,000 copies	$774.31
1,000 additional copies, at $247.27 per thousand	247.27
Total estimated cost, S. Res. 289	1,021.58

TO PRINT A SENATE DOCUMENT ON THE FEDERAL PRISON SYSTEM

The resolution (S. Res. 300) to print a Senate document on the Federal prison system, was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a collection of writings about the Federal prison system assembled by the Subcommittee on National Penitentiaries of the Committee on the Judiciary, United States Senate; and that one thousand additional copies be printed for use of the Committee on the Judiciary.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 981) was ordered to be printed in the RECORD, as follows:

Senate Resolution 300 would authorize the printing as a Senate document of a collection of writings about the Federal prison system assembled by the Subcommittee on National Penitentiaries of the Committee on the Judiciary; and would further authorize the printing of 1,000 additional copies of such document for the use of that committee.

The printing cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$4,846.61
1,000 additional copies, at $420.89 per thousand	420.89
Total estimated cost, S. Res. 300	5,267.50

PRINTING AS A SENATE DOCUMENT OF COMPILATION ENTITLED "WORLD COMMUNISM—A SELECTED BIBLIOGRAPHY"

The resolution (S. Res. 302) authorizing the printing as a Senate document of the compilation entitled "World Communism—A Selected Bibliography," was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a compilation entitled "World Communism—A Selected Annotated Bibliography", prepared by the Legislative Reference Service, Library of Congress, at the request of the Internal Security Subcommittee of the Senate Committee on the Judiciary; and that there be printed two thousand seven hundred additional copies of such document for the use of that committee.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 982) was ordered to be printed in the RECORD, as follows:

Senate Resolution 302 would authorize the printing as a Senate document of a compilation entitled "World Communism—A Selected Annotated Bibliography," prepared by the Legislative Reference Service, Library of Congress, at the request of the Internal Security Subcommittee of the Senate Committee on the Judiciary; and would further authorize the printing of 2,700 additional copies of such document for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$1,374.19
2,700 additional copies at $439.44 per thousand	1,186.46
Total estimated cost, S. Res. 302	2,560.65

CONTINUATION OF SENATE YOUTH PROGRAM

The resolution (S. Res. 311) providing for the continuation of the Senate youth program, was considered and agreed to, as follows:

Whereas by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, the Senate expressed its willingness to cooperate in a nationwide competitive Senate youth program supported by private funds, which would give representative high school students from each State a short indoctrination into the operation of the United States Senate and the Federal Government generally, and authorized the Senate Committee on Rules and Administration, if it should find such a program possible and advisable, to make the necessary arrangements therefor; and

Whereas the Committee on Rules and Administration, after appropriate investigation having determined such a program to be not only possible but highly desirable, authorized its establishment and with the support of the leaders and other Members of the Senate and the cooperation of certain private institutions made the necessary arrangements therefor; and

Whereas, pursuant to such arrangements, and with the cooperation of and participation by the offices of every Member of the Senate and the Vice President, one hundred and two student leaders representing all States of the Union and the District of Columbia were privileged to spend the period from January 28, 1963, through February 2, 1963, in the Nation's Capitol, thereby broadening their knowledge and understanding of Congress and the legislative process and stimulating their appreciation of the importance of a freely elected legislature in the perpetuation of our democratic system of government; and

Whereas by S. Res. 147 of the Eighty-seventh Congress, agreed to May 17, 1963, another group of student leaders from throughout the United States spent approximately 1 week in the Nation's Capitol, during January 1964; and

Whereas it is the consensus of all who participated that the above two programs were unqualifiedly successful, and in all respects worthy and deserving of continuance; and

Whereas the private foundation which financed the initial programs has graciously offered to support a similar program during the year ahead: Now, therefore, be it

Resolved, That, until otherwise directed by the Senate, the Senate youth program authorized by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, and extended by S. Res. 147, agreed to May 27, 1963, may be continued at the discretion of and under such conditions as may be determined by the Committee on Rules and Administration.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 983) was ordered to be printed in the RECORD, as follows:

Pursuant to Senate Resolution 324 of the 87th Congress, agreed to May 17, 1962, the Senate expressed its willingness to cooperate in a nationwide competitive Senate youth program supported by private funds, which would give representative high school students from each State a short indoctrination into the operation of the U.S. Senate and the Federal Government generally. The Senate Committee on Rules and Administration, should it find such a program feasible and advisable, was authorized to make the necessary arrangements therefor.

The committee did approve the program, and with the cooperation of and participation by the offices of every Member of the Senate and the Vice President, 102 student leaders representing all States of the Union and the District of Columbia were privileged to spend the period from January 28, 1963, through February 2, 1963, as the first group of participants in the Senate youth program.

In view of the splendid success of the first year's program, the Senate on May 27, 1963, readily agreed to Senate Resolution 147 of the 88th Congress, which enabled another group of student leaders from throughout the United States to spend approximately 1 week in the Nation's Capital during January 1964.

It is the judgment of the Committee on Rules and Administration that the Senate youth program has adequately demonstrated its value and the merit of its indefinite continuance. Accordingly, the committee is

recommending that the Senate adopt this original resolution which would provide that until otherwise directed by the Senate, the Senate youth program may be continued at the discretion of and under such conditions as may be determined by the Committee on Rules and Administration.

TO PRINT AS A SENATE DOCUMENT A REVISED EDITION OF SENATE DOCUMENT NO. 92 OF THE 87TH CONGRESS, ENTITLED, "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

The resolution (S. Res. 312) authorizing the printing as a Senate document of a revised edition of Senate Document No. 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities," was considered and agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 92 of the Eighty-seventh Congress, entitled "Federal Corrupt Practices and Political Activities" be printed as a Senate document; and that there be printed four thousand additional copies of such document for the use of the Committee on Rules and Administration.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 984) was ordered to be printed in the RECORD, as follows:

Senate Resolution 312 would authorize the printing as a Senate document of a revised edition of Senate Document 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities." The resolution also provides for the printing of 4,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$1,126.00
4,000 additional copies, at $77.26 per thousand	309.04
Total estimate cost, S. Res. 312	1,435.04

The purposes of the publication are explained in the foreword by Senator HOWARD W. CANNON, chairman of the Subcommittee on Privileges and Elections, as follows:

This document is published as a guide and ready reference to certain Federal election laws and miscellaneous related acts and regulations applicable to candidates for Federal office, political committees, and political parties, and others seeking or attempting to influence the results of Federal elections.

Especially, it is intended to assist and instruct such candidates, committees, parties, and others concerning campaign contributions and expenditures, financial statements, and other political activities.

TO PRINT AS A SENATE DOCUMENT COMPILATION ENTITLED "ELECTION LAW GUIDEBOOK"

The resolution (S. Res. 313) authorizing the printing of the "Election Law Guidebook" as a Senate document, was considered and agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 86 of the Eighty-seventh Congress, entitled "Election Law Guidebook", be printed as a Senate document; and that there be printed three thousand five hundred additional copies of such document for the use of the Committee on Rules and Administration.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 985) was ordered to be printed in the RECORD, as follows:

Senate Resolution 313 would authorize the printing as a Senate document of a revised edition of Senate Document No. 86 of the 87th Congress, entitled "Election Law Guidebook"; and would further authorize the printing of 3,500 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$2,834.28
3,500 additional copies, at $206.45 per thousand	722.60
Total estimated cost, S. Res. 313	3,556.88

TO PRINT AS A SENATE DOCUMENT THE 66TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

The resolution (S. Res. 314) authorizing the printing of the 66th annual report of the National Society of the Daughters of the American Revolution as a Senate document, was considered and agreed to, as follows:

Resolved, That the Sixty-sixth Annual Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1963, be printed, with an illustration, as a Senate document.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 986) was ordered to be printed in the RECORD, as follows:

Senate Resolution 314 would authorize the printing as a Senate document of the 66th Annual Report of the Daughters of the American Revolution (March 1, 1962–March 1, 1963).

The National Society of the Daughters of the American Revolution was incorporated by act of Congress on February 20, 1896 (29 Stat. 8–9), which act included the provision:

"That said society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portions thereof as he may deem of national interest and importance."

but, did not provide that such report be printed. When, in 1899, during the 55th Congress, the first report of the society was transmitted, as required by law, it was printed as a Senate document pursuant to a simple resolution agreed to by the Senate. All subsequent DAR reports, to date, have been printed as Senate documents under the same procedure.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a Senate document (1,500 copies)	$4,290.86

MARGARET I. CORKREAN

The resolution (S. Res. 315) to pay a gratuity to Margaret I. Corkrean was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret I. Corkrean, widow of Paul A. Corkrean, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SUSAN L. MOSS

The resolution (S. Res. 316) to pay a gratuity to Susan L. Moss was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Susan L. Moss, widow of Andrew Moss, an employee of the Senate at the time of his death, a sum equal to eleven and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY E. WALTON

The resolution (S. Res. 317) to pay a gratuity to Mary E. Walton was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary E. Walton, widow of George L. Walton, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CALL OF THE ROLL

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

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

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 141 Leg.]

Aiken	Hickenlooper	Moss
Allott	Hill	Mundt
Anderson	Holland	Neuberger
Bayh	Hruska	Pastore
Beall	Humphrey	Pearson
Bennett	Inouye	Pell
Bible	Jackson	Prouty
Boggs	Javits	Ribicoff
Brewster	Johnston	Robertson
Burdick	Jordan, N.C.	Russell
Cannon	Jordan, Idaho	Saltonstall
Carlson	Keating	Scott
Case	Kennedy	Simpson
Church	Kuchel	Smith
Clark	Lausche	Sparkman
Cotton	Magnuson	Symington
Curtis	Mansfield	Talmadge
Dirksen	McCarthy	Tower
Dodd	McGovern	Walters
Dominick	McIntyre	Williams, N.J.
Douglas	McNamara	Williams, Del.
Ellender	Metcalf	Young, N. Dak.
Fong	Miller	Young, Ohio
Hart	Monroney	
Hartke	Morse	

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG],

the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Florida [Mr. SMATHERS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that the Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senators from Kentucky [Mr. COOPER and Mr. MORTON] are detained on official business.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

APPOINTMENTS OF SENATORS TO U.S. DELEGATION TO INTERNATIONAL LABOR CONFERENCE, GENEVA, SWITZERLAND

The PRESIDING OFFICER. The Chair, at the request of the President pro tempore, announces for him the appointment of the Senator from Michigan [Mr. McNAMARA] and the Senator from New York [Mr. KEATING] as members to the U.S. delegation to the 48th session of the International Labor Conference in Geneva, Switzerland, from June 17 to July 9, 1964.

THE JOHN BIRCH SOCIETY—LIBELING GREAT AMERICANS

Mr. KUCHEL. Mr. President, yesterday, in the Washington Daily News there was published an interesting news article, written by two estimable news reporters, Mr. George Clifford and Tom Kelly, discussing a meeting held in Washington the other night under the auspices of the John Birch Society.

The young man, Mr. G. Edward Griffin, who represented that infamous organization stated, according to the article by Clifford and Kelly:

He supposed he would (ha-ha) be asked if Birch Founder Robert Welch had really said President Eisenhower was a Communist.

His "ha-ha" manner could have discouraged everyone from actually asking the question but, as a matter of fact, one man did.

Ed said that people had circulated "half truths" about Mr. Welch and everyone knows how dangerous those are. Mr. Welch had examined the Eisenhower record, Ed said gently, and had reached the conclusion that President Eisenhower was a Communist agent, or a political opportunist doing the Communist bidding, or a fool. Mr. Welch favored the first explanation himself, Ed said, but he didn't mind if other people favored either of the other two.

I invite the attention of Senators to that kind of unbelievable libel on the life of one of the great patriots in all American history. Whether one sits on the Democratic side of the aisle or on the Republican side of the aisle, all Senators, and the people they represent, stand up and salute Dwight D. Eisenhower, former President of the United States and General of the Army, who served with gallantry and courage the cause of this Republic in peace and in war.

I am bitter in my resentment of that kind of irresponsible and contemptuous libel.

Mr. President, I think the Senate will be interested, also, in an editorial published in the Fargo, N. Dak., Forum, the largest newspaper in North Dakota, written on March 2, 1964—a little over a month ago—entitled, "Birchists Crawl Into Holes; Let's Hope They Stay There."

This perceptive editorial discusses the equally amazing libel by a college professor, who is high in the National Councils of the Birch Society, reviling the memory of the late President Kennedy.

Every Senator, Republican and Democrat alike, I am sure, joins together, as do the people of the United States, regardless of political affiliation, in saluting the memory of another great American, John F. Kennedy, who also nobly served his country in peace and in war.

Be on guard, Mr. President, the extremists do not serve the interests of the Republic. They serve only themselves. They hope by spreading hate and hysteria that they will fool sincere Americans and, with their weird ideology—an ideology of simple solutions for complex problems—that they will undermine the people's faith in the responsible leadership of both great American political parties. They will not succeed. Their warped and narrow view of the world, and, indeed, their lack of faith in their fellow men, is and will continue to be rejected by all responsible citizens.

I ask unanimous consent that the article and the editorial to which I have referred may be printed in the RECORD, simply to show how low, how vile, how cruel, and how false these extremists are.

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

[From the Washington Daily News, Apr. 15, 1964]

BIRCH BARK

(By George Clifford and Tom Kelly)

The John Birch Society is trying to persuade the public that it is as lovable as a Boy Scout with a lisp.

It is, in departure from its old technique of super stealth, also trying to recruit members openly.

A major persuader is G. Edward Griffin, a young "Gee whiz, Sir" salesman with a charm as transparent as a cellophane toupee.

Mr. Griffin, just plain Ed, was the winner of a national high school oratory contest in 1947, when he was 15. He is now an "official spokesman" for the John Birch Society. The Birchers have gotten a reputation for being both sinister and looney, and there are strong indications that the assassination of President Kennedy had a diminishing effect on both the society's income and membership growth.

The problem is a delicate one: How to appear genial and rational without abandoning the essential point of view that practically everybody is either a Communist or a Communist dupe.

Mr. Griffin's technique is to chuckle often, speak mildly, and attribute all criticism of the Birchers to the Communist Party.

At a $2-a-head lecture here the other night he introduced one of the more famous Birch pronunciamentos by saying he supposed he would (ha, ha) be asked if Birch founder Robert Welch had really said President Eisenhower was a Communist.

His "ha, ha" manner could have discouraged everyone from actually asking the question but, as a matter of fact, one man did.

Ed said that people had circulated "half-truths" about Mr. Welch and everyone knows how dangerous those are. Mr. Welch had examined the Eisenhower record, Ed said gently, and had reached the conclusion that President Eisenhower was a Communist agent, or a political opportunist doing the Communist bidding, or a fool. Mr. Welch favored the first explanation himself, Ed said, but he didn't mind if other people favored either of the other two.

The aim seems to be to make the Birch bark appear less dangerous than the Birch bite—make any wild charge but say the words softly and don't growl.

The society apparently is suffering for members and Ed seems to be trying to appeal to the unconverted. But the unconverted don't seem to be listening. At the Washington lecture a large part of the small audience seemed more rabid than Ed.

The impression was that most of the recruits have been hanging around the barracks for years.

[From the Fargo (N. Dak.) Forum, Mar. 2, 1964]

BIRCHISTS CRAWL INTO HOLES; LET'S HOPE THEY STAY THERE

The John Birch Society and kindred ultra-right extremists seem to have crawled into their holes in North Dakota, and let us hope that we are able to keep them there.

It is a relief to be able to drive to Bismarck without seeing a billboard near Sterling calling for the impeachment of Chief Justice Earl Warren. The billboard, erected by a Bismarck group calling itself the North Dakota Committee To Impeach Earl Warren, apparently has been abandoned.

Two similar signs remain in Griggs County, at least one of which was erected last year by a chapter of the John Birch Society.

The people of Griggs have taken care of things in their own way, we're happy to see. They didn't use violence, deface or paint up the signs which have offended so many for months.

They recognized the right of a minority to express their views. But they expressed their own opinion by starting a petition signed by nearly 300 people. Published in the Griggs County Sentinel-Courier, the petition reads:

"We, the undersigned citizens of Griggs County and surrounding area, object to the 'Impeach Earl Warren' signs which have been erected along public highways in our community. We believe that such signs are

a disservice and disgrace to our community and request that they be taken down at once. We hereby give our consent to have this published in the local newspaper."

Complete with a picture of a U.S. flag, the billboard which aroused their ire has no reasons listed to impeach Justice Warren except the inflammatory slogan: "Save Our Republic."

We congratulate the petition signers and we hope they see results, but appeals to reason seem to be lost on the extremists. There may be a couple of hundred members of the Birch Society in this State, and they may be trying to participate in our political organizations, but we don't hear any of them bragging about their membership these days. And well they shouldn't, when you take a look at the article which appeared in the Birch Society's publication, American Opinion, concerning the assassination of the late President John F. Kennedy.

A professor of Latin and Greek at the University of Illinois, Prof. Revilo P. Oliver, gave a history of the murder under the sum-it-up title of "Marxmanship in Dallas." From the Birch high priest, Robert Welch, it drew the supreme accolade: "Superb commentary." The alumni association of the university, however, asked that the professor resign.

Welch meant that the professor had done his homework well, and had faithfully hewed to the society's line.

The professor made these speculations on the assassination:

That Mr. Kennedy was executed by the Communist conspiracy "because he was planning to turn American."

That Mr. Kennedy "procured his election by peddling boob-bait to suckers."

That Lee Oswald was a Red agent trained for terrorism, including shooting from ambush, and "in a well-known school for international criminals at Minsk."

That as long as there are Americans, Mr. Kennedy's "memory will be cherished with distaste."

Professor Oliver, a man with a lively interest in history, became involved with the Birch Society in December 1958. He enlisted in the work after listening with a select group of less than 20 to a 2-day speech delivered by Robert Welch, the fudgemaker turned superpatriot. That maiden speech by Welch became the Birch Society's blue book, or summary of principles.

Professor Oliver (his first name also is Oliver, spelled in reverse) discovered that Welch's ideas coincided with his own, especially on the problems of Reds under American beds. So when he returned to the university he brought with him a new title—national counselor of the John Birch Society. Thereafter the professor peddled the Birch line by mouth, although he was careful to check his rightest views at the classroom door.

He made fiery little speeches ridiculing liberal intellectuals who believed the United States must "tax itself to win the favor of every mangy cannibal in Africa." Occasionally, as in the "mangy cannibal" speech, the professor violated the Birch rules against outspoken racism. For example, in a speech before the Illinois convention of the Daughters of the American Revolution in 1959 he conceded that the Batista government in Cuba was not perfect "but it probably was as good a government as one could ever reasonably expect to find in an island largely populated by mongrels."

The assassination article by Professor Oliver far transcends any attitude of tolerance or commonsense. He was incredibly crude. He said, for example, that President Kennedy collaborated in a "fake invasion" of Cuba that was intended to strengthen our enemies. He maintained that Kennedy was a knowing participant in this unhappy venture.

He contended that the embargo of arms shipments from Russia to Cuba in October 1962 was a phony arrangement to cover secret shipments from the Soviet to the Cubans. He charged in effect that Kennedy worked with Khrushchev to place missiles in Cuba to be used against the United States. And the head of the Birch Society calls this superb commentary.

So once again two men with positions of leadership in the Birch Society—Welch, the chairman, and Oliver, a member of the national council—stand before the Nation as the sponsors of a thought that is really beyond contempt.

The limit of tolerance has been exhausted; the members of the Birch Society can well be ashamed of their organization. They are not going to change the views of Welch and Oliver. Mere disagreement with them is not going to make Birch Society members in North Dakota acceptable public opinion leaders.

Men running for public office should be as severe in their criticism of the Birch Society as was Senator MILTON R. YOUNG when the society tried to get the North Dakota Legislature to approve its amendment for elimination of the U.S. income tax. He laid his political future on the line by launching a scathing denunciation of the amendment and its supporters. Ever since then, the far right of North Dakota has been doing everything it dared to discredit the Senator. The Senator does not discredit easily.

THE AMERICAN MEDICAL ASSOCIATION AND CIGARETTE LABELING

Mr. CANNON. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Oregon [Mrs. NEUBERGER] without losing my right to the floor.

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

Mrs. NEUBERGER. Mr. President, on March 16, the Federal Trade Commission convened its session for the hearing of proposed rules for the placing of health hazard warnings on cigarette packages and for regulation of cigarette advertising. The Commission held 3 days of hearings and took testimony from a variety of sources.

I was privileged to present a statement to the Commission on the opening day of the hearings. In my statement I emphasized that, in my opinion, the Commission already possesses sufficient authority to regulate cigarette advertising. My conclusion was based on the evidence contained in the report of the Surgeon General's committee which linked smoking with a number of ailments, including cancer and heart disease.

I was somewhat surprised the next day to learn that the American Medical Association had presented a statement at the Commission hearings expressing an opposite viewpoint. It had been announced some weeks before that six cigarette companies were contributing $10 million to the American Medical Association for a basic research project on smoking and disease. I have no way of knowing whether or not the statement presented by the AMA to the Federal Trade Commission represents the first fruits of this extensive research program.

Frankly, Mr. President, I have been puzzled and perplexed by the content of the AMA statement. In essence, the document held that there would be no advantage to placing a health hazard label on cigarettes because the health hazards of excessive smoking have been publicized for more than 10 years and are common knowledge. Moreover, the AMA statement continued, even though cigarette labeling is unnecessary, the Federal Trade Commission should not make this decision. The AMA statement held that the unnecessary decision on cigarette labeling should be made by Congress.

I fail to understand the AMA line of reasoning. First, it states that cigarette labeling would be of no value; then it says that even though labeling does no good, it should not be done by the Commission, but should be done by Congress because the prosperity of the tobacco industry is closely entwined with our entire national economy. I find myself growing somewhat apprehensive about the concern of the AMA for the economic well-being of the tobacco industry, rather than the physical well-being of smokers or potential smokers.

I think I shall never understand the AMA assertion that Congress should decide on cigarette labeling, because labeling has no health consequences. So that my colleagues can interpret the AMA statement for themselves, I ask consent to include in the RECORD at this point the letter dated February 28, 1964, addressed to the Chief, Division of Trade Regulation Rules of the Federal Trade Commission, and signed by Dr. F. J. L. Blasingame, executive vice president of the Americal Medical Association.

I also ask consent to include in the RECORD an article from the February 17, 1964, issue of the AMA News, which relates that six tobacco companies will contribute $10 million to an American Medical Association research project on smoking and disease, an article which appeared in the April–June 1962 issue of Smoke Signals, a publication of the American Temperance Society, entitled "Public Relations for Cigarettes," a United Press International story, with the headline "AMA Seen in Sellout to Tobacco Industry," and a letter of March 18, 1964, from Dr. Lawrence H. Gahagan.

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

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., February 28, 1964.

CHIEF, DIVISION OF TRADE REGULATION RULES,
Bureau of Industry Guidance,
Federal Trade Commission,
Washington, D.C.

DEAR SIR: The American Medical Association is appreciative of the invitation received from George Dobbs, M.D., Associate Chief of your Division of Scientific Opinions, to express its views with respect to the "Proposed Trade Regulation Rules for the Advertising and Labeling of Cigarettes." These proposed rules were published in the Federal Register of January 22, 1964.

At the outset, we should like to state that the AMA has, historically, endorsed and promoted Federal and State legislation containing labeling requirements with respect to the sale of drugs, cosmetics, and hazardous household products to consumers.

Ordinarily, the labeling of drugs, cosmetics, and hazardous household products will protect the public by calling its attention to the need for careful handling, as in

the case of hazardous household products, or by alerting the consumer to possible allergic reactions, as in the case of hair dyes. Where labeling requirements now exist, the consumer may be influenced in his choice of the numerous products which are available to him for purchase. Here, labeling serves to convey information to a consumer who might otherwise be uninformed as to the risks inherent in a particular product. He may choose the product and exercise the caution called for by its label, or purchase another product for the same purpose which may involve a lesser or no risk.

With respect to cigarettes, cautionary labeling cannot be anticipated to serve the public interest with any particular degree of success. The health hazards of excessive smoking have been well publicized for more than 10 years and are common knowledge.

Labeling will not alert even the young cigarette smoker to any risks of which he is not already aware. While labeling may influence the purchaser in the choice he makes in the purchase of many products, it will not, in our opinion, do so in the purchase of cigarettes. At the present time, whether the habitual smoker selects the product of one manufacturer or another, appears to be relatively immaterial. The health hazard involved is substantially the same.

We do not believe that the answer to the cigarette problem lies in cautionary labeling requirements. Experience in other countries indicates that the effect of such labeling at best is only to reduce temporarily the consumption of cigarettes. After a while the habitual smoker ignores the cautions expressed on the label.

Since it is evident that cigarette smoking will continue despite any restrictive labeling that might be imposed, it is our opinion that the answer which will do most to protect the public health lies not in labeling (which is likely to be ignored), but in research. The AMA house of delegates stated this when it approved, on December 4, 1963, a proposal to inaugurate an AMA intensive research program. The action of the House of delegates included this description of the program:

"The proposed research projects would be designated to probe beyond statistical evidence, to search for answers not now available to such questions as which disease in man may be caused or induced by the use of tobacco. Determination needs to be made whether some element or elements in smoke may be a direct or aggravating cause of cancer and other diseases and to identify these substances chemically. Questions of constitutional and physiologic factors, of physiological dependence, and of habituation require answers. Continuing and further clinical and pathologic studies need to be made along with collection and correlation of statistical data as it is collected to establish what relationships exist between the use of tobacco and disease. Since smoking may produce a tranquilizing effect as well as other favorable psychic reactions not so well identified, these factors need further study in evaluating the whole matter of the relationship of tobacco and disease."

Implementation of the December action of the AMA house of delegates was undertaken a little more than a month later. By mid-January, the American Medical Association Educational and Research Foundation appointed a five-member committee of distinguished scientists to direct the foundation's long-range program of basic research of tobacco and health. Shortly thereafter, the committee had its initial meeting and began to develop a series of recommendations for an extensive, objective, and hopefully effective research program. It is the thinking of the committee for research on tobacco that grants will be made soon to proven investigators who have time and facilities available to begin promptly on studies that are needed and which appear to be productive of helpful information. The American Medical Association hopes to be instrumental in obtaining many of the facts which are necessary to an intelligent and useful understanding of this subject.

We have already indicated our belief that the most rewarding approach to the problem of relating cigarette smoking to diseases will be by way of productive research. In addition to this substantive recommendation, we should like to express our opinion that regulatory action in this matter should be instituted by the Congress rather than by the Federal Trade Commission. More than 90 million persons in the United States use tobacco in some form; and, of these, 72 million use cigarettes. Long standing social customs and practices are established in the use of tobacco; the economic lives of tobacco growers, processers, and merchants are entwined in the industry; and local, State, and the Federal governments are the recipients of and dependent upon many millions of dollars of tax revenue. For these reasons, it is most appropriate that a subject of this magnitude, regarding the labeling and advertising of tobacco, be controlled by the Congress of the United States in the form of enacted legislation, if any, rather than by promulgated administrative regulations.

The notice contained in the January 22 issue of the Federal Register invited "written data, views or argument concerning the proposed rules and the subject matter of this proceeding." We believe that our remarks respond to this invitation and wish to express once again our appreciation for the opportunity to comment and express our views.

Sincerely,

F. J. L. BLASINGAME, M.D.

[From the AMA News, Feb. 17, 1964]

SMOKING STUDY FUNDS DONATED

Six tobacco companies will contribute a total of $10 million to help finance the American Medical Association's basic research project on smoking and disease.

The contribution came a week after the AMA–ERF announced selection of a five-member committee for research on tobacco and health to direct the research program.

NO RESTRICTIONS

The AMA–ERF president, Raymond M. McKeown, M.D., Coos Bay, Oreg., said the funds were offered with the understanding that they could be accepted only if given without restrictions. The only condition is that the money be used for research on tobacco and health.

The funds are to be made available over a 5-year period by the American Tobacco Co., Brown & Williamson Tobacco Corp., Liggett & Myers Tobacco Co., P. Lorillard Co., Philip Morris, Inc., and R. J. Reynolds Tobacco Co.

The AMA–ERF research project was authorized by the AMA house of delegates last December, and the AMA board of trustees has appropriated $500,000 to the program.

The house authorized AMA–ERF to solicit funds for the project from industry, foundations and other sources and to accept funds "only if they are given without restrictions."

HOPE FOR SOLUTION

The presidents of the six contributing companies, in a joint letter, said the funds were being given "in the hope and expectation that the research project proposed will aid materially in finding solutions to public health problems of national and international concern."

The funds will be made available to the foundation in five equal annual installments with the agreement that if any of the funds are not needed or cannot be usefully spent on the research project, the unused installments will be canceled.

[From Smoke Signal, April–June 1962]

PUBLIC RELATIONS FOR CIGARETTES

The following, excerpted from Irwin Ross' the Image Merchants, tells how the tobacco industry ran for rescue to one of the largest public-relations firms in the country, Hill & Knowlton, after science had produced conclusive evidence that smoking causes lung cancer.

"Even in meeting crises, Hill & Knowlton tend to take the long view wherever possible. In the public relations fraternity, the firm is credited with a brilliant inspiration in rescuing the cigarette industry from the most damaging assault it has ever sustained. A few years ago, cigarette manufacturers had reason to fear a drastic curtailment of sales as the scientific reports characterizing their product as the cause of lung cancer gained wide circulation. The problem was laid in H. & K.'s lap. Its solution—an interim one which can well last for years—was the establishment of the Tobacco Industry Research Committee.

"The committee's case was a simple one: There was no conclusive proof that cigarettes were the culprit—whatever the American Cancer Society and other medical authorities thought—but the industry had an obligation to get the full facts. Without prejudging the outcome, it was prepared to spend a small fortune in scientific inquiry. A well-qualified and eminently respectable scientific panel was given a free hand to block out the research and administer the grants; up to January 20, 1959, $3,200,000 had been appropriated for various studies around the country.

This expensive device has been enough to take the industry off the hook. It can point with pride to its sense of public responsibility, and whenever a new report comes out damning cigarettes, it is able to rush into print with the reminder that the full scientific facts are not yet known. Indeed, Hill & Knowlton are often able to get their client's rejoinder into the same news story with the damaging charges. (Advance release dates on scientific reports make this possible.) All of which, of course, gives the cigarette addict sufficient excuse to continue smoking.

"And what if the industry's own scientific research, years hence, should prove that cigarettes are indeed harmful? No problem, one gathers—the client would merely be advised to undertake a campaign to eliminate the unhealthy ingredients."

AMA SEEN IN SELLOUT TO TOBACCO INDUSTRY

Representative FRANK THOMPSON, JR., Democrat, of New Jersey, accused the American Medical Association (AMA) yesterday of siding with the tobacco industry against Federal efforts to label cigarettes a health hazard in return for support in its fight against medicare.

The accusation was vigorously denied by the AMA. A spokesman for the organization said: "It's a ridiculous charge. There is not any truth in it whatsoever."

THOMPSON said the AMA opposed the regulation, proposed by the Federal Trade Commission, as part of a deal to get tobacco State Congressmen to vote against the administration's proposal for a health insurance plan for the aged under social security.

"It's an outrage and it's an obvious plot," THOMPSON said, adding that the AMA position was not sound medical logic and did not "reflect the thinking of its constituent doctor members."

The AMA's opposition was one of the surprise developments of the Federal Trade Commission's hearings this week on the pro-

posed cigarette advertising and labeling regulations.

Dr. F. J. L. Blasingame, AMA executive vice president, in a letter to the Commission, said that the health hazards of "excessive smoking have been well publicized for more than 10 years and are common knowledge. He said the answer to removing the hazards from cigarette smoking lay in more research, not in any labeling rules.

THOMPSON said the AMA was inconsistent in suggesting that a substance should not be labeled as dangerous simply because everyone knows that it is.

"It's common knowledge that iodine is poisonous and that lye will burn you, THOMPSON said. "There are numerous other things which may not give you cancer, but will injure you severely. To be consistent the AMA must advocate that the warnings be removed from these labels also."

NEW YORK, N.Y.,
March 18, 1964.

F. J. L. BLASINGAME, M.D.,
Executive Vice President, American Medical Association, 535 North Dearborn Street, Chicago, Ill.

DEAR DR. BLASINGAME: I am more than surprised—perhaps somewhat ashamed—that the American Medical Association (of which I am a member) does not support a strong program concerning the menace to health and life of excessive and prolonged cigarette smoking. The position of the AMA, as I inferred it from recent newspaper accounts, is at best luke warm. For example, I read recently that the AMA does not support the opinion that cigarette packages and ads should contain official (governmental) warnings.

I simply do not understand the AMA's position in this matter—it doesn't make sense to me—and I wish that you or some other responsible officer of the association would attempt to clarify this deplorable situation. (I hope that I am not too stupid to understand it.) Be that as it may:

(a) Does the AMA have any doubts about the increased sickness and death rates associated with cigarette smoking?

(b) Does the AMA have any doubts about the etiologic significance of cigarette smoking in lung cancer, emphysema, etc.?

(c) Does the AMA have any doubts about the effects of TV commercials and other forms of cigarette advertisements on adolescents and other young people in encouraging them to smoke cigarettes?

(d) Does the AMA oppose official warnings about the hazards of cigarette smoking? If so, for heaven's sake, why?

I am taking the liberty of sending copies of this letter to Senators NEUBERGER and HUMPHREY. I trust that you do not object to my doing this and I would appreciate it if you would kindly send copies of your reply to these distinguished Senators, who are greatly concerned with matters of public health.

Sincerely yours,
LAWRENCE H. GAHAGAN, M.D.

APRIL 1964, CANCER CONTROL MONTH

Mrs. NEUBERGER. Mr. President, April 1964, has been designated by President Lyndon B. Johnson as Cancer Control Month.

Great strides have been made in the fight to conquer cancer, but much remains to be done. The American Cancer Society, along with other private, nonprofit organizations, has been in the forefront of this fight. The National Cancer Institute, located at the National Institutes of Health at Bethesda, Md., has waged a vigorous war against this scourage of mankind.

Mr. President, I ask unanimous consent to include in the body of the RECORD, the Presidential proclamation issued on March 26, 1964, designating April 1964, as Cancer Control Month.

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

CANCER CONTROL MONTH, 1964

(A proclamation by the President of the United States of America)

Whereas the scourge of cancer will be felt this year by more than half a million Americans; and

Whereas continued research can lead to further increases in the number of cancer patients saved from death by this dread disease; and

Whereas the gap between actual and potential gains in the cure of cancer patients can be narrowed by educating the public to cooperate with the medical profession in seeking earlier diagnosis and treatment; and

Whereas further efforts to control this disease result not only in protecting the Nation's health but also in encouraging the scientists, medical practitioners, and official and voluntary health agencies already engaged in such efforts; and

Whereas the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting apart the month of April as Cancer Control Month: Now, therefore,

I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim the month of April 1964 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 25th day of March in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

By the President:

LYNDON B. JOHNSON,
DEAN RUSK,
Secretary of State.

PERSONAL STATEMENT BY SENATOR MORSE

Mr. CANNON obtained the floor.

Mr. CANNON. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Oregon [Mr. MORSE], without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the rule of germaneness will be waived.

Mr. MORSE. Mr. President, I have asked the Senator to yield to me as a matter of personal privilege. Some of this morning's newspapers, the Washington Post being one, contain a column by Evans and Novak entitled "Morse's War."

I ask unanimous consent that the article be inserted in the RECORD.

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

[From the Washington Post, Apr. 16, 1964]

MORSE'S WAR

(By Rowland Evans and Robert Novak)

President Johnson is taking unusual steps to end the irresponsible attack on U.S. policy in South Vietnam by a fellow Democrat.

What worries Mr. Johnson today has nothing to do with Republicans or with the fact that his Ambassador in Saigon, Henry Cabot Lodge, now leads in the public opinion polls for the Republican presidential nomination.

What is getting under his skin is the carping criticism of Senator WAYNE MORSE, of Oregon, who is systematically undercutting the administration's resolve to control the Communist threat in South Vietnam.

Two weeks ago, Mr. Johnson staged an unofficial meeting of the National Security Council. The honor guest—and only guest—at this extraordinary meeting was WAYNE MORSE.

The President's purpose: To expose the acerbic Oregon Democrat to all the facts in the administration's possession that might convince him that the decision to stay in Vietnam is vital to U.S. interests.

The President's hope: That this top-secret briefing would end MORSE's speeches, in and outside the Senate, that "we cannot justify this killing of American boys in Vietnam."

Presidents have often held confidential White House briefings to explain and defend controversial policies to congressional grandees. The meeting of the Security Council 2 weeks ago, however, is the first in memory to which only a single Senator was invited. Even more unusal, MORSE is not even chairman or ranking member of any of the Senate committees most concerned with foreign or military affairs.

But MORSE doesn't handle easily. He was unimpressed by the testimony he heard from the members of the National Security Council. Even President Johnson's own renowned powers of persuasion were wasted on the Senator. Finally, realizing that MORSE was not going to come around, the President, with a touch of wry humor, asked him to go back to the Senate and "make me a good speech" on Panama, a subject on which he and MORSE see eye to eye.

But what happened? Only last Saturday, in another speech to the Senate, MORSE returned to the attack on South Vietnam.

MORSE's criticism has gone beyond the political and military situation in Saigon. He has bluntly advised the President that the political pitfalls of Vietnam for the Democratic presidential ticket this November, not to mention the party as a whole, are multiplying. American casualties could sharply and unpredictably mount at any time between now and the election, he says. A coup d'etat overthrowing the Khanh government could be disastrous. The interference of other countries, as he told the Senate last month, could mean "serious trouble," and U.S. initiatives are limited.

All these risks have been coldly and realistically appraised by the administration. Added together, they do not raise a molehill compared to the mountain of risk that U.S. withdrawal from South Vietnam would raise throughout all of southeast Asia. And yet that is precisely what MORSE advocates.

As Johnson policymakers see it today, there is only one possible event in South Vietnam that might so damage the U.S. position as to hurt the Democrats in the November election. This is the possibility of another coup d'etat.

General Khanh has shifted his corps commanders and strengthened his personal security forces to minimize this dangerous possibility. As for military losses to the Vietcong, policymakers here see no sign of any dramatic change one way or the other in the next few months.

MORSE's criticism is likely not only to continue but to encourage the very political reaction that he warns the President against. Because it is an unfortunate fact that, no matter how well grounded U.S. policy in Vietnam is, some Americans find it hard to understand the necessity of military involvement there while there is none in Cuba. And this is precisely the loaded argument that MORSE is dangling in front of the voters in his own private war against President Johnson.

Mr. MORSE. Mr. President, I have never read a column written by these two irresponsible journalists on a subject matter about which I knew the facts that I ever found to be accurate.

These two alleged journalists have outdone themselves in irresponsibility and inaccuracy this morning.

In their column, they state in part:

Two weeks ago, Mr. Johnson staged an unofficial meeting of the National Security Council. The honor guest—and only guest—at this extraordinary meeting was WAYNE MORSE.

The President's purpose: To expose the acerbic Oregon Democrat to all the facts in the administration's possession that might convince him that the decision to stay in Vietnam is vital to U.S. interests.

Clairvoyance, I would call it, when they purport to say what the President's purpose was; but they were certainly wrong in their facts, besides that.

To continue:

The President's hope: That this top-secret briefing would end MORSE's speeches, in and outside the Senate, that "we cannot justify this killing of American boys in Vietnam."

Later in their false column, they write:

The meeting of the Security Council 2 weeks ago, however, is the first in memory to which only a single Senator was invited. Even more unusual, MORSE is not even chairman or ranking member of any of the Senate committees most concerned with foreign or military affairs.

Mr. President, there were at least seven or eight or more other Senators at this meeting which these irresponsible writers comment on. It is my recollection that among the other Senators present were Senators RUSSELL, SALTONSTALL, HUMPHREY, MANSFIELD, DIRKSEN, HICKENLOOPER, AIKEN, FULBRIGHT, HAYDEN, and maybe more. There were also two or more Representatives from the House at the meeting.

I know why I was invited. I happen to be the chairman of the Senate Subcommittee on Latin American Affairs. The President wanted me to hear the briefings which included a briefing on Latin American problems involving Brazil and Panama. He wanted—so he said—any advice I cared to give him in regard to the subject matters which were briefed. I complied with his request including my views on South Vietnam.

I cite this again, only because I am accustomed to this kind of irresponsible journalism which sits above the clock in the Senate most of the time. I expect more of it, because after all it is due to a lack of knowledge on the part of many of the gentlemen up there, and their inadequate training and their biased journalism.

It is too bad that Senators have to suffer from this kind of journalistic irresponsibility, but I intend always to keep the record straight whenever this kind of false article is written about me.

ISRAEL'S INDEPENDENCE

Mr. CANNON. Mr. President, I yield to the junior Senator from New York [Mr. KEATING] with the understanding that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. KEATING. Mr. President, we are honored today by the presence of Rabbi William Berkowitz of B'nai Jeshurun, whose words this morning have been an inspiration to us. Spiritual leader of one of the largest congregations in New York, Rabbi Berkowitz is a powerful influence for good in the affairs of our great city.

Mr. President, today is the occasion for a celebration of great joy and thanksgiving. Today is the 16th anniversary of the independence of State of Israel—the 16th anniversary of the triumph of freedom and justice over persecution and tyranny—the 16th anniversary of the achievement of generations and centuries of community struggle—it is a birthday that all Americans are happy to celebrate.

Israel has developed from a small and insecure nation in a sea of enemies to a prosperous and dignified state. The determination, the skills, the dedication of the citizens of this nation have been tremendous. And this new nation—which represents one of the oldest dreams of recorded history—can celebrate with pride another year of economic, political, and social growth; another year of self-help and hope for others.

The ties between the United States and Israel are close. From the day of Israel's conception, the people of the United States have been sympathetic to the century-old dream of an independent Jewish nation.

Throughout its early ordeals, Americans looked with pride and satisfaction at Israel's staunch determination to survive. Today, we are happy to note that Israel's role and influence are expanding over the continent of Africa, making new friends, contributing toward new economic development.

I believe we should make clear, through public comments as well as in private talks, that the United States will continue its ties and friendship with Israel, and that the United States will oppose efforts by any nation in the Middle East forcibly to overcome Israel. Also, I believe we should make clear that the United States will not yield to the persuasive blackmail which suggests that if U.S. dollars are not endlessly forthcoming, then other nations will turn to the Soviet Union for money. We should make as clear as we can that the United States will not back efforts to prevent a fair and equitable distribution of waters, which are the only lifeblood of Mideastern lands. That also needs to be emphasized today.

The purpose of U.S. friendship and assistance in the Middle East is not to support aggressive military ventures, but to promote the very type of economic self-help which has been a vital element in Israel's progress. When U.S. funds are not used for such purposes, when they are used to step up subversion or actual fighting against other states, or when they are used to threaten others, foreign aid will be repudiated by the people of the United States. This much should be clear to all who deal with our country or who try to use American generosity in the Mideast to defeat American objectives there.

Mr. President, we must reiterate today on this 16th anniversary of Israel's independence, our country's support for the free and independent nation of Israel.

Israel's independence is a victory of freedom. It must not be subjected to the risk of becoming a defeat for freedom.

To achieve stability in Israel—to assure its future—to create the climate of its survival and growth—these are not goals that are exclusively in the self-interest of Israel. They are vital objectives that move a whole area of the world toward a higher destiny, a richer, better life for its people. For Israel is a laboratory of progress, an island of dynamic achievement—a potential source of social, intellectual, and economic vigor for the entire Middle East.

Only as its own strength increases—only as it is free to develop without the calculated program of interference and obstructionism represented by those who would destroy it—only as this growth and vitality take place—can Israel make the immense contributions to human advancement that lie within its power. It is my hope—it is my conviction—that Israel will triumph in its brave building of a better world—for that triumph will stand as a victory not only for Israel, but for all free men, whatever their race, their creed, or their color.

Mr. President, I am grateful to the Senator from Nevada for yielding to me.

DEATH OF REPRESENTATIVE THOMAS J. O'BRIEN

Mr. CANNON. Mr. President, I yield to the Senator from Illinois [Mr. DIRKSEN], with the understanding that in doing so I shall not lose the floor.

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

Mr. DIRKSEN. Mr. President, there are and there have been quiet people in the public service who have made an indelible imprint on our national life. They make few if any speeches. They make no headlines. They rate no brass bands. And yet they stoutly man the oars which take the national ship of state through quiet or turbulent waters.

More often than not, they are humble and self-effacing, but all men know always where they stand.

They make no pretense to influence and yet they wield it. They make no loud boasts of their achievements and

yet they are steady producers. They do not parade their power, and yet in their humble and quiet demeanor, anyone can perceive that it is there.

They are tolerant of their colleagues yet never indulge in condescension. They are intensely loyal to their friends and show it by quiet deeds and not by loud and self-serving words.

Devotion to country, to family, and to friends is the very hallmark of their daily conduct.

Such a person, in my judgment, was Congressman Thomas O'Brien of Illinois, dean of the Illinois delegation in the House of Representatives, who at age 85, this week surrendered to the arms of eternal sleep.

He was a kindly, patient person, a shrewd judge of human nature with an uncanny capacity to distinguish between that which was genuine and that which was spurious in human values.

I salute the memory of Thomas O'Brien, who, while intensely devoted to his party, always found time to give aid and counsel to a friend regardless of his political affiliation.

During our association in the House of Representatives, and in all the years that I served in the Senate, he was truly a friend and I mourn his departure from these earthly precincts in which we often visited. In all the days of his life, he enshrined himself in the hearts of many.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, Thursday, it take a recess until 10 a.m. tomorrow, Friday.

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

CIVIL RIGHTS RESOLUTION ADOPTED BY CENTRAL LABOR COUNCIL OF NEW YORK CITY

Mr. JAVITS. Mr. President, the Central Labor Council of New York City held a meeting on April 8, 1964, at the Manhattan Center in New York City. I was to be a speaker at that meeting, but unfortunately the business of the Senate prevented my being there. At that meeting, attended by 3,000 delegates, a resolution was adopted, which I ask unanimous consent to have printed in the RECORD at this point in my remarks.

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

THE CIVIL RIGHTS BILL RESOLUTION, NEW YORK CITY CENTRAL LABOR COUNCIL, AFL–CIO, MANHATTAN CENTER

"The AFL–CIO is for civil rights—without reservation and without delay." This statement by AFL–CIO President George Meany sums up the position of millions of trade unionists. The AFL–CIO has wholeheartedly endorsed the civil rights bill and if organized labor has any criticism, it is that the bill does not go far enough.

Congress and the American people cannot stand idly by and watch the daily denial of rights to Negroes and other minorities: the denial of the right to enjoy service in hotels, restaurants, and theaters; to register and to vote; to education and training; to employment and promotion. It is to right these wrongs that the civil rights bill has been proposed.

Today, we are stirred by a civil rights revolution in which those who have been discriminated against, are demanding freedom and equality. We believe that the labor movement and the civil rights movement have a common goal and a common interest. Neither can be successful without the support of the other.

However, an unholy alliance exists between rightwing, antilabor groups and the racists and segregationists. Scratch a laborbaiter and you will find a racehater. The presidential primary in Wisconsin only confirmed what we have long known. To defeat civil rights or any progressive legislation, the bigots and the Birchites of either political party will join forces and hate peddlers will find a willing audience in the North and the South.

The Senate debate on the civil rights bill begins its second month. We remind the Senators of President Johnson's state of the Union message. "Let this session of Congress be known as the session which did more for civil rights than the last 100 sessions combined. Today, Americans of all races stand side by side in Berlin and Vietnam. They died side by side in Korea. Surely they can work and eat and travel side by side in their own country."

How can the United States claim to lead the free world when, in a southern county with 1,900 white persons over the age of 21, there were 2,250 registered voters and none of the 5,122 Negroes of voting age were registered? How can the United States boast of free speech when civil rights leaders are murdered?

The time for legislation outlawing discrimination in voting, in public accommodations, in employment, in education, and in federally assisted programs is long overdue: Therefore be it

Resolved, That the NYC AFL–CIO call for immediate Senate passage of the civil rights bill without weakening amendments.

We urge all trade unionists to write and visit their Senators calling for their strong support of the bill, and we further urge our members to initiate neighborhood rallies for passage of the civil rights bill.

We call upon all our affiliates to press for passage of the bill and to initiate with their employers labor-management committees to demonstrate widespread support for this needed legislation, including support of the fair employment practices section.

We recognize that passage of the civil rights bill does not mean total victory in the struggle against discrimination. But if the bill is effectively enforced, many abuses will be reduced. We pledge therefore to be vigilant in order to insure enforcement.

Finally, we recognize that this effort is part of the battle against poverty and for full employment and we pledge our complete support to President Johnson in that struggle.

ISRAEL'S 16 YEARS OF INDEPENDENCE

Mr. CANNON. Mr. President, I ask unanimous consent that I may yield to the senior Senator from New York, without losing my right to the floor.

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

Mr. JAVITS. Mr. President, Israel is celebrating the beginning of its 17th year as an independent reborn nation on April 16 amidst mixed signs of impressive achievement and yet threatening dangers to its very existence.

When Israel was created, she became the 59th member of the United Nations. Since then, the U.N. membership has almost doubled—it now stands at 103 countries—and Israel, in addition to her own problems, has shared to the fullest extent the responsibilities arising from the problems of independence that these new nations faced.

Unlike the new nations who have been generously endowed by nature with natural resources, Israel had to face the task of building a nation in a narrow strip of territory almost totally devoid of any natural resources and surrounded by enemies. Moreover, the human resources from which this nation was built consisted of people who came from 70 different nations, with different languages, different social environments, and different climates.

The task of unifying and assimilating its people, over 1 million of whom were admitted to Israel since 1948, was carried on successfully in the face of crushing burdens for defense and without weakening Israel's free and democratic institutions. The State of Israel is confronted by an extraordinary international situation created by bitterly hostile neighboring governments led by the United Arab Republic, which openly proclaim their determination to wipe out the small state and its population.

It is incredible that strong reaction did not take place when such threats were made by member states of the U.N. to annihilate another U.N. member state. Egypt's ability to mount an offensive in Yemen, 1,000 miles away, proves that this is no idle threat that can be put down as mere words for internal consumption.

To defend herself against these threats, Israel is forced to spend vast sums for the purchase of arms in order to maintain at least a qualitative balance with the massive and sophisticated arms of all kinds that the Soviet-bloc countries are pouring into the United Arab Republic. She receives no grant aid for arms from the United States—as some Arab States do—and must buy her vital armaments out of her own resources.

Despite these special problems, Israel has steadfastly lived up to the great humanitarian commitment made when the State was created, namely, to admit and resettle all Jews who wanted to return to their homeland. Hundreds of thousands of Jews in the displaced persons camps in 1949 came to Israel; many hundreds of thousands came from countries where they had to flee for their lives, leaving behind everything they owned except the clothes on their backs.

One might well ask what the international community would have done with this problem of vast numbers of penniless, homeless men, women, and children if there had not been a State of Israel to give them homes and an opportunity to rebuild their lives.

Israel has developed an economy close to viability—if it did not have to contend with a boiling arms race in its area—which is based on a growing industry, diversified agriculture, and increasing international trade. The pipeline to carry Israel's share of Jordan

waters to the Negev opens up new avenues for future growth and development because it will make large areas of desert land available for farms and towns. Not content with this role, Israel is also enormously helping the free world by sending missions and giving technical help to many new African and Asian countries which can profit so much from Israel's experience.

Israel is a force for peace, progress, and freedom in the Middle East, and the free world has every reason to regard as good fortune the day 16 years ago when Israel proclaimed her independence. But while we hail Israel's spectacular achievements, let us not relax our vigilance and care for its security and progress. The maintenance of close and friendly relations between the United States and Israel and the assurance of our support are essential to Israel's security so that she can fulfill her great humanitarian mission.

Mr. SCOTT. Mr. President, in the year 1948 I had the honor to present, on behalf of a group interested in the new State of Israel, a statement to the Governor of the State of New York, Hon. Thomas E. Dewey, asking that he lend his influence to the movement for recognition of the State of Israel by the Government of the United States.

At that point recognition had not as yet been extended to the new state; nor had it been indicated at that time that such recognition would be extended.

Governor Dewey, in a strong and forthright statement, announced his complete support of recognition of the State of Israel.

This statement advanced the cause of the young democracy, which, in fact, is the only democracy in the Middle East. I am sure that fact has long been remembered by the friends of Israel.

At this time, on the 16th anniversary of its independence, I salute that little state for its magnificent performance, for its courage in the face of hostility, for its resolution, and its strong resistance to all threats by would-be aggressors or oppressors.

I am happy to say that on Monday, a very distinguished rabbi, Rabbi Richman, of Scranton, Pa., has been invited to give the opening prayer in the Senate, as a further tribute to the recognition of Israel.

PRESIDENTIAL INABILITY AND VACANCIES IN THE VICE-PRESIDENCY

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary recently concluded extensive hearings on the problems of presidential inability and vacancies in the Vice-Presidency.

The subcommittee, of which I am chairman, currently is in the process of considering the wealth of expert testimony offered by a number of our distinguished colleagues, by leaders of the legal profession, by well-known political scientists, and by such men personally involved in instances of presidential inability as former Vice President Nixon and former Attorneys General Brownell and Biddle.

During the hearings and the current study period the subcommittee has been grateful for the continuing national dialog on these subjects conducted by professional organizations, such as the American Bar Association, and by a variety of periodicals, newspapers, and radio and television stations. Only through a broad understanding of these delicate problems which might affect the stability of our Nation can the people assist Congress in reaching a reasonable solution that could appropriately be made a part of our Constitution.

To illustrate the wide interest in this subject, I wish to call attention to a project developed by the public affairs department of RKO General Broadcasting, a group of 12 television and radio stations. They are WOR–TV and radio, New York; KHJ–TV and radio in Los Angeles; WNAC–TV and radio in Boston; CBIW–TV and radio in Detroit-Windsor; KFRC radio in San Francisco; WGMS radio in Washington, D.C.; and WHBQ–TV and radio in Memphis.

This group of radio and television stations is currently broadcasting a series of suggested solutions to these problems by a number of authorities, including eight members of the U.S. Senate. I was privileged to be among those invited to participate. The series is entitled, "In Search of a Solution: Presidential Succession and Disability," and the statements are being broadcast on all 12 stations in the group to bring the problem and possible solutions to as many people as possible across the United States.

I wish to commend RKO General Broadcasting, its president, Hathaway Watson and its director of public affairs, Martin Weldon, for this fine public service project and, if there is no objection, to make this series of brief statements a part of the RECORD in order to encourage the widest possible dissemination of the serious thought that is being given to this subject.

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

IN SEARCH OF A SOLUTION: PRESIDENTIAL SUCCESSION AND DISABILITY

RICHARD M. NIXON

The Constitution of the United States is one of the most remarkable documents ever conceived by man. And yet, like all instruments, it was not perfect. In two respects, involving the Vice-Presidency of the United States, there has been a defect, and I believe that now is the time to correct those defects.

The first deals with the problem of presidential succession, which has been brought very dramatically home to the people of the United States by the assassination of President Kennedy.

Today, the United States does not have a Vice President. The Speaker of the House, Mr. MCCORMACK, would become President in the event that President Johnson were to die. This is no reflection on the qualifications of the Speaker of the House, be it Mr. MCCORMACK or any other Speaker, to be President of the United States. But I believe that it is essential, in view of what happened under President Eisenhower when I was Vice President, and under President Kennedy when he trained Vice President Johnson to take over in the event of his death, that the United States not be without a Vice President.

Putting it another way, I think the man best qualified to be President in the event something should happen to the President is a Vice President of the United States.

Therefore, I think the problem of presidential succession should be handled by a constitutional amendment, which would provide that the President of the United States would convene the electoral college. This is the group which elects the President, selected of course by the voters in the last presidential election. And therefore, this group would always elect as Vice President a man who was of the same party as the President of the United States. It would also, of course, have in mind and probably follow the recommendation of the President of the United States.

This kind of man, selected as Vice President of the United States within 30 days after the death of a President, I think would best be qualified to take over as President in the event that the man who would become President because of the death of the previous President were to die.

Now the second point in which the Constitution was deficient is with regard to what we call the inability or disability of the man who happens to be President.

I think perhaps the most striking example of this was in the case of President Wilson. At the conclusion of World War I, when he had given remarkable leadership to the cause of freedom and to his country, President Wilson had a stroke. And in the last critical 18 months of his administration, when it was time to win the peace after winning the war, he could not carry out the duties of President of the United States. His family would not allow the Vice President to take over, or the Secretary of State. So the country went along without presidential leadership.

During President Eisenhower's administration we had the same problem when President Eisenhower had a heart attack and then a stroke. Fortunately, in his case, there was an understanding that I as Vice President would step in and carry on the necessary duties during that period.

At the present time, there is a letter which President Johnson has written following the procedure which President Eisenhower adopted with me—a letter to Mr. MCCORMACK, who is next in succession, indicating that he would step in in case the President suffered disability.

But a letter is not enough. What we need here is either a law passed by the Congress or a constitutional amendment providing for what will happen when a President is unable to handle the duties of the Office, and when and how the Vice President takes over the duties of the Office. We can't afford any period at this time of atomic weapons when no finger, in effect, is on the trigger.

So in both of these cases, presidential disability and presidential succession, I think the time is now for action. And that's why I've suggested that there be appointed a high-level commission—made up possibly of the three former Presidents of the United States who are living, and also of appointees by the Speaker of the House and the President pro tempore of the Senate—who will make recommendations, considering these that I have made and others, so that finally this one great defect in an otherwise remarkable document may be corrected.

JOHN W. M'CORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES

The present succession law has been upon the statute books since the latter part of the 1940's. It was recommended then by former President Harry S. Truman. That changed the line of succession from the Secretary of State after the Vice President to the Speaker of the National House of Representatives.

I voted for that bill, and I still favor such legislation.

I realize that there are honest differences of opinion, and I have no objections to those differences of opinion being expressed, and I would impose no difficulties toward any congressional action. But my own personal view is that I strongly support the present law as between the Speaker being next to the Vice President and the Secretary of State.

This is no reflection at all upon the Secretary of State or any Cabinet officer. But I feel that the Speaker more nearly represents the viewpoint of the people of the country than the Secretary of State, in that he's been elected by a congressional district and also selected by the colleagues of his party in the caucus and then elected by the House of Representatives. That gives the speakership, which is one of the constitutional offices, a national atmosphere and national influence.

On the question of disability legislation, I think it's a matter of paramount importance that some agency, some means, some instrument be devised as quickly as possible whereby there'll be a legal determination of disability and when ability is restored.

I take this position because the very legitimacy of Government could be involved unless some such legal agency, instrument, or means exists.

So, briefly, on the question of succession as between the Speaker being next in line to the Vice President or the Secretary of State, I favor the Speaker. And second on disability legislation, the means to determine that and the restoration of ability, I strongly favor legislation to establish some instrument or means whereby that can be done.

SENATOR LEVERETT SALTONSTALL, OF MASSACHUSETTS

We in the United States can be justly proud of our form of government, which can sustain itself even in the face of a tragic event such as the recent death of President Kennedy. However, we must be sure that the line of succession to the Presidency, as provided for by the Constitution and carried out by the Congress, is simple and unequivocal and insures that the necessary changeover will be both rapid and efficient. Above all, the continuity of the Government must be maintained.

The present law, enacted in 1947, calls for the Speaker of the House to take over the duties of the Presidency if something happens to both the President and the Vice President. However, it is conceivable that under this system the successor could belong to a different political party than the deceased President. Such a change in the highest levels of the Government would hardly be conducive to the smooth and uninterrupted conduct of the Nation's affairs.

I believe that article II, section 2 of the Constitution should be amended to provide that in the event of a vacancy in the office of Vice President, the President can nominate a successor. If the nominee were not confirmed by a majority of the Senate and House sitting in joint session, a second name could be offered.

A further question is that of presidential disability. On the three occasions when a President has been disabled, the steps taken were those that seemed the most expedient at the time. This situation should be clarified by constitutional amendment to avoid any confusion about when and to what extent the second in command should assume the duties of the President. Perhaps a committee, made up of the four senior members of the Cabinet and eight Members of Congress, four from each body, to determine the extent of the President's disability, would be the best method in which to resolve this problem.

Finally, any change in the law of succession should not take effect until after November 1964. We must have a clear and definite constitutional and legislative policy on this matter, carefully designed to meet every conceivable eventuality.

SENATOR JACOB K. JAVITS OF NEW YORK

The tragic assassination of President Kennedy, of beloved memory, has brought on a great national debate with respect to what the country does when it faces a situation like it faces now and there's no Vice President in office, the Vice President having succeeded to the Presidency because of the death of the President. This has happened four times in this century alone and it's a matter therefore of very great moment.

Now every time a thing like this happens there's a discussion exactly like the one that's going on, as to what we ought to do about it, and generally, as a little time goes by, it's forgotten about, as the matter is discussed. It is then just filed away and that's the end of that.

Now since 1947 we have had a succession statute which puts the Speaker of the House of Representatives and the President pro tempore of the Senate, in that order, after this President—if this President, having succeeded to office should have anything happen to him. We certainly hope and pray this won't happen. This is a very inadequate plan because it doesn't give us a Vice President, and we need one.

We need one for the National Security Council. We need one to preside over the Senate. Most importantly, we need one today as a right arm to the President all around the world, as our recent Vice Presidents, Vice President Nixon and Vice President Johnson have been.

Therefore, I have proposed that upon such an event happening, the Congress should meet in joint session and should immediately elect a Vice President, the new Vice President, and that that person should be subject to the consent of the incumbent in office, to wit President Johnson, as he will be his principal man.

I think this is the most democratic and responsible way to do it, and I believe that the one thing which we must all resolve to bring out of the present debate is that there shall not be a time in our history when we not only do not have a President—we've provided for that in our succession laws—but that we must have a Vice President too, and we must do that by constitutional amendment.

SENATOR THOMAS H. KUCHEL OF CALIFORNIA

In 1916 the United States was on the verge of war. We also had a presidential election that year. President Woodrow Wilson, to his great credit, wondered what would happen if he were defeated in November and Charles Evans Hughes, his Republican opponent, would not take office until the following March. Here was a hiatus of several months during which very difficult and tragic events might take place within moments; and a lame duck President should not asume the responsibility for his successor or for his people.

President Wilson decided that, if Mr. Hughes were to be elected, he would immediately appoint Mr. Hughes Secretary of State, that he, Mr. Wilson, and the Vice President would then both resign, making Mr. Hughes, as Secretary of State, President immediately.

The recent, monstrous tragedy in Dallas indicates again that the American people have a direct interest in the succession to the Presidency if (1) the President, or (2) the President and the Vice President, are either removed or are incapacitated.

Today, under the present succession statute, the Speaker of the House of Representatives would follow the Vice President, if the Vice President, becoming President, were then to be removed.

In my judgment, the old system is better, and I favor legislation under which, when the Vice President becomes President, the next successor—if anything happened to the new President—would be the Secretary of State.

SENATOR PAUL H. DOUGLAS OF ILLINOIS

There are two distinct problems in this matter. The first is presidential succession, and the second presidential disability.

Now the chief trouble on presidential succession is the question of who will become Vice President when the Vice President becomes President. The present provision is that the Speaker of the House shall have the first line of succession, and then the President of the Senate. I think this is in general correct, except, that if the Speaker of the House is of the opposite party of that of the President, then I think the successor should be chosen by the members of that party of the House and the Senate.

The problem of presidential disability is more serious than that of presidential succession, because a President can be disabled and he will not admit it. For instance, President Garfield was disabled for 2 months prior to his death from assassination in 1881, and President Wilson was disabled for 17 months from late September 1919 to March of 1921. President Eisenhower was disabled on at least two occasions.

I think the American Bar Association has probably made the best suggestion in this connection. Namely, that an advisory committee be set up—not for the emergency—but a standing advisory committee be created of representatives of the judiciary and the legislative, with competent doctors attached. And that they will make recommendations upon which House and Senate, meeting in joint session, will act.

In other words, that some control will be exercised.

SENATOR KENNETH B. KEATING OF NEW YORK

Recently the Constitutional Subcommittee on Amendments, of which I am a member, began hearings on various plans to solve the problems of presidential succession and presidential inability.

The tragic assassination of President Kennedy and the ever-present danger of crippling mental or physical injury to the President underlines the pressing need for legislation on these matters.

On succession, I've proposed an amendment calling for the election of two Vice Presidents at the regular 4-year presidential elections. Each party would nominate two vice presidential candidates as part of the national ticket: one running for Executive Vice President, who would be first in line of succession if the President died, and the other running for Legislative Vice President, who would be second in line. The Executive Vice President would handle a wide variety of special assignments, at the request of the President. He would, in fact, be a full-time presidential understudy. The Legislative Vice President would preside over the Senate, and also pitch in on executive assignments.

Now some have said this plan would downgrade the Vice-Presidency. I emphatically do not agree. Two Vice Presidents would strengthen the line of succession with officials elected by all the people, and would give the President two right arms to assist in carrying out the crushing burdens of his office.

On the subject of inability the real danger is that right now there is no established procedure to determine when a President has become unable to carry out his duties, or when a disabled President has recovered enough to resume his responsibilities. Too many times in our history, we've had to get along without decisive leadership from the Presidency due to serious illness.

I propose that Congress be given the power to set up the ground rules on presidential inability, and I'm hopeful that action will be taken this year. I think this is more

important at this time than succession. For at least there is already a law on the books to take care of it.

SENATOR JOHN J. SPARKMAN OF ALABAMA

The tragic death of President John Kennedy brings home to us, all too strongly, the need to fill what has been called "a gaping hole" in our system of selecting a successor to a deceased President. We cannot afford to procrastinate in this vital need any longer. The truth is that ever since this Nation was established we have been exceedingly lucky that our system of presidential succession has worked so well despite weaknesses in it that could be catastrophic. During that time we have seen eight Presidents die, seven Vice Presidents die, and one Vice President resign. The result is that for 40 years of this country's existence we have been governed under a system of succession that could be perilous.

To me, a basic flaw in the present system is that the line of succession could include persons not of the same political faith. This does not make for orderly Government or orderly succession.

I believe many people in the Nation desire a system whereby the people would have the final say as to who would be the successor. Perhaps the vacancy could be filled through a special popular election or within the framework of the electoral college which selected the deceased President in the last election. This means that the people would have a voice in choosing the President, which is what the Constitution intended.

Hand in hand with the problem caused by the death of a President is the infinitely more complex problem of presidential disability. This problem is so important and so great that I feel it must necessarily be resolved through a constitutional amendment simply because the Constitution does not say who is to judge when a President is incapable of performing his duties or capable of returning to the performance of his duties once he has been relieved of them.

It is my fervent hope that a better system to handle death and disability in the Presidency can be established in the near future. In this regard, the Senate Constitutional Amendments Subcommittee is now studying testimony taken at recent hearings—hearings established to try to improve our system of presidential succession and disability.

SENATOR THRUSTON B. MORTON OF KENTUCKY

I am glad that the Congress is giving some thought to the question of the Presidential succession and I hope the Congress will do something about it at this session. I am opposed to the present law. I think that it has certain weaknesses. Now I have nothing against the present Speaker of the House. I happen to be a great admirer of Mr. McCORMACK and a friend. But I don't think any Speaker of the House can stay close enough to the policymaking decisions that go on downtown. Running the House is a full-time job. Now the Presiding Officer of the Senate, the Vice President, that's different. He doesn't run the Senate. But the Speaker of the House is really Mr. Capitol Hill and he can't maintain a suite of offices downtown and spend half or three-quarters of his time with the executive branch.

Also, I am not impressed with the former law under which the Secretary of State would succeed in the event that the President and the Vice President both died in office. For, indeed, a Secretary of State should be selected for his ability to manage and advise the President on foreign affairs, not necessarily to be a man of all-around knowledge on such items as labor-management relations, agriculture, welfare, and so forth.

I have a plan and I don't think that it requires a constitutional amendment. We are working on drafting the legislation now. When a situation develops where a Vice President succeeds to the Presidency, he, within the next 60 days, will nominate his successor and that successor must be approved by a majority of the Congress meeting in joint session. The House is closer to the people than the Senate and under my plan a House Member would have a vote as well as a Senate Member. Equal votes, one for each. I put in this safeguard so that the people do have a veto power. But I think that it is far and away the best plan. And today, actually, when a man is nominated by either party for President he has the major voice in selecting his running mate. So it just carries the convention tradition forward.

SENATOR BIRCH BAYH OF INDIANA

The death of President Kennedy once again focused attention on two critical problems facing this country. First, for the 17th time in our history we are faced with a vacancy in the office of Vice President. Today we have no Vice President to assist the President in carrying on his tremendous burdens. Second, we have no formula which permits the Vice President to serve as acting President in the event the President, because of disability, is unable to do so. The problem must be solved.

The best way to fill the office of Vice President, in case there is a vacancy, is to permit the President to nominate the new Vice President, and the Congress sitting together to elect him. This is close to the present system, in which we find the President of the United States having a definite voice in deciding who the vice presidential candidate will be. Each Congressman can represent the wishes of his constituents when he votes for the new Vice President.

In event the President, because of sickness or other disability, is unable to perform his duties, the Vice President may assume the duties as acting President. First, the President may state his disability, and second, if he is unable to do so, the Vice President with the consent of a majority of the Cabinet may nonetheless assume the duties as acting President for the remainder of the term of disability.

The important fact is that we must at all times have a healthy President and Vice President during this perilous time.

GOVERNOR EDMUND G. (PAT) BROWN, OF CALIFORNIA

It has been suggested to me that the law of succession be changed so that the Governor of the largest State in the Union automatically becomes the Vice President of the United States provided that he is of the same political party as the party in power, of the President that dies. However, even though that would apply to California, I don't think it would be the best idea, although a Governor's job is very similar to the President's.

I personally believe that the law of succession should be changed so that the Secretary of State became the President in the event of the death of the President, the accession of the Vice President and then his inability to serve or his death.

The Secretary of State, of course, has been with foreign affairs, and when the President selects this man to literally do business with the world, it seems that he would be the man that the President would most likely want to succeed him.

In view of the critical nature of international affairs today, I really believe that the Secretary of State would be the person to succeed to the Presidency.

ARTHUR KROCK, NEW YORK TIMES

For the period since the Federal Union was established, 174 years, this country has been left exposed to the danger that at any moment its Government could be paralyzed. In this age of nuclear weapons, the danger could be mortal within the space of 15 minutes.

Paralysis of government would set in if a President became unable to discharge the powers and duties of his office, and either refused to declare his inability, or was physically and mentally incompetent to do so.

It also would happen if, after having declared his inability, he announced his recovery while still incompetent to resume the exercise of the powers and duties of the Presidency.

These enormous perils to the national security are created because the Constitution provides no process by which they can be averted. It does not define what is a state of presidential disability. It does not specify how and by whom a declaration of presidential disability is to be initiated or declared, and it doesn't specify how and by whom it shall be decided when the period of presidential disability has ended.

These omissions make it entirely possible for a President who has become incompetent—physically, mentally or both—to retain his powers and duties until a successor is elected. And conceivably the period could last from the time he takes the oath until his 4-year term has ended. The only remedy the Constitution provides is the impeachment of the President on charges submitted by the House and the Senate and sustained by two-thirds of the Senate.

I favor a constitutional amendment which will authorize Congress to establish a Presidential Inability Commission, consisting of certain Cabinet members and the congressional leaders of both major parties. Two members not of the incumbent President's party could summon a meeting of the Commission which, with the benefit of five members of the medical staffs of private hospitals to be appointed by the Surgeon-General, would decide by majority vote whether a President was disabled who had refused or was incompetent to declare it; also, whether if he declared his disability had ended, it had in fact. In the meanwhile, which would continue until the next election, the Vice President would assume and exercise the powers and duties of the President.

This introduces the second topic, presidential succession. Suppose, in the circumstances I have just described, there was no Vice President, as is now the case and has been seven times before. The provision under the present law is that first the Speaker should take over the White House, and in the event of his death, disability, resignation or removal, the succession would fall on the Senate President pro tempore. This substitutes for an earlier statute which began the line with the Cabinet, starting with the Secretary of State.

There are flaws in both methods. For example the Speaker could be a member of the oppositon party; and a Secretary of State nearly always lacks the direct experience in politics a successful President absolutely requires.

I have no perfected formula, but I prefer the one proposed by Herman Phleger, the former legal adviser to the Secretary of State. This provides that Congress shall meet in joint session immediately after a vacancy occurs in the office of Vice President, and fill it from a list of nominees, one definitely made by the President, with each Representative and Senator entitled to one vote and Congress required to remain in joint session until it has made its choice. Thank you.

JAMES MAC GREGOR BURNS, POLITICAL SCIENTIST AND BIOGRAPHER

I see two problems in regard to the Presidency. One is the problem of succession and the other is the problem of inability.

Now the problem of succession is relatively simple. We need to go back to a very good system we had until a few years ago, where, if the President is killed or dies, and then if a Vice President should have the same thing happen, then the next in suc-

cession is the Secretary of State and then the Secretary of the Treasury.

This way you're sure of getting into the office a man who had the confidence of the President, because he had appointed him to the State Department. And you're bound to get a man of some eminence, or he wouldn't be Secretary of State. It's much better than the present system of having the Speaker come in after the Vice President, because the Speaker, for example, might be very old, or he might be a man who is in the opposition party.

The other problem is more difficult, and this is the problem of Presidential inability, or incapacity. What do you do when there is some question as to whether the President is able to do his job?

My suggestion on this score is rather simple. You don't need another Vice President, you don't need to get very complicated about this. All you need to do is have an impartial group of people, hopefully under the chairmanship of the Chief Justice, with perhaps the Secretary of State on it to represent the ill President, who will appoint a committee of physicians—an impartial committee—to make a judgment about the President's condition. And then, if necessary, to call the Vice President into the office to make a decision in terms of how the President is medically, and then, whether the President is able to do the job—which they will know because they are eminent men in Government.

MAX LERNER, SYNDICATED COLUMNIST, NEW YORK POST; AUTHOR; PROFESSOR, BRANDEIS UNIVERSITY

I'm a little depressed by the impasse that we've gotten into over this whole problem. There's a school of thought that wants the present system, a kind of apostolic succession of men who have been elected either by the people or by Congress—that is, the Speaker of the House and the President pro tempore of the Senate—succeeding the Vice President. And then there are others who want the earlier system of the Secretary of State and the other Cabinet people.

Now as far as I'm concerned, I'd like to cut across that whole problem and get a kind of new deal: If the President dies, the Vice President succeeds him; within 30 days after the President's death have a special election for a new Vice President—which means that the people will be able to act directly.

So far as the certifying of presidential disability goes, I think the same thing ought to apply. The certifying agency ought to be a group of men who would be at least sympathetic to the incumbent President. And I should imagine it would be a standing committee of his Cabinet—men who know him, men who have been working with him. Once he has been certified for disability, the same procedures would apply for picking a new Vice President to replace the Vice President who has succeeded him.

In this way you avoid getting the Speaker of the House and the President pro tempore of the Senate, who after all have a certain provincialism of viewpoint that all Congressmen and Senators may possibly have. And it also means getting away from picking people who have not been directly elected by the people of the United States themselves.

In the kind of age that we're living in, of overkill weapons, you want the people to vote for a Vice President who may eventually become President and have to command the problems of the country. This is a way of giving the power back again to the people where it belongs.

REUBEN MAURY, CHIEF EDITORIAL WRITER, NEW YORK DAILY NEWS

Our presidential succession law provides for succession—but rather messily. As last amended in 1947, this law provides that the man in line for the White House after the Vice President shall be the Speaker of the House of Representatives. Then comes the President pro tempore of the Senate, and then a long line of Cabinet officers.

Congress has a tendency to change this law whenever Congress doesn't want the next man in line for the Presidency to get it.

What to do about all this confusion?

Unlike some people in the newspaper business, I do not know everything about everything. Especially do I not know all the answers to these varied and complex questions of presidential succession and presidential disability.

I do know, though, that former Vice President Richard M. Nixon is profoundly informed on such matters, and that he has made a specific suggestion about them.

Mr. Nixon says President Johnson should appoint a nine-member commission to consider the whole subject.

Three members of this commission would be ex-Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower. The other six would be selected from Congress—three from each party.

They would, after due deliberation, give Congress their advice as to how to dispose of these questions once and for all. We could safely expect that advice to be impartial, specific, constructive, and strictly nonpolitical.

The Nixon proposal, of all those now in circulation, is the one which strikes me as the best and most sensible.

But the main thing is to get started on solving the weighty and dangerous problems raised once more by the murder of President Kennedy. That can be done only with a husky push from President Johnson, or Congress, or both.

WILLIAM V. SHANNON, WASHINGTON CORRESPONDENT, NEW YORK POST

When the Vice-Presidency is vacant, as it is now, I think that we need a constitutional amendment to provide for a proper succession. The President, under such an amendment, would submit to the Senate a man to serve as Vice President, and as President if anything should happen to him. And the Senate would confirm him, just as it now confirms members of the Supreme Court and the Cabinet.

I think this simple plan has advantages over the other three alternatives that I have heard proposed by various commentators. I don't think we ought to have two Vice Presidents because the job is a fairly awkward one as it is, and we have some trouble inventing work for one Vice President to do. What we would do with two I do not know.

As far as having a Speaker of the House succeed, as is the present situation, the Speaker could be of the opposite political party, which would cause a real upheaval in the Government.

And a third possibility is to go back to the system we had before 1947 where the Secretary of State succeeds when the Vice-Presidency is vacant. That is an unfortunate system, I think, because often a man is well qualified to be Secretary of State, but would not make a popular or well-regarded President. For example, Dean Acheson and John Foster Dulles were both strong Secretaries, but I don't think they would have had popular backing as Presidents. Therefore, I think simple appointment by a President is the best solution.

RUTH MONTGOMERY, SYNDICATED COLUMNIST, HEARST HEADLINE SERVICE AND KING FEATURES

In my opinion, it is vital that the man next in line should be of the same political party as the President. This is not necessarily true in the present succession law.

I should like to suggest that within 2 weeks after a vacancy occurs in the office of Vice President, the President would submit to the House of Representatives the names of five qualified members of his party, whom he considers of Presidential stature.

The House would be permitted up to a week to consider the nominations, before calling for a vote. Balloting would then continue, just as at a political convention, until one nominee had a majority.

The membership of the House more nearly represents the popular vote of America than any other body. I would permit each Member one vote, rather than providing for a bloc vote by States as in the electoral college, in order to gain the widest popular support at such a crucial time.

The balloting should be secret to avoid political recriminations, or to prevent a rubberstamp vote for the Speaker of the House, if he happened to be one of the nominees.

This same procedure could be used in the event of presidential incapacitation. Should the President recover and resume his duties, the newly elected Vice President could step back to a position equivalent to "second Vice President" for the remainder of the term.

Continuity of Government is vital. This method, I believe, would insure the availability of a top caliber man—or woman—who could be learning the awesome tasks of the Presidency.

ERWIN D. CANHAM, EDITOR, CHRISTIAN SCIENCE MONITOR

It's pretty generally agreed that our present laws regarding who shall succeed a Vice President who has himself succeeded to the Presidency, are inadequate.

As far as I'm concerned, I think it would be better to go back to the old law which we lived with for a great many years; namely, the succession goes down the line of the Cabinet. And when the Senate confirms the members of the Cabinet, it could keep in mind their suitability to be a Vice President.

On the other hand, another idea would be for the President who has succeeded to nominate his own successor and have him confirmed by the whole Congress.

As to the question of disability of a President in office, the agreement between the President and his successor, which has prevailed in the last three Presidencies, also is not adequate. It's only a stopgap.

One idea there would be to make sure by law that the duties but not the Office go to the substitute President when a President is disabled. To have the President himself indicate when he's disabled, and have his indication confirmed by a majority of the Cabinet. Then when he becomes able again, also to have him indicate his ability, and again have it confirmed by a majority of the Cabinet.

If we don't clean up our laws on the succession and on disability, we might have a very serious national and international crisis one of these days.

PROF. DAVID M. AMACKER, DEPARTMENT OF POLITICAL SCIENCE, SOUTWESTERN COLLEGE, MEMPHIS

It is vital to national security, to peace and to the safety of the free world that the presidential office never be weakened, never be in doubt, never be vacant. Transitions must be smooth, certain, instant.

For example, to throw the election into Congress, where the House might fail to elect the President and the Senate fail to elect the Vice President, is a frightening responsibility. Congress has power to fix the succession after the Vice President, and in 1947 placed the Speaker of the House and the Senate President pro tempore, then the Cabinet in line. This guarantees first, men of long, unmatched legislative experience in National Government with the wisdom of that experience, followed by younger administrators, often new to politics and rather of the specialist type, but close to day-by-day executive problems.

I see no reason to change the system now. What is vital is that both Speaker McCORMACK and Senator HAYDEN should be constantly and fully briefed on executive problems. Both should attend the National Security Council and both should sit in on important Cabinet meetings. Thus the entire present succession would be kept informed and prepared for the presidential office.

But the line of succession needs to go further, for an atomic strike or other catastrophe could obliterate them all. Congress can extend the succession to other officers of the United States, and should do so at once.

As to presidential inability to discharge the powers and duties of the office, the Constitution is vague. There are no standards of inability, and no agency to set the President aside and promote the Vice President. An agreement was made between President Eisenhower and Mr. Nixon, and President Kennedy and Mr. Johnson, and now between President Johnson and Speaker McCormack, which is roughly satisfactory when good will exists. But if there is a clash or lack of sympathy between the two men, as between Wilson and Vice President Marshall, a law and a constitutional amendment are needed to back up, enforce, and supplement the agreement.

EUGENE BURDICK, AUTHOR, AND PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF CALIFORNIA

Whether we are discussing the succession because of death of the President or disability of the President, my solution would be the same.

America today has only one person who represents all of the people in the United States. This is the President. This is an era of personal politics. When the President dies, I believe that as much as possible his personal views and politics should be continued. This would mean that the next person in succession would be the Vice President. After that in an existing situation, it now goes to congressional parties in Congress who are often wildly out of consonance with the President.

So I would then reverse this so that the members of the President's Cabinet, whom he has chosen and presumably reflect his personal politics, would continue his policies. I think the first member of the Cabinet should be the Secretary of State, and second, Secretary of Defense, and after that I don't really think it makes much difference. But these two Secretaries do have a broader view of the international situation, which is probably most important.

And that is the change I would recommend.

WILLIAM R. FRASCA, PROFESSOR OF GOVERNMENT, FORDHAM UNIVERSITY

A constitutional amendment is desirable and should be adopted. It should provide that when a vacancy occurs, due to death, removal or resignation, the Vice President shall become President for the balance of the unexpired term. It should be made equally clear that in cases of inability to serve, the Vice President shall assume the powers and duties of the office, only until the disability is removed. Finally, Congress should be given authority to enact implementing legislation on the enormously important questions of who is to determine when an inability exists and when it comes to an end.

My own preference is that the basic mechanism for this should be located entirely within the executive branch, through collaborative action of the Vice President and the Cabinet, according to the model of the agreements entered into by President Eisenhower and the late President Kennedy.

This arrangement is certainly not contrary to anything in the Constitution at the present time, but rather, logically consistent with the present acts. It has the additional advantage of conforming to what Eisenhower, a Republican, and Kennedy, a Democrat, both felt should be done.

The order of succession should revert to the pre-1947 practice, with the heads of the executive departments, led by the Secretary of State, next in line.

These proposals, singly and as a group, are thoroughly in accord with the great structural principle of separation of powers and conform as well with the idea of responsible Presidential, Cabinet party government as we in this country understand that term.

PROF. PAUL A. FREUND, HARVARD LAW SCHOOL

Presidential inability and succession are two distinct problems, but they are interrelated. For both of them, the goal should be prompt action if required, continuity of administration policy, and safeguards against intrigue.

For disability, the Constitution should be amended to make it plain that the Vice President or other successor takes over only the powers and duties of the office until the President recovers.

Who should determine the fact of disability? Obviously the President himself, if he can and will. But there should also be a factfinding body in the executive branch—either the Cabinet, or preferably a commission appointed by the President at the beginning of his term. The end of disability would be declared by the President, subject to being overruled by the same factfinding body plus two-thirds of Congress on the analogy of impeachment.

What of the problem of succession and its relation to inability? The Speaker, as successor, might be of the opposite political party, thus threatening a break in the continuity of administrative policy. Cabinet members have not been elected, and they might be thought to have too great a stake in finding the President disabled.

The key to the problem of succession is to keep the office of Vice President filled at all times, and by one who has the President's confidence. This can be done through election by the Congress from a nominee submitted by the President.

PROF. WILLIAM GERBERDING, DEPARTMENT OF GOVERNMENT, UCLA

The present succession law provides that, in the event of the death of the President and the Vice President, the Speaker of the House of Representatives shall succeed to the Presidency, and in the event of his death, the President pro tempore of the Senate.

I believe that this law is a bad law, and I believe the reasons behind its enactment were also faulty. President Truman was anxious to have the preceding law changed. The preceding law provided that in the event of the death of the President and the Vice President, the Secretary of State, followed by the Secretary of Defense and then on down through the Cabinet, would succeed to the office of Presidency.

President Truman disapproved of this law on the grounds that it was undemocratic, that no President should be able to appoint his successor. Well, actually our present practice is very much like that, because each vice-presidential nominee in either party is really selected by the nominee after his original selection. Therefore, the present system is much that way. The President selects his successor, and I believe the present system is a good one.

For one thing, we don't run into the possibility that the succession will involve a change in parties, as we do when we talk about the Speaker becoming President of the United States. For 6 of Eisenhower's 8 years, for example, the Speaker of the House was a Democrat. This would have involved a radical change in administration right in the middle of a presidential term, which I believe to be bad. I also believe that Speakers are selected, as are Presidents pro tempore, for reasons which are wholly different from serving as President of the United States. They are Members of Congress, not presidential aspirants.

The alternative, which is proposed today, is to have two Vice Presidents. I believe this is equally bad. The second Vice President would always be, almost certainly, a man of inferior quality. It's hard enough to get presidential-caliber people to run for the vice-presidency today. It would be virtually impossible to get people to accept the second vice-presidential nomination.

PROF. RALPH M. GOLDMAN, DEPARTMENT OF POLITICAL SCIENCE, SAN FRANCISCO STATE COLLEGE

In my view any realistic proposal for presidential succession arising out of death or disability of the incumbent must take the national party conventions into account.

The building of a national party ticket is a complex process. This ticket is quite often vigorously fought over. After negotiation among factional interests, the national ticket is almost always the very best that a party can produce to represent the major interests both within that party and within the Nation at large. In short, the conventions are the place where the Nation's leadership succession is arranged before being submitted to the voters. The factors at work in a national convention need to be revived in any emergency.

The simplest and most direct way to accomplish this is to create a second Vice Presidency. The creation of such a new office would then lead the national conventions to fill out the slate with a third choice, and—like the rest of the slate—this choice would be subject to the usual politics of national conventions.

Another plan could produce a similar convention procedure but would not require a second Vice Presidency. If the electoral college were authorized to reconvene in an emergency, each party's national convention might in advance limit the college's choice by regularly naming an alternate for the vice presidential nomination. Since the voters will have indicated their party preferences in the previous election, all the electoral college need do is consider the alternate nominated by the convention.

Another way of going about this would bring Congress as well as the national conventions into the act. Congress, if authorized to make the decision, could be required to invite the national convention of the deceased or disabled President to reconvene in special session to nominate to it another person to fill the vacated Vice Presidency.

The object of these proposals, of course, is to bring the national conventions into the procedure of emergency succession. The conventions, after all, are one of the major institutions involved in this process under normal circumstances.

DR. OSCAR HANDLIN, WINTHROP PROFESSOR OF HISTORY, HARVARD UNIVERSITY

The Constitution gives us a mechanism that we have never adequately used. In the presidential election, of course, we don't vote for an individual; we choose an electoral college through the medium of which the President is ultimately selected.

Now what would happen in the case of the death of a President when the Vice President succeeded if, instead of the cumbrous machinery we now depend upon—the Speaker's succession to the various offices of Government—instead of that, we called upon the electoral college to reassemble and choose a new Vice President who would in turn be available if anything should happen to the incumbent?

In that event, we would have as close to a re-creation of the original situation of the election as possible. We would have a man selected by the electoral college who would reflect the same balance of opinions and of political forces that was involved in the des-

ignation of the original President. And in such a circumstance, we would do the least damage to the orderly succession of governmental policies and powers, in the event of a disaster that would in turn take away first the President and then the Vice President.

This seems to me to be the most orderly and most democratic means of meeting the problems of presidential succession.

PROF. MILTON KATZ, DIRECTOR OF INTERNATIONAL LEGAL STUDIES, HARVARD LAW SCHOOL

The choices before us group naturally around three questions. Is action needed? By what means? Of what kind? I believe action desirable through a constitutional amendment to accomplish a triple objective: the continuity of presidential power, the protection of presidential authority against risks of intrigue, and the maintenance of complete public confidence in the legitimacy of presidential authority.

Such an amendment would provide first, that the President may proclaim his own inability to discharge the powers and duties of his office whenever he finds himself in such a condition. The Vice President shall thereupon exercise the powers and duties of the Presidency. The President may at any time resume his office by proclaiming his own recovery and thereupon the acting Presidency shall be terminated and the Vice President return to his previous office.

Second, by analogy to the existing power of Congress to remove a President from his conduct through impeachment, the House of Representatives may initiate an inquiry whether the President is able to discharge the powers and duties of his office. If the House finds the President unable to do so, the Senate shall examine the question. When sitting for this purpose, each Senator shall be under oath or affirmation. The Chief Justice of the Supreme Court shall preside and the Vice President shall be excluded. If the Senate makes a finding of inability concurred in by two-thirds of the Senators present, such findings shall have the same effect as a Presidential proclamation in the provision previously discussed. And the President may be restored at any time by a finding of the Senate in a similar proceeding that he has recovered. Members of the Cabinet, like the Vice President, will take no part because they are in the line of potential succession.

DR. ROGER WINES, DEPARTMENT OF HISTORY, FORDHAM UNIVERSITY

Of the several plans proposed to solve the critical problems of presidential succession and disability, the best would be the election of a new Vice President when a President dies and is succeeded in office.

A congressional heir apparent, like the Speaker of the House, would not always have the executive experience, might be of a different party, and would be prevented by conflict of interest from participating in the work of the Cabinet or the executive branch.

On the other hand, the Secretary of State has frequently, especially by strong Presidents, been chosen for his expertise in the limited field of diplomacy, rather than for his overall qualifications as a potential President.

Ideally, immediately upon taking office, the new President should nominate one or more candidates for the vacant post of Vice President. The new man would then be elected by a joint session of Congress. This would provide a successor acceptable to the President and endorsed by the representatives of the Nation. It would give a more rapid and orderly procedure than either a new popular election or reconvening the electoral college. In the event of a major disaster, the surviving Members of Congress could then reconstitute the executive branch of Government.

Several good alternative plans have been laid before the present Congress. Almost any one of them would be better than the present law or lack of it. The need is now and action should be soon. America deserves better insurance against future national disaster.

Mr. CANNON. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio without losing my right to the floor.

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

SUBSIDY FOR COTTON GOODS MANUFACTURERS

Mr. LAUSCHE. Mr. President, on Tuesday, April 7, the House passed the farm subsidy bill. It contained a provision for a subsidy of at least $215 million to cotton product manufacturers. I voted against the bill on the ground that a precedent was being set that would cause other industries to seek similar subsidies on the ground that they were suffering injuries through the importation of goods.

On Thursday, April 9, after the House passed the bill, I stated on the floor of the Senate that I would not be surprised if, within the next several days, the manufacturers of Ohio would say, "Congress has subsidized manufacturers of cotton goods. By what reasoning can similar subsidies be denied to us?"

Today I received my first letter on the subject of complaint about the subsidy. It is from L. J. Schott Co., of Akron, Ohio, and is dated April 14, 1964. The letter states, in part:

During the course of consideration of the one-price cotton bill, it was more or less understood the double subsidy payment between the date of enactment and July 31, 1964, would be approximately 3½ cents per pound—the full rate of approximately 6½ cents a pound to go into effect August 1, 1964.

The writer continues:

The Department of Agriculture has now announced the full rate of approximately 6½ cents per pound will go into effect immediately.

The interim rate would have had the beneficial effect of spreading the impact and giving holders of cotton textile inventories an opportunity to plan ahead. With the immediate payment of the full double subsidy, repercussions will be much more severe.

Further in the letter, the writer states:

Here again is an instance of bureaucratic action without any consideration being given to the ramifications or consequences.

He ends his letter with this question:

What if anything is proposed or planned to assist converters, dealers, wholesalers, etc., through this difficult transitional period?

He also states:

And the prospective financial loss which they face is severe, in fact in some instances catastrophic.

This is the first request from Ohio stating that a subsidy must be provided for the converters. I believe it is only the beginning. We shall be hearing from others who will say they need help. The query arises, Where will it all end? On the one hand we are fighting communism by the expenditure of $50 billion a year. On the other hand, we are moving our Government into a state of socialism. Subsidies of this type can only result in the eventual takeover of business by the Government.

As these inquiries come in, I contemplate inviting the attention of Senators to the fact that the precedent that has been established to provide a subsidy to cotton goods manufacturers will plague Congress, will place an additional unbearable burden upon the taxpayers, and will completely change the lovely and rich image of our country as I have always seen it—a land of freedom, a land of individual creative capacity, with Government out of the picture and not placing shackles upon the businessman, the worker, and the individual.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the complete letter of April 14, 1964, from L. J. Schott Co. to me; and also an article entitled "LAUSCHE Bemoans New Cotton Subsidy," written by Edward Kernan and published in the Cleveland Plain Dealer of Friday, April 10, 1964.

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

L. J. SCHOTT CO.,
Akron, Ohio, April 14, 1964.

Hon. FRANK J. LAUSCHE,
U.S. Senate,
Washington, D.C.

DEAR MR. LAUSCHE: During the course of consideration of the one-price cotton bill, it was more or less understood the double subsidy payment between the date of enactment and July 31, 1964, would be approximately 3½ cents per pound—the full rate of approximately 6½ cents a pound to go into effect August 1, 1964.

The Department of Agriculture has now announced the full rate of approximately 6½ cents per pound will go into effect immediately.

The interim rate would have had the beneficial effect of spreading the impact and giving holders of cotton textile inventories an opportunity to plan ahead. With the immediate payment of the full double subsidy, repercussions will be much more severe.

Apparently no consideration whatsoever was given to the economic welfare of companies owning substantial inventories of cotton textiles and articles made of cotton textiles. Research will show that greater inventories of cotton textiles and cotton textile products are owned by converters, cutters (that is the manufacturers of finished products from cotton textiles), wholesalers and retailers than are owned by cotton textile mills. And the prospective financial loss which they face is severe, in fact in some instances catastrophic.

Here again is an instance of bureaucratic action without any consideration being given to the ramifications or consequences.

What if anything is proposed or planned to assist converters, dealers, wholesalers, etc., through this difficult transitional period?

Very truly yours,

L. R. SCHOTT,
President.

[From the Plain Dealer, Apr. 10, 1964]

LAUSCHE BEMOANS NEW COTTON SUBSIDY

(By Edward Kernan)

WASHINGTON.—House passage Tuesday of a bill providing a new subsidy for manufacturers of cotton goods "forebodes a black and troublesome day," U.S. Senator FRANK J. LAUSCHE, Democrat, of Ohio, said yesterday.

He told the Senate he expects a train of bills to be introduced in Congress seeking subsidies on other types of goods.

"I would not be surprised," he said, "if within the next several days the manufacturers of Ohio would say, 'Congress has subsidized the manufacturers of cotton goods—by what reasoning can a similar subsidy be denied to us?' "

The Senator told his colleagues that Ohio manufacturers of steel and steel products, shoes and leather goods, pottery, glassware, transistors, small radios, aluminum, electric generators, turbines, motor buses, printing machinery, and other items are feeling the impact of foreign competition.

"If the Congress adopts the policy that injured cotton mills are to be subsidized, then the industries I have mentioned and others adversely affected could justifiedly ask for a similar subsidy," he stated.

How can we say to them, "You will get no subsidy, although Congress will provide to manufacturers of cotton goods a subsidy of at least $319 million, possibly going as high as $500 million?"

LAUSCHE warned the cotton manufacturers that they may have a "glorious day" on their subsidies, but in their persistence in asking for it they may have helped "to forge the nails that may finally close the sepulcher" of democracy.

CODE OF ETHICS FOR THE OFFICIAL FAMILY OF THE SENATE

Mr. CANNON. Mr. President, since the unanimous passage of Senate Resolution 21, on October 10 of last year, the activities of the Senate Committee on Rules and Administration undertaken in accordance with that resolution have been the subject of considerable public interest and extensive debate, some of which has been well reasoned and some highly partisan.

The chairman of the committee, the distinguished junior Senator from North Carolina [Mr. JORDAN], has invited the members to submit their suggestions.

At this juncture, it is my personal view that the Rules Committee investigation has clearly demonstrated the need for establishing a standard of conduct to guide the activities and behavior of the officers and employees of the Senate. It is my view that a code of ethics for the official family of the Senate is clearly called for, and speaking as one Member, I would submit the following for the serious and studied consideration of Senators.

First. No Member, officer, or employee of the Senate shall exercise his official authority, directly or indirectly, for the purpose of securing to himself any financial gain or profit, by interfering with or affecting in any manner the formation, dissolution, policies, decisions, or actions of any business or financial institutions, foreign or domestic, including corporations, partnerships, associations, or any other organizations, or their directors, officers, employees, or stockholders.

Second. No Member, officer, or employee of the Senate shall exercise his official authority, directly or indirectly, for the purpose of securing to himself any financial gain or profit, by interfering with or affecting in any manner the policies, decisions, or actions of any branch, department, or agency of the U.S. Government, including the District of Columbia and U.S. possessions; or any State or local government; or any elected or appointed officer or employee thereof; or any foreign nation or foreign state or subdivision thereof; or any of the rulers or elected or appointed officers or employees thereof.

Third. Any Member who violates any of the provisions of this code shall be subject to censure or to such other penalty as the Senate may deem appropriate, and any officer or employee who violates any provision of this code shall be subject to dismissal from his employment. The penalties hereinabove set forth shall be in addition to such other penalties as may be provided by law.

The first part of the code clearly precludes the improper use of official influence in any business transactions whatsoever for the purpose of accruing personal financial gain. This subjects any such improper conduct to review by the Senate and does not restrict violations to mere failure to file a report, which may or may not be an accurate representation of the financial transactions or other business activities of the Member, officer, or employee.

Within the provisions of this code there is a prohibition of any abuse of official authority to improperly influence in any way the operations of any Government agency, foreign or domestic. The Logan Act already provides criminal penalties for U.S. citizens who interfere in the affairs of foreign governments. My suggested code of ethics, in addition, makes any such actions by a Member, officer, or employee of the Senate subject to punishment by the Senate. Such improper interference in the affairs of any branch of Federal or State Government is also strictly forbidden by the code.

Thoughtful and nonpartisan critics have pointed out the absolute necessity of maintaining public confidence in the integrity of the Senate and the legislative process. Some of these critics and some of my distinguished colleagues have thought it best to propose that Members of the Senate and Government employees whose annual salaries exceed a specified amount should be required to file a report including all their sources of income and business interests. This view deserves serious consideration. It presents, however, problems of enforcement and provides penalties only for the failing to file or the falsification of the required report. No one is anxious to assume the role of policing the Congress, and rightly so.

The distinguished minority leader [Mr. DIRKSEN] has said that the Senate in its zeal should not rush to make class B citizens of Senators. I believe there is some merit in what he says. In fact, the aspect of disclosure is the most controversial of all the proposals which have been made in the nature of corrective legislation. There are, however, enforcement and administrative difficulties which are deserving of further serious study.

Mr. President, it is my personal opinion that the Rules Committee will be in a better position to study the ramifications of a disclosure bill when the passions of this moment have subsided somewhat. Let me state for the record that I do not in any manner desire to close the door of the committee to further discussion on disclosure proposals. Other Senators have submitted and doubtless will continue to submit their views.

Mr. President, the thrust of my statement today is that I am in favor of actions now to establish some fundamentals upon which we can build later. In my view, this foundation—this beginning—could be accomplished by adoption of a code along the general outlines that I have proposed. Let us take this first step.

It is time now for all Senators to demonstrate their good faith by joining with those making a serious effort to remedy the situation uncovered by our investigation. I urge all Senators to make constructive contributions to the dialog on Senate reform, rather than lend themselves to a process which can only deteriorate public confidence in democratic institutions through distortion for partisan advantage.

I call on all Senators to consider these problems fairly and objectively, not for today's partisan gain, but for an even stronger Senate tomorrow.

There are many problems which must be considered in writing an effective law or a code of ethics. We should recognize that the resolution under which the Senate Rules Committee has been operating would affect approximately 2,500 members, officers, and employees of this body. They constitute only 10 percent of the personnel and members of the legislative branch of the Government of the United States. They represent only one-tenth of 1 percent of the personnel of the Federal Government in all of its branches.

My remarks today are not intended to be a final judgment on Senate Resolution 212. Indeed, I will be offering definite suggestions to the full Senate Rules Committee and assist them in the formulation of remedial legislation.

Mr. President, let me reiterate that what I have proposed today is a beginning and, in my judgment, a good and proper beginning. We in the Senate can set an example for the whole Nation by taking remedial action now, so that the people's business can go forward in an atmosphere of integrity, confidence, and renewed dedication.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 142 Leg.]

Aiken	Dirksen	Keating
Allott	Dodd	Kennedy
Anderson	Dominick	Kuchel
Bayh	Douglas	Lausche
Beall	Fong	Magnuson
Bennett	Gruening	Mansfield
Bible	Hart	McCarthy
Boggs	Hartke	McGee
Brewster	Hill	McGovern
Burdick	Holland	McIntyre
Cannon	Hruska	McNamara
Carlson	Humphrey	Metcalf
Case	Inouye	Miller
Church	Jackson	Monroney
Cooper	Javits	Morse
Cotton	Johnston	Morton
Curtis	Jordan, Idaho	Moss

Mundt	Saltonstall	Tower
Nelson	Scott	Walters
Pastore	Simpson	Williams, N.J.
Pearson	Smith	Williams, Del.
Prouty	Sparkman	Young, N. Dak.
Ribicoff	Symington	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. TOWER. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. I should like to address myself again today to the equal employment opportunity section of the civil rights bill. First, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Are Senators at this moment bound by the germaneness rule?

The PRESIDING OFFICER. That is correct.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TOWER. Mr. President, for the benefit of Senators who would probably like to know when the next quorum call will be, in all probability my remarks will take up until about the hour of 2:15, at which time I am reasonably sure there will be a live quorum call.

Again addressing myself to title VII, the equal employment opportunity section of the civil rights bill, on which there was extensive discussion on Monday last, title VII will attempt to impose upon private employers, who are also private citizens, an unprecedented legal obligation by defining a so-called right in other individual citizens, purporting to free them from discrimination by employers in the field of private employment.

Nowhere in the Constitution is there to be found authority giving Congress, by Federal law, the right to control private employment practices to the extent of declaring specifically who an employer may employ in his, the employer's, business. We must not forget that the employer is himself a private citizen with constitutional rights; he should not be deprived of those rights simply because he is an employer.

Some of those who expressed support of this civil rights package prior to reading through it carefully were surprised to find under the equal employment opportunities section, that there is no necessity whatsoever that the employment have something to do with the Federal Government.

This title makes it unlawful for anyone covered by the act to deny so-called equal employment to anybody. Equal employment is defined as all inclusive, covering hiring, all work rules and activities, recruitment, training, and participation in labor unions.

More than 40 million Americans would be covered under this radical law, as would every business engaged in interstate commerce, all labor unions, all Federal contractors, and private contractors in every field in which the Federal Government is active.

I have, in the past, voted against discrimination in Federal programs, and I believe that it is morally wrong to discriminate in employment. But I am opposed to this portion of the administration's civil rights bill because, in its eagerness to protect one civil liberty, the proposal casts aside other fundamental and well-established civil liberties of at least equal importance.

This fair employment practices bill proposes the destruction of the liberties guaranteed to Americans under at least six of the amendments in our Bill of Rights.

The amendments of the Constitution which the bill appears to violate are the 1st, 5th, 9th, 10th, and 13th. They are as follows:

The first, by abridging freedom of speech, religion, and association.

The fifth, by denying freedom of association; denying liberty of contract; denying equal protection under the laws—would operate to guarantee favors to some groups.

The ninth, by proposing that Congress usurp liberties retained by the people.

The 10th, by proposing Federal assumption of a power reserved to the States.

The 13th, by imposing a form of involuntary servitude upon certain groups of employers.

This FEPC proposal vests massive enforcement powers in a Federal Administrator—a nonjudicial officer—and even allows him vast investigative powers.

I have several serious objections to this proposal which, in the name of civil rights, seeks to appallingly expand the control of the Federal Government over citizens and businesses.

First. I feel that this is not a proper field for Federal legislation. Discrimination problems are best handled at the State and local level and through the force of public opinion. Yet, this proposal would involve the Federal bureaucracy in the most intimate details of the operation of every citizen, business, and union. I think Federal Government regulation of employment is absolutely foreign to a free-enterprise society, indeed to a free society of any kind.

Second. I feel that this is a problem in mortality.

Without the willingness of individuals to achieve progress in this field, this bill would be unenforcible and would, in all probability, incite violence. It could be enforced only in a Federal police state.

Attempts to legislate morality breed contempt for the law, as in the case of prohibition. I happen to think that Americans are awake to this problem and are working quietly and privately to solve it in a fashion much more effective than the Federal Government's intervention plan.

It seems to me that an FEPC-type law can only transfer the seat of persistent discrimination. Such a law cannot eliminate discrimination, only the hearts of men can do that. An FEPC law can, however, establish legal discrimination in a heartless Federal bureaucracy which has no rightful concern in the matter at all.

The so-called fair employment practice section, which, in my opinion, is unconstitutional, will, if adopted, ultimately create a police state with authority to dictate hiring and firing policy for 70 million Americans.

I do not believe the Constitution gives the Attorney General of the United States that kind of authority, and I believe it would touch off more racial problems than it would solve.

In the technical sense of the word, an employer discriminates every time he hires someone, as long as there is more than one applicant for any position. What Federal officer can say whether such discrimination is based on race, education, religion, appearance, experience, personality, or the way an applicant responds to questions? The only way we could ever avoid complete lack of discrimination in employment would be to force an employer to hire everyone who applies for a job. I believe an employer must have the final authority to hire whomever he believes will advance the interest of his customers, his business, and the investment it represents. I believe the Constitution gives him that right and I do not think it can be delegated to the Attorney General of the United States, unless we are ready to accept the premise of a police state. Who is to say what percent of minority group employment constitutes nondiscrimination? Is it 3, 5, 10, or 50 percent? In short, moral intent is difficult if not impossible to legislate.

I do not believe that the issue here is one of civil rights. It is one of extending the power of Government beyond reason, and beyond the specific limits set forth in the Constitution. Inclusion of this particular section will signify the end of constitutional guarantees against the excessive use and abuse of Federal power, and might well place it in the hands of a minority group.

Over the past years, I have voted in support of civil rights amendments to specific bills, such as the vocational training bill, for example, to insure that the benefits of any Federal program were available to all those whose taxes support them. That issue is entirely different from the one posed by the fair employment practices section of this bill. I hope that section will be eliminated. It was not in the original bill proposed by President Kennedy, and it should not be in this bill.

However, the few proponents of the measure apparently saw the opportunity to include it in the omnibus civil rights bill; the provision was therefore included in the House of Representatives. It has been considered many, many times in

Congress and was really never seriously considered, because of the vast opposition it has always drawn. The provision at least could never get through the Congress on its own merits, standing alone. If the provision were incorporated in a separate bill, it would certainly not be passed. It has not been passed in previous sessions of Congress.

Mr. President, I should like to discuss in some detail the history and development of the so-called fair employment practices legislation.

I realize this is nomenclature. I was referring to it as the fair employment practices section. I am not being entirely accurate, because it is now referred to as the equal employment opportunity section. It contemplates the establishment of an Equal Employment Opportunity Commission.

Similar legislation which has come before Congress in the past was labeled fair employment practices legislation. I believe to refer to it by that term makes it more clearly understood by the general public.

GENERAL BACKGROUND

Equalizing job opportunities for all Americans has become one of the most critical problems in the socioeconomic pattern of American life. Prior to World War II active programs for increasing employment opportunities for members of various minority groups was largely the work of private interracial and intergroup organizations, or State public "goodwill" agencies. Most of these State agencies which were in operation prior to 1941, or which appeared shortly thereafter, had as their primary objective the determination of the extent of discrimination in the fields of housing, education, public employment, health, and civil liberty violations in general.

During this period between World War I and World War II no legislative proposals—Federal, State, or local—dealing specifically with the equalization of employment opportunities in all phases of industry were enacted. Some States, however, did have laws in force prohibiting discrimination in public service employment, and various civil rights acts. A survey made in 1950 by Dr. W. Brooke Graves, of the Library of Congress, showed that there were in effect laws prohibiting discrimination in civil service in 28 States, in public employment in 26 States, on public works in 11 States, in labor unions in 18 States, in defense and war contracts in 4 States, and in teaching positions in 19 States. There was interest in questions relating to civil rights also at the national level. For 2 decades attention was focused on the proposals for a Federal antilynching law, a violent struggle being waged in Congress on numerous occasions on this issue.

FEDERAL ACTIVITIES TO ELIMINATE UNFAIR EMPLOYMENT PRACTICES

Let us turn to consideration of some Federal activities to eliminate unfair employment practices. Beginning in July 1940, A.D., the Federal Government initiated a series of measures aimed at the major problem of integrating nearly 30 million persons of various minority groups into the war effort. Through its Labor Division, established to facilitate the utilization and training of Negro workers, the National Defense Advisory Commission reached an agreement with the AFL and CIO unions by which they accepted responsibility for removing such barriers against these workers. Later announcements indicated that a nondiscrimination policy would prevail in the defense training programs and employment in the construction of defense housing projects. Other letters and instructions of similar import were issued by various other Government agencies during the 6 months following October 1940.

In response to complaints that the foregoing measures were inadequate, President Roosevelt issued Executive Order No. 8802 on June 25, 1941. The order which authorized a Committee on Fair Employment Practices as the administrative agency stated, in part: that it was the duty of employers and of labor organizations "to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin." The agency was empowered to receive and investigate complaints of violations of the order and take steps to redress valid grievances. It also was authorized to make recommendations to Government agencies and to the President of the United States.

The volume of work became so large that a reorganization of the committee became essential. This reorganization came after 11 changes in the structure of the committee although the general purpose—that of promoting the fullest utilization of manpower and of eliminating discriminatory employment practices—remained the same throughout. Executive Order No. 9346, issued on May 27, 1943, set up a new committee as an independent agency in the Executive Office of the President, with a full-time chairman and six other members serving without compensation. During the 5 years of its existence, the FEPC satisfactorily settled nearly 5,000 cases by peaceful negotiation, including 40 strikes caused by racial differences. During the last year of the war, FEPC held 15 public hearings and docketed 3,485 cases, settling 1,191 of them.

The activities of the wartime FEPC were brought to a close on June 28, 1946, although President Truman had issued Executive Order No. 9664 on December 20, 1945, continuing the work. Congress decreased the appropriation to such an extent that by December of 1945 all of the personnel both in the national and field offices had been placed on a leave-without-pay status.

The Fair Employment Board established within the Civil Service Commission by Executive Order No. 9980 of President Truman was replaced in 1955 when President Eisenhower established the Committee on Government Employment Policy—Executive Order No. 10590, 20 Federal Register 409. This Committee was created at White House level to, first, advise the President periodically as to nondiscrimination practices in the Federal Government and to make recommendation for assuring uniformity therein; second, consult with and advise Government agencies on nondiscrimination policies and regulations; third, consult with and advise the Civil Service Commission on pertinent civil service regulations; and, fourth, review claims of discrimination and render advisory opinions and make necessary inquiries and investigations.

Under the Eisenhower administration the Committee on Government Contracts, under the chairmanship of Vice President Richard M. Nixon, took the place of the Truman Committee on Government Contract Compliance—Executive Order No. 10479, 18 Federal Register 4899, 1953, as amended by Executive Order No. 10482, 18 Federal Register 4944, 1953. This Committee was charged with assuring compliance by any Government contractor or subcontractor with the Government's nondiscrimination policy and was authorized to receive complaints of alleged violations of the nondiscrimination provisions of Government contracts, to refer such complaints to the appropriate contracting agency, and to review the agency action thereon.

Under President Kennedy the functions of the Committee on Government Employment Policy and the Committee on Government Contracts were merged in the President's Committee on Equal Employment Opportunity under the chairmanship of Vice President Lyndon B. Johnson—Executive Order No. 10925, 26 Federal Register 1977 (1961). This Committee is charged with the implementation of the policy of equal opportunity for all qualified persons without regard to race, creed, color, or national origin, in regard to Government employment and to the employment practices of Government contractors and subcontractors. The authority of this Committee exceeds that of its predecessors, which had largely consultative and advisory functions. The present Committee has authority to "investigate complaints, issue recommendations and orders, and require reconsideration of final decisions by department and agency heads"—Freedom to the Free, page 131, Civil Rights Commission, 1963.

FEPC ACTIONS ON THE STATE LEVEL

Now, let us consider some FEPC activities on the State level. A survey in the spring of 1963 revealed that the recent momentum in State activity in the area of equal opportunity in employment has brought to 25 the total of State legislatures which have enacted some form of fair employment legislation. Twenty of these States have statutes containing provisions creating an agency charged with enforcement, and providing civil or criminal sanctions. These States are Alaska, California, Colorado, Connecticut, Delaware, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

Indiana, Nevada, and West Virginia have announced a fair employment policy administered by a commission with investigatory, educational, and conciliatory authority. Today, 115 million of the 179 million people recorded by the

1960 census live in States with fair employment legislation and functioning fair employment practices commissions.

Idaho has a statute declaring equal opportunity in employment to be the public policy of the State, and making violation thereof a misdemeanor. In 1953, Iowa adopted a concurrent resolution declaring nondiscrimination in employment, public or private, to be the policy of the State.

On March 18, 1963, the Governor of Kentucky issued a code of fair practices prohibiting discrimination in State employment services, in public employment and in public contracts and in other areas. All State agencies are required to cooperate with the Commission on Human Rights, a factfinding, investigatory, and advisory body established in 1960—Kentucky Revised Statutes, sections 19.010 and 19.050.

Fourteen States have laws which specifically require a nondiscrimination clause in public contracts, or contracts for public works, or both. These laws are applicable to the public contracts or contracts for public works of the political subdivisions as well as of the State.

These 14 States are: Arizona, California, Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Ohio, and Pennsylvania.

As may be observed, all of these States with the exception of Arizona, have antidiscrimination laws applicable to private employment. The District of Columbia has a policy of requiring the inclusion in all contracts, to which the District is a party, of an antidiscrimination clause in which the contractor agrees to insert a similar provision in all subcontracts, with the exception of those for standard commercial materials or for raw materials.

Since 1948 more than 40 cities have enacted fair employment practices ordinances, or have adopted an antidiscrimination policy, authorizing the city attorney to enforce the law where employers, labor unions, or employment agencies do not comply with the cease-and-desist orders of the local commission. In fact, in many of the States, local antidiscrimination laws preceded action by the State legislatures. Some of the State statutes—for example, the Pennsylvania one—expressly recognize the municipal ordinances. In others, such as Minnesota, the prevailing interpretation is that the local laws are not invalidated by the passage of the State law. On the other hand, the Michigan fair employment practice law specifically provides that municipal ordinances are thereby superseded—Michigan Revised Statutes 17.458(1)–(11). The California law also expressly repeals existing municipal fair employment practice ordinances.

The city of Baltimore, Md., has both a fair employment practices ordinance with enforcement provisions, as of July 1960, and a policy requiring the inclusion of a nondiscrimination clause in all city contracts, as of May 1960. Phoenix, Ariz., adopted in 1955 legislation barring discrimination in public employment and in firms holding public contracts. In 1962, Omaha, Nebr., adopted an enforcible fair employment practices ordinance.

In light of the past actions of States and municipalities in the fair employment field, it is lucidly obvious that Federal action in this field—quite aside from being unlawful in the opinion of the Senator from Texas—is both unwise and unnecessary.

PROPOSALS FOR FEDERAL LEGISLATION ON FAIR EMPLOYMENT PRACTICES

From 1952 to 1962 more than 75 measures proposing Federal fair employment legislation were introduced in either the Senate or House of Representatives in the 83d to the 87th Congresses. These bills represented the gradations found in legislation of this type, from bills merely declaring the opportunity to Federal employment without discrimination a Federal policy, to measures proposing an enforcible equal-opportunity law, whereunder the right to employment without discrimination is made a Federal right. None of the bills reached the floor of either House.

Extensive hearings were held during the first session of the 87th Congress on proposed legislation to prohibit discrimination in employment in certain cases because of race, religion, color, national origin, ancestry, age, or sex, by the Special Subcommittee on Labor of the House Committee on Education and Labor. Notwithstanding the submission by the committee of a favorable recommendation in House Report 1370 on H.R. 10144, which proposed the establishment of a five-member Equal Employment Opportunity Commission with advisory and investigatory powers, and the authority to initiate judicial action, the measure never reached the floor. House Report 1370 includes the supplemental and minority view filed with respect to H.R. 10144.

More than 60 bills espousing some type of Federal fair employment policy have been introduced in the 88th Congress.

Mr. President, as you know, fair employment practices legislation has been discussed by many learned Americans for a number of years. I would like to recall for the Senate the views of a number of those Americans which I feel are pertinent at this time.

STATEMENTS ON FEPC

The following is the statement of Hon. Henderson Lanham in the House of Representatives on February 22, 1950:

My first objection to the proposed FEPC is that it violates the Constitution of the United States and as a corollary invades the province of the States and the personal freedom of individual employers.

Section 1 of the 14th amendment provides:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction, the equal protection of the laws."

Obviously the proposed FEPC is not justified under this section of the Constitution. The only other justification under the Constitution is what is known as the commerce clause, which delegates to the Federal Government the right to regulate commerce among the States and with foreign nations. * * *

I maintain that present employment practices in no way obstruct the free flow of commerce. On the other hand, I am sure the converse of this proposition is true and that the enactment of the FEPC would disrupt industry throughout the country and would bring to a trickle the flow of commerce between the States.

This legislation is certainly not necessary to protect every citizen of the United States under the Constitution. Every citizen at present has equal protection under the laws in that he can now appeal to the courts if he thinks one or more of these rights has been violated.

Mr. RUSSELL. Mr. President, will the Senator yield with the understanding that it does not in any way affect his right to the floor?

Mr. TOWER. I yield with that understanding.

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

Mr. RUSSELL. I had been unable to be present during the course of the Senator's remarks. I know that he is a historian, a student, and a teacher of political science. I wondered if he had discussed in any depth the way the commerce clause has been tortured and abused in recent years. On the formulation of our Constitution, the Founding Fathers had in mind preventing the several States from erecting tariff walls, and other obstructions to commerce. Under the Articles of Confederation, I believe the State of New Jersey levied a tariff on firewood imported from the State of New York. There were a number of other instances, prior to the adoption of the Constitution, in which the States were taxing imports and, of course, asserting the right to tax exports, in their dealings with sister States of the Confederation.

One of the principal reasons for the Constitution was to eliminate this form of tariff competition among the original 13 States.

The Founding Fathers recognized that we could never become a single, powerful nation if the arteries of our commerce and the flow of business among the 13 original States, which had just emerged from colonialism, were obstructed by tariffs and tariff walls imposed by the several States. So the founders included the commerce clause in the Constitution to remove that evil.

Over the years, however, the commerce clause has been stretched and stretched and stretched until we have to tie knots in it to keep it from exploding. We have endeavored to base almost every kind of law on the commerce clause as a justification for the Federal Government's entering a field which had been reserved to the States or to the people.

In the field of employment, the right of a man to select his employees is the keystone of the free enterprise system of this country. It has been one of the incentives that has developed our vast industrial empire, which is the envy of the world, which has been responsible for the American way of life, and which has given our people more good things

than have ever been enjoyed by any other people.

If the Senator from Texas does not do so in this speech, I hope, before the debate is over, he will point out how the commerce clause of the Constitution has been abused in the Federal grasp for power. If no justification whatever can be found in the Constitution for Federal laws, it is said, "Let us base it on the commerce clause."

Not only have the courts been guilty of abusing that clause, but so has the Congress of the United States. I say that as one who is a defender of the legislative branch of government. The Congress of the United States has contributed to this fantastic abuse of the commerce clause. I hope the Senator from Texas, if he does not do so in this speech, will have a later occasion to develop, for the benefit of the people of this country, the story of the abuse of that provision of the Constitution, which was inserted primarily to prevent tariff barriers among the several States.

Mr. TOWER. I thank the Senator from Georgia for submitting that question. I intend at some time during the course of this debate to go into the question of the commerce clause, and the constitutional question raised by the attempt to enact such legislation as is now proposed in pursuance of the commerce clause.

But I believe it is meet that we touch on it briefly, since the Senator has raised the question. I believe we must resort to a review of the entire history of the founding of the Constitution.

In the year 1785, it had become apparent that the 13 loosely confederated States could not develop a strong and sound national economy, which was necessary to the preservation of the very life of the Republic, unless some closer union were achieved.

The Constitution grew out of a meeting that was held at Mount Vernon in 1785, when representatives from Maryland and commissioners appointed by the State of Virginia met with George Washington to discuss some mutual differences between the States, largely over the navigation of the Potomac River. While they were discussing those matters, they realized that these were interstate problems that were common, not only to the States of Virginia and Maryland, but to all the other States as well.

Thus, they asked for a convocation of representatives from all the States to meet in Annapolis, Md., the following year, to see if many of these problems, largely arising from commercial contracts between and among the States, could not be resolved.

The meeting at Annapolis could not be characterized as a great success, because only five States were represented, but they did accomplish one thing.

On motion of Alexander Hamilton, of New York, the meeting adopted a resolution calling for the convocation of yet another assembly of representatives from the several States, in the spring of the following year, 1787, for the purpose of considering amendments to the Articles of Confederation aimed at strengthening the Articles somewhat, and attempting to resolve some of the differences which had arisen over commercial contracts between and among the States.

What happened, of course, is history. Most of the representatives who went to Philadelphia for that meeting in 1787 did not know that they were going to draft a new Constitution. Most of them had to send back home for instructions from their State governments as to whether they should have additional powers. They went to Philadelphia with the idea that the purpose of the meeting was principally to refine and improve upon the Articles of Confederation. But some resourceful gentlemen from Virginia, led by Mr. Washington, Mr. Randolph, and Mr. Madison, had something up their sleeves. They decided that the Articles of Confederation were obsolete, and that they were inadequate for a national government. So James Madison drew up what we now know as the Virginia plan—sometimes called the Randolph plan, because he advocated it—but it actually was the work of James Madison, who at the early age, I believe, of 36, was called the father of the Constitution.

Using this as a working document, they dropped any pretense of merely revising the Articles of Confederation and proposed to draft a constitution, the Constitution which we now enjoy, and which I fervently hope, let me say to the distinguished Senator from Georgia, we shall continue to enjoy—although I am having some doubts about it at this point.

The State surrendered to the National Government certain powers that were national in character. Obviously, a new national government had to possess the concomitants of nationality, such as the conduct of diplomatic relations, the coinage of money, and the regulation of commerce between and among the States.

But, as the Senator points out, it was never intended that the Federal Government should regulate commerce that was intrastate in character. However, by a succession of decisions, the commerce power has been liberalized far beyond anything that the framers of the Constitution intended.

The first breach in the dike came with National Labor Relations Board against Jones Laughlin. Even in that case, however, when it held that manufacturing was, indeed, a part of interstate commerce, and that anything that was manufactured and moved in interstate commerce was indeed a part of interstate commerce, overturning earlier decisions which had held that merely moving in interstate commerce was interstate commerce, but not manufacturing.

I believe we must continue to draw a distinction between that which is intrastate and that which is interstate commerce. If we fail to do so, the court said, in effect, we shall have destroyed the Federal system, because if we wipe out the power of the State to regulate its own intrastate commercial affairs, we have in effect negated most of the important police powers now exercised by the State governments.

The dam broke in 1942 in the case of Wickard against Filburn. A poor farmer was suffering under the Agricultural Act, as farmers had been doing for many years. He wanted to raise a little wheat on his place for his own consumption. He raised it there to feed his livestock and his family—probably in that order. He did not want to be controlled by any allotment system.

However, the Secretary of Agriculture said to him, "No; you cannot do that."

The farmer said, "Why not? I am growing it on my own place for my own consumption. Not only does it not move in interstate commerce, but it does not even leave my farm."

The case went to court, and the Supreme Court said, "Ah, it does not leave your farm; it does not move in interstate commerce, but in growing that wheat and consuming it, you failed to buy it on the open market, thereby releasing the wheat that is on the open market to flow into interstate commerce and depress the price of wheat."

So here we are. In effect, the Court said that the Government of the United States can tell a person—provided Congress passes the appropriate law allotting space for a certain amount of acreage for petunia beds—how many petunia beds that person may grow in his backyard.

We shall have come to a sorry pass if we enact this legislation, because then we shall have lowered the barriers completely.

I do not see that anyone can ever draw a fine distinction between intrastate and interstate commerce if we enact this FEPC section.

Mr. RUSSELL. There will not be any. It will be merged.

Mr. TOWER. The Senator is correct. It will be merged.

Mr. RUSSELL. Intrastate commerce will be absorbed by interstate commerce.

Mr. TOWER. The Senator is correct, because the effect will be to hold that any business is, in effect, engaging in interstate commerce. This provision in the public accommodations section, I believe, has the most sinister implications of any legislation ever attempted.

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

Mr. TOWER. I am glad to yield to the Senator from Alabama.

Mr. HILL. The Senator spoke of James Madison, whom we recognize as the Father of the Constitution. He gave us the Madison plan, which was the basis of the Constitution. Is it not correct to say that he declared that the commerce clause in the Constitution was not a clause which granted power, but, rather, a clause of inhibition, a clause to prevent a further grant of power to the Federal Government. As brought out by the Senator from Georgia, it was to keep the States from interfering with the free flow of commerce from one State to another, and not a grant of power to the Federal Government. Is that not correct?

Mr. TOWER. The Senator is absolutely correct. The appropriate interpretation has been that the enumeration of powers possessed by Congress in arti-

cle I, section 8 of the Constitution means that these are the powers that the Federal Government possesses, and only those powers. The Constitution further provides that the other powers reside in the States and in the people.

Mr. HILL. That was the clear intent; that the Federal Government possessed only the powers specifically enumerated.

Mr. TOWER. Yes.

Mr. HILL. The Founding Fathers, to be absolutely sure about it, proposed the 9th and 10th amendments, providing that the powers not specifically granted to the Federal Government are reserved to the States and to the people themselves.

Mr. TOWER. Yes. The original document did not include provisions which are contained in the 9th and 10th amendments, because to them it was adequately clear that these were all the powers that the Federal Government possessed. Then they had some second thoughts about it, and they said, "We had better make this clear," and they sealed their thoughts in the 9th and 10th amendments.

Mr. HILL. The Founding Fathers not only had second thoughts, but the Constitution had to be placed before State conventions, to be ratified and made effective. The Constitution could not become effective until it was ratified; and in the State conventions this very question with respect to the powers was raised. There was the insistence that it be specifically stated that the powers enumerated were granted and that the other powers were specifically reserved to the States or to the people.

Mr. TOWER. The only way to secure that ratification in some States was on the promise that there would be forthcoming amendments which would make it adequately clear what the limitations on the Federal Government were.

Mr. HILL. Is it not correct to say that Mr. William Pinkney, who was a member of a State constitutional convention, and a Member of the House of Representatives at that time, said on the floor of the House, clearly and categorically, that it was understood that the 10 amendments would be agreed to and would become part and parcel of the Constitution of the United States?

Mr. TOWER. Of course, 12 amendments were originally submitted, but only 10 were adopted. These were consensus amendments. Their submission had been virtually promised during the ratification conventions. It was understood that on their submission depended the ratification of the Constitution.

The Senator well knows that there was a tremendous struggle over ratification. In New York State, in their anxiety to make sure of that great State, which was an integral part of our economic and geographic setup, and essential for the adoption of an improved Constitution, the Federalists wrote the Federalist papers. Three of the giants, Madison, Hamilton, and Jay, wrote those great expositions of what the Constitution means.

Reading the Federalist papers, one gets the impression that it was the intention to limit and proscribe the Federal powers, and to make sure that those powers were enumerated, and that the Federal powers should not go beyond that enumeration.

Mr. HILL. As the Senator knows, two of the greatest patriots of that time, Patrick Henry and James Madison, did not favor ratification of the Constitution, and raised this very question of the grant of power. As the Senator says, the Constitution would never had been ratified but for the specific enumeration of the powers, sustained and supported by the reservations of powers to the States and the people.

Mr. TOWER. The Senator is absolutely correct. Several of our revolutionary firebrands, Sam Adams among them, did not agree. Of course, they were not elected to go to the convention, and that may have irked them to some extent. However, these reservations had to be made, or we would not have had our fundamental law.

Not only is the pending proposal unauthorized under the Constitution, but its enactment would be a violation of the property rights of every individual employer in America * * *. By what possible means could an employer prevent one group of employees from quitting their jobs if they did not choose to work with employees imposed upon the employer by a decision of the Fair Employment Practice Commission proposed to be established by the Fair Employment Practice Commission Act?

In the second place, I maintain that the proposed legislation would violate the fundamental principle of freedom of choice as to persons to be employed by an employer.

In practice, commissions operating under similar legislation have achieved healthy results with less recourse to formal procedures than in the case of any remedial legislation this country has ever known.

Upon the passage of similar State and municipal acts widespread changes in employment practices were undertaken by hundreds of large and small employers without a word from commission officials. Others voluntarily submitted employment applications for advice and eliminated questions which could be construed as tending to elicit information that suggested discriminatory intent or practices.

It has been feared that enforcement procedure might be exploited by unfit employees or applicants. Surprisingly few complaints have been lodged with agencies administering this type of measure. And of those filed almost all have resulted in informal settlement by voluntary means, including changes in hiring practices and advertising, or the dismissal of complaints for lack of merit. Employer and union complaints of unfairness by officials have been practically nonexistent. Public confidence is vital to success of such measures and it has been forthcoming based on performance.

Since enactment of the Connecticut Act of 1947 only 254 complaints have been filed. This averages out to slightly more than one complaint a week for a State with a population of about 2 million people. About 99 percent of these cases were disposed of informally and the remainder were the subject of formal proceedings. In New York State only three cases were set for hearing and one of them was settled before the scheduled hearing. Other States with enforcible statutes have had the same experience. There has been almost no necessity for court litigation. In all, court enforcement or review cases can be counted on one hand.

Experience has also proven that so-called educational programs for fair employment are ineffectual if not accompanied by some enforcement machinery.

When the Cleveland City Council was considering an enforcible ordinance, the local chamber of commerce opposed its enactment and offered to undertake its own program. The council agreed to the experiment. The chamber of commerce established a full-time agency and spent substantial sums for educational material, conferences, and similar matters. Determination and energy characterized the chamber's sincere activities. After something over a year, the chamber withdrew its opposition to an enforcible ordinance and expressed the opinion that voluntary methods, and no more, are inadequate.

Oregon amended its Fair Employment Act to add enforcement machinery after experimenting with the voluntary method. Source: U.S. Congress. Senate. Committee on Labor and Public Welfare. Report to accompany S. 3368. Washington, U.S. Government Printing Office, 1952, pages 7–8. (82d Cong., 2d sess., S. Rept. 2080).

In the next place, it would make the employer subject to the harassment by a horde of investigators snooping through the plant and the books and records of the company. Already they are subjected to enough and too much of this sort of thing from bureaucratic Washington. This could well be the straw that breaks the camel's back and could very well result in a depression such as we have never known before.

Finally, I am opposed to the enactment of FEPC legislation because it would set up a new commission with a horde of employees to swarm over the land like a plague of locusts at great expense to the taxpayers. And this at a time when the administration is at last awakening to the necessity for making partners of private enterprise in the most necessary effort to maintain an expanding economy in America. Source: CONGRESSIONAL RECORD, daily, February 23, 1950, pages A1407–A1408.

Now I should like to read a statement by a distinguished Member of this body which appeared in the CONGRESSIONAL RECORD, volume 96, part 5, page 6619. The statement was made by the distinguished senior Senator from Georgia, Hon. RICHARD B. RUSSELL:

STATEMENT OF HON. RICHARD B. RUSSELL

The Federal Constitution does give assurances to our citizens. These assurances extend to every citizen. Whether of a majority or minority, however he may label himself, they assure him the right to create a job or establish a business of his own. That is a constitutional protection of all citizens, whether belonging to so-called minorities or majorities.

This bill, of course, has been advertised as being a great blessing to the members of the Negro race. In the exercise of their constitutional rights many Negroes in the South have now accumulated more than a million dollars. Many of our good Negro citizens have built banks and insurance companies which afford employment to hundreds of their race. What would be the effect of legislation of this kind upon those businesses? It is a part of the boast of the American people that every citizen is protected in the opportunity to pursue happiness and acquire property, while we are here considering a bill saying that one American citizen must give an alien a job. Yet we have so many proud stories of the immigrant boy who came to the United States, and, through his own efforts built up an

establishment and afforded employment to hundreds.

Mr. HILL. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the distinguished Senator from Alabama.

Mr. HILL. Is it not true that figures published by the Bureau of the Census and the Department of Labor show that in recent years—in approximately the past 10 years—the percentage of unemployment among Negroes in FEPC States was greater than it is in the Southern States, which do not have FEPC laws?

Mr. TOWER. It is my understanding that that is what the figures reveal.

Mr. HILL. That is what they reveal; and those figures were placed in the RECORD the other day by the distinguished Senator from Louisiana.

It is also true, is it not, that the increase in the amount of wages paid and the amount of return to the Negro has been considerably larger in more recent years in the Southern States than it has been in the FEPC States?

Mr. TOWER. It certainly has. That should be obvious to anyone who has lived or grown up in the Southern States, particularly during the past two decades.

Particularly over the last two decades, the rapid economic advancement of the Negro people has been very apparent in the South. It has been a wholesome and a healthy thing. With that advancement many prejudices have fallen by the wayside, and there has been an increasing acceptance of this race, as a result of the economic improvement which has occurred over the years.

I anticipate that the FEPC might thwart the expressed intent of this measure—that is, to provide more jobs for ethnic minorities—because I know of many areas of employment—in the South, for example—in which Negroes are very well paid; but if the proposed law were fairly and equitably applied, they could lose jobs to white people who would like very much to have the jobs.

So the bill would be very much a mixed blessing.

This is not to say that there is no discrimination in the South. I think that does happen. But the bill could be a two-edged sword which could work to the definite disadvantage of many of the people whom the bill is supposed to help.

Mr. President, I continue reading from the statement by the Senator from Georgia [Mr. RUSSELL]:

> It is proposed to strike down the Constitution which protected him in that right by the perversion of the Constitution sought by this bill.
>
> * * * * *
>
> There is one powerful weapon in the arsenal of democracy of which they stand in awe. This weapon is the industrial system created under the American system of free enterprise which enables us to outproduce the whole world. Free enterprise and free labor give us the power to produce which the Russians fear and which heartens our friends. This bill will inevitably bring about the nationalization of industry. The destruction of the system, under which we have grown great and strong, and which has given us the highest standard of living for all of our people that the world has ever known, would be as great a calamity as the loss of a major war.
>
> We will not, Mr. President, strengthen ourselves so as to enable us to contribute to the support of France and England, and our other allies, by adopting a system of state socialism. They have that system, and their production limps. Source: CONGRESSIONAL RECORD, volume 96, part 5, pages 6619–6620.

That statement by the Senator from Georgia is to be found in the CONGRESSIONAL RECORD for May 8, 1950.

STATEMENT OF RANDOLPH VAN NOSTRAND

Mr. President, at this time I should like to read a statement from the Personnel Journal, published at Swarthmore, Pa. The statement is by Randolph Van Nostrand:

> The propagandists in favor of FEPC have fashioned themselves a standard case. This is presented in glowing generalities, with smug references to "our democracy" in hand-picked instances and, frequently, with a reference to morality and spiritual law. The hard working personnel executive, face to face with the daily realities of hiring, training, and upgrading of employees, wants something more solid on which to base a verdict. Let's take a look at a typical case and consider some of the implications of FEPC from the standpoint of practicality, philosophy, and morals.
>
> There is the broad statement that, in common with all right-thinking Americans, most businessmen are opposed to discrimination in employment. That simply is not so.
>
> Business would be in trouble in short order if careful and incessant discrimination was not exercised in hiring, upgrading, firing and in personnel administration in general. Businessmen discriminate as to age, sex, physical condition, experience, ability, personality, skill, marital status, and a host of other factors. Some also discriminate as to race, creed, or color, but not so many as to have prevented an improvement in relationships between the majority and the so-called minority groups that has been in geometric progression during the past 20 years.
>
> All that FEPC laws accomplish is that they change the source of discrimination; they don't eliminate it, but merely transfer the rights of discrimination from the employer, who has the fundamental duty of choice, to a bureaucrat who has no rightful concern in the matter.

Mr. HILL. Mr. President, at this point will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. HILL. Can the Senator think of anything that would be more discouraging to a man in business—one who had to use his own money and provide his own financing and develop his own business—than to have some bureaucrat decide who would be his employees?

Mr. TOWER. Certainly it would be most harmful. The probable result of the proposed FEPC would be that it would result in the Federal Government's dictating the employment practices of business management. But when a businessman loses the control of the management of his business to the National Government, he is at the mercy of the Federal Government, and no longer is the master of his own fate, so to speak.

It is essential that he be allowed to operate his own business—so long, of course, as he does not abuse his economic power or does not attempt to hoodwink the public. But, otherwise he should be free to run his own business; and if he has been successful in doing so for a period of time, he has proved that he is capable of running it successfully. The Federal Government could not run it for him. But the bill would result in dictation by the Federal Government in regard to the employment practices of business management.

I know of a number of Members of this body who have time and time again supported strong proposed civil rights legislation, but who have said they cannot support this bill if this provision remains in it, because they see—as do I and as does the Senator from Alabama, too—some sinister implications that go far beyond civil rights.

Is it not conceivable that a vindictive bureaucrat could—because he had some reason to want to punish a business or a businessman—use this means to harass a businessman to such an extent as to require him to use employees who were unfit and incompetent, and would harm his business? So this proposal has no valid connection whatever with civil rights.

In addition, the bill would result in the establishment of the proposed five-member commission which would prescribe employment quotas. That would be extremely difficult.

I do not think Solomon with all his wisdom could have gone into such communities and determined their ethnic makeup, and then could have said to the employers, "You must hire so many members of this ethnic group, so many members of that ethnic group, and so many members of the other ethnic group"—and so forth and so on—in order to achieve what the drafters of the bill would regard as complete balance under a quota system. That could not be done. For example, how could an ethnic determination be made in the case of a man who had a Polish father and a German mother, or in the case of a man who had an Anglo-Saxon father and a Swedish mother? There would be no reasonable basis on which to make such a determination.

Furthermore, the bill does not provide any clue as to how the Commission would make such decisions. In the bill, the business of the proposed Commission is not defined; "discrimination" is not defined; "national origin" is not defined.

So what would happen? There would be no choice but to leave all such decisions to the discretion of the proposed Commission, which would establish job quotas and plans. What will happen to the poor fellow who cannot find enough competent and qualified people of this particular national origin? Will he be compelled to hire deadwood so that he can meet his quota system? I submit that is precisely what will happen if we adopt this provision.

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

Mr. TOWER. I yield to the Senator from Florida.

Mr. SMATHERS. I was not in the Chamber to hear what the Senator had to say previously. But, on this particular point, I am sure the Senator is aware that what he is talking about has already happened in California. The General Motors Corp. apparently was sent a document by representatives of colored citizen groups in which they de-

manded that they be given the right to have 15 to 30 percent of the jobs of the General Motors Corp. in that area of California.

So, although the Senator is talking about the fact that this demand will arise in the future, it has already started, even statewide. The belief exists on the part of some of those people that this particular bill will pass. They have already started to demand a quota which is actually a larger quota than their numbers represent.

So, not only was the Senator correct when he said that the employers will have to employ a great deal of deadwood, but the Senator is also correct in saying that many of the people will not be as well qualified to fill the job as the employer would desire. If this theory is carried out to its logical conclusion, that is the intention of the bill. We shall find, as the Senator has so ably pointed out, that every employer will have to have someone on his staff whose job will be to determine what percentage each minority group constitutes in the total population; and he will have to employ so many of each minority. If he does not employ them, he will bring down upon himself the weight of the Federal Government and the gigantic bureaucracy that would result from this bill. The case could end with the employer not only having to go to court, but finally being fined, and possibly incarcerated. If he wants to insist on his own right to hire his own people, he cannot do it. Does the Senator agree that that has already begun to happen?

Mr. TOWER. I agree that it certainly is beginning to happen. We already have some experience under the existing program, under which we attempted to prevent discrimination in hiring and firing by companies working on Government contracts. Many times the bids define a given number of people of a certain national origin. On occasions in the past, it has been impossible to find the required number, and employers have had to attempt to recruit workers of the required national origin who possess the necessary experience and have the particular qualifications to do the job which is required.

Our "case" presents another fallacious generality that FEPC actually gives the employer a wider market. Not at all. FEPC creates not one single productive job. It makes more jobs for bureaucrats, of course, but not for prospective employees of business. In this connection, look into your own experience. How many qualified applicants have you turned down for any reason?

* * * * *

There are two more standard points in the case:

1. Where FEPC laws exist they are "voluntarily" accepted. Now there is a pair of mutually exclusive words in opposition. "Voluntary: from one's own choice, unconstrained by interference." "Compulsory: coercive, urged by force or physical or moral restraint." The law is compulsion. The policeman and his club are there, even if hidden behind the door.

2. FEPC laws have proved a bulwark against communism. Then why is it that wherever they have been advocated, the Communist press and Communist organizations have been in the forefront of such advocacy?

By this logic, a law should be passed in India to compel Hindus and Moslems to work together. Apparently every nation ought to pass a law compelling people of all races, religions, and nationalities to work together, although how to create a common faith and how to compel people to ignore their profound racial and religious differences would be quite an administrative problem. However, if we try to accomplish this miracle in the United States, the entire world may profit by our experience. We certainly hope that someone profited by our 14-year experiment with national prohibition. Some seem to think that it is time for another even more dangerous but very noble experiment.

On this high moral basis a law is now being proposed which will make it unlawful for an employer to discriminate against any employee, or applicant, because of his race, religion, color, or ancestry.

In order to enforce such a national law there will be created a commission, with an army of investigators, prosecutors, and trial examiners, to prevent employers from practicing discrimination in the daily hiring, discharge, promotion, or other treatment of perhaps 30 million employees. This means that the countless, intimate details of organizing and controlling their working forces by myriad employers will be subject to constant investigation and regulation by a horde of public officials, acting upon the incessant complaints of disgruntled employees, labor unions, political agitators, and racial and religious organizations.

Such a law as proposed would be as easy to understand as the causes of inflation; as simple to enforce as income taxation; as inexpensive to administer as universal price regulation.

* * * * *

Of course, discrimination in the choice of companions is the very essence of social liberty. Discrimination in the choice of business associates is the very essence of economic liberty.

But the advocates of antidiscrimination laws argue that they are not restricting social liberty. The fact is that they would seriously restrict social liberty. They would compel employers to associate constantly with undesired employees. They would also compel employees to spend their most important time, their working hours, in association with fellow workers less congenial than others who might have been hired by a discriminating employer.

Finally, the moral tone is injected as the clincher. Discrimination is immoral and unjust. If there is any immorality, it is in FEPC itself; because it is a political invention, and a fraud in that it produces no new jobs, nor does it cure intolerance or bigotry. It merely substitutes the force of the State for the voluntary choices of the citizen. It destroys the freedom of the worker and the employer alike, because it destroys their status as equals. It discriminates against white Peter in favor of colored Paul. And it makes a mock of the work of the churches for more than 2,000 years because it turns God's work over to Caesar.

Source: Van Nostrand, Randolph; against FEPC, Personnel Journal (Swarthmore, Pa.), volume 30, April 1952; pages 425–426.

Mr. President, I quote further from the Public Utilities Fortnightly, a statement by Mr. Donald R. Richberg:

Lofty statesmen and ardent idealists tell us that all human beings should live and work together in complete disregard of all the age-old racial or religious differences that make them feel and act differently. If people won't do this, we are told that the way to make them all equally angelic is to pass a law forbidding them to act like human beings.

But, these advocates assert that no man should be "deprived of the chance to earn his bread by reason of the circumstances of his birth." This argument seems to assume that jobs are something which exist like natural resources and should be evenly distributed to all citizens. The fact is that an employer creates jobs, and is able to do so only because he can get capital, can get customers, and can get workers able to produce things at prices which customers will pay.

The essence of the economic liberty of the employer is his freedom to organize a working force that will produce goods and services which can be sold and which will satisfy customers, either by the quality and prices of the products, or by direct services to customers. Such a law would force an employer to hire employees undesirable to fellow employees, undesirable to customers, and undesirable to the employer. This is not merely restricting economic liberty. This is destroying the foundation of economic liberty, which rests on freedom of association and liberty of contract.

Source: Richberg, Donald R.; "The Fair Employment Practices Scheme," Public Utilities Fortnightly, volume 41, No. 9, April 22, 1948; pages 540–542.

The following is a statement by William R. Thomas, Ford Motor Co., Dearborn, Mich., taken from the Personnel Journal of May 1951:

The problem of eliminating discrimination in employment is not so simple as the proponents of this type of legislation would have us believe. Attitudes and sentiments built up over long periods of time cannot be easily eradicated upon the theory that such attitudes or patterns are nonlogical cultural patterns which can be eliminated by the force of legislation. There are few who will deny that all persons ought to be entitled to equality of job opportunity. There are actually very few who are willing to risk their own security in the lottery of this principle. Legislation of this type, however well intentioned, cannot create economic opportunities. Only the maintenance of full employment can secure that end. Nor can this legislation create equality of education or skill for all individuals. Whether cultural patterns of a racial or religious character are inherent or acquired is beside the question. These patterns do exist. Whether antipathies based upon such factors are justified or not is equally beside the question. Such antipathies do exist. Some of the very persons who decry racial or religious factors in employment selection upon the ground that such factors have nothing to do with ability or with job performance, nevertheless advance the argument that persons of a certain religious group or racial group or national group are good workers. If such persons can be good as a group, they can be bad as a group.

* * * * *

This type of legislation will pose many problems for the personnel administrator. One past practice has been to requisition workers from private employment agencies using discriminatory qualifications as the terms for employment. The agencies have condoned this practice in order to cater to employing interests. Government employment agencies have been equally guilty of this practice. In order to comply with the law, the personnel administrators would have to change their past practice of using discriminatory requisitions to employment agencies. Several companies have met this challenge with two types of requisitions; one, which can be used in States not having an FEPC, and another which can be used in States having an FEPC.

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Undoubtedly this legislation would have some effect upon labor turnover. Majority

workers might begin to shop around for jobs in companies employing few minority workers. Most commissions have followed the policy of attacking discrimination in the larger cities and in the larger plants. This is done by the commissions because of limited budgets and by hitting the big companies, it sets the pattern for the smaller ones. To forecast the effect of this policy is difficult; however, it is conceivable that personnel administrators in the larger firms would be under the watchful eye of the commissions and those in the smaller firms would have more leeway. Larger companies could expect to have more minority workers seeking employment because once the barriers are lowered, the word gets around to other minority workers. This influx of minority applicants would increase the burden of proving that their companies are not following a policy of discrimination. The opposite effect would be that majority workers might have a tendency to drift toward employment in the small concerns to avoid the influx of minority workers into their informal work groups.

Source: Thomas, William R., "Problems Under FEPC," Personnel Journal (Swarthmore, Pa.), vol. 30, May 1951: 14–15, 18.

I read now from the minority report on S. 3368, 82d Congress, 2d session:

MINORITY COMMITTEE REPORT ON S. 3368—SUMMARY STATEMENT

Under our Constitution it has never been seriously questioned that a man has the right to set himself up in business, to select his own employees on the basis of such qualifications as he might within his own free and uncontrolled discretion consider advantageous to the undertaking, and to do all this without hindrance or interference. This personal freedom of contract is basic to the free-enterprise system and to the whole American concept of individual freedom.

Yet S. 3368 (fair employment practices) violates the liberty of contract guaranteed in the Constitution by compelling the making of contracts.

The far-reaching character of this provision of S. 3368 is given its true perspective when we consider that laws have been enacted governing the form or substance of contracts voluntarily entered into; that laws make illegal certain types of contracts; that the labor laws require collective bargaining as a method of arriving at contracts and affect the scope of contracts. But the right of contract is left free to be exercised between voluntary parties.

Our history of encouragement to the men and women who give employment has been one of the compelling reasons for our unparalleled industrial success which again and again has served our Nation so well in time of need.

It is most unfair for proponents of this bill to argue that it does not "force the hiring of certain minority group members." The whole purpose, design, and effect of the bill is just that—to "force the hiring" of persons whom an employer would not voluntarily hire.

If an employer, in a department store, for example, advertised for and hired only white sales people he would certainly be found guilty of violating this law on complaint by a Negro applicant whom he did not hire. He would then be compelled by an order enforceable by a court, to hire this rejected applicant, with, probably, the additional expense of paying "back pay" for the period during which he "unlawfully" employed and paid wages to an employee of his own choice (sec. 7(j), sec. 8). Any claim that such a law would not "force the hiring" of unwanted employees is simply without foundation.

It must also be pointed out that the bill not only authorizes Federal officials to dictate to an employer whom he shall or shall not hire, but it also authorizes a continuing supervision over his detailed management of his working force. All "compensation, terms, conditions, or privileges of employment" must be free from any "discrimination." Every promotion, every assignment of duties, every privilege granted an employee, although decided on the basis of merit according to the employer's judgment, may be subject to review by the Federal Commission on complaint that there was unlawful discrimination against some other employee. It is difficult to imagine a law more certain to insure the eventual destruction of private enterprise, by removing from private management all effective control of a working force.

The employer is subject to a Commission having wide powers of rulemaking, investigation, and the issuance of cease-and-desist orders. But the right of trial by jury is denied and judicial review is provided with a clearly recognized inferential power to punish with contempt-of-court orders.

The inquiries and investigations directed by the act would vex and harass business to the point where orderly plant management and efficient production would be impossible The small businessman, already overburdened, would encounter new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his finances.

Labor organizations would be subject to interference and supervision of their internal affairs. And the law which tells the employer who his workers shall be today, can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages.

Justice Brandeis has warned: "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. * * * The greatest desire to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding."

Source: U.S. Congress, Senate, Committee on Labor and Public Welfare, report to accompany S. 3368, Washington, U.S. Government Printing Office, 1952, page 708 (82d Cong., 2d sess., S. Rept. No. 2080, pt. 2).

I should like to take up a summary analysis of the equal employment provisions of title VII of the civil rights bill which has been prepared by the law department of the National Association of Manufacturers:

The title of the civil rights bill which sets forth in some detail the purpose to provide relief against discrimination in public accommodations, public education, and other areas is somewhat misleading in regard to the bill's purpose with respect to equal employment. In this respect, it states merely that the purpose is "to establish a Commission on Equal Employment Opportunity." In fact, however, title VII of the bill relating to equal employment opportunity imposes a new statutory prohibition against every form of discrimination in employment because of race, color, religion, sex, or national origin.

The proposed Commission on Equal Employment Opportunity is somewhat incidental to this main purpose. Although it would be a powerful agency, the Commission would be created chiefly to administer and enforce the ban against discrimination—functions that could be performed by the Justice Department or other appropriate agencies. The real meat of title VII is, therefore, its ban on discrimination rather than its creation of a Commission to enforce that ban.

Title VII would apply broadly to every employer "engaged in an industry affecting commerce who has 25 or more employees"—except that in the first year after the effective date the number would be 100 employees and in the second year 75 employees, in the third year 50, and thereafter 25.

The term "industry affecting commerce" is broadly defined along the lines of the definition of that term in the National Labor Relations Act, a definition which has been construed by the courts to cover virtually all business enterprises. Specific exemptions are provided for religious organizations, certain private membership clubs other than labor unions, the United States, and the States and their political subdivisions. Also a special exemption would permit educational institutions to employ persons of a particular religion where such institutions are in substantial part owned, supported, controlled or managed by a particular religion or directed toward propagation of a particular religion.

The title would make it an "unlawful employment practice" for an employer to "discriminate" against any individual with respect to hiring, discharge, compensation, terms, conditions, or privileges of employment, because of his race, color, religion, sex, or national origin. An employer could, however, restrict hiring and employment to persons of "a particular religion, sex, or national origin"—but not race or color—where such factor is a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." It would also be unlawful for an employer to "limit, segregate, or classify" employees in any way which would adversely affect any employee because of his race, etc.

It would be unlawful for an employment agency providing employees to covered employers to discriminate in regard to referral or employment opportunities because of race, etc., and it would be unlawful for a labor organization to discriminate in regard to membership or employment opportunities because of race, etc.

Likewise, any discrimination by employers of unions in connection with apprenticeship or other training programs because of race, etc., would be unlawful.

Publication of any advertisement or notice by an employer, employment agency, or labor organization, indicating any preference or distinction in regard to employment, referral, or membership because of race, etc., would be unlawful.

Exception is made in most of the above situations where religion, sex, or national origin (but not race or color) is a bona fide occupational qualification. The bill apparently would not recognize race or color as a bona fide occupational qualification under any circumstances.

The bill would permit an employer to refuse to hire and employ any person because of such person's "atheistic practices and beliefs." Also it would deny any relief to any individual who is a member of the Communist Party of the United States or any other organization required to register as a Communist organization by final order of the Subversive Control Board.

In prohibiting discrimination because of sex, the bill would seem not only to duplicate completely the coverage of the Equal Pay Act of 1963, but also to extend far beyond its scope and coverage. That act prohibits only discrimination in rates of pay because of sex, and it also was carefully limited by Congress to discrimination between employees working in the same establishment and performing "equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions." The present bill on the other hand would prohibit discrimination with respect to "hire, discharge, compensation, terms, conditions, or privileges of employment" because of sex. It would not be limited to employees in the same establishment, and consequently, comparisons might be made between widely separated establishments. Moreover, it is not limited to employees performing equal work

on jobs requiring equal skill, etc., and accordingly, discrimination might be charged and found as between employees performing completely different jobs.

Although the bill contains lengthy provisions making it unlawful to "discriminate" in any way in regard to employment, it does not define the term "discriminate" or the term "discrimination." Presumably "discriminate" would have its commonly accepted meaning which, according to Webster's International Dictionary, is "to make a distinction" or to "to make a difference in treatment or favor (of one as compared with others); as to discriminate in favor of one's friends; to discriminate against a special class."

The title would seem to make it unlawful for an employer to make any distinction or any difference in treatment of employees because of race, color, religion, sex, or national origin.

The bill does not make willfulness or intent an element of its unlawful employment practices. Apparently, therefore, it would not be necessary to show any willful purpose or intentional violation on the part of an employer. It would appear to be sufficient to show that discrimination does in fact exist.

The bill provides no standards of proof or evidence. Presumably it would be sufficient if it were shown that the mix with respect to race, color, religion or national origin among an employer's employees was substantially disproportionate to the mix in the labor-market area from which such employees were drawn. The burden would then doubtless be on the employer to show that such disproportion was due to bona fide job requirements such as skill, education, etc., which prevented his employing an average mix from the labor-market area.

Moreover, this standard of disproportion to the local average might be applied not only to an employer's entire operation but also separately to particular jobs, departments, or categories of employees. For example, it might be applied separately to unskilled labor, skilled labor, individual crafts, clerical, supervisory, administrative, and executive classifications.

There is nothing in the title to limit it to any particular type of classification of jobs or positions, and presumably it would apply across-the-board to all persons classified as employees. Thus, it could reach into managerial positions, and if a disproportion were shown it could furnish a basis for a finding of discrimination and injunction against such discrimination.

It is not clear whether the bill would apply to the selection of corporate officers by a corporate board of directors or to the election of a board of directors by stockholders of a corporation. It is arguable that it might apply to the selection of officers by the directors, because the term "employer" by definition includes "any agent," and directors might be deemed agents of the corporation for purposes of the bill. It seems doubtful, however, that stockholders could be considered agents of the corporation in electing directors.

The title would create an Equal Employment Opportunity Commission to administer and enforce its provisions. The Commission would be a permanent agency consisting of five members appointed by the President for terms of 5 years.

Proceedings would be initiated under the title by the filing of a written charge with the Commission, alleging that an employer, employment agency, or labor organization has engaged in an unlawful employment practice.

Such charge could be filed "under oath by or on behalf of a person claiming to be aggrieved" or could be filed by a member of the Commission.

Whenever a charge is filed, the Commission is directed to furnish a copy to the party against which it is made and to make an investigation. In making such investigation, it would be empowered to enter and inspect any premises, examine records, question employees, and investigate such other matters as may be appropriate. It would have subpena power but could not require production of witnesses or records outside the State where they are located.

If the Commission, after investigation, finds reasonable cause to believe that the party charged has committed an unlawful employment practice, it is directed to endeavor to eliminate such practice "by informal methods of conference, conciliation, and persuasion." The title provides that nothing said or done during such endeavors may be used as evidence in a subsequent proceeding.

If such efforts fail, the Commission is directed and required to bring a civil action in Federal court, unless it finds by affirmative vote that such action would not serve the public interest. The term "public interest" is not defined, which would seem to leave the determination solely to the discretion of the Commission. If it does not bring action, the person claiming to be aggrieved can bring such action upon obtaining written permission of one member of the Commission.

Any such action could be brought either in the Federal judicial district in which the discrimination is alleged to have taken place, or in the judicial district where the charged party has his principal office. Thus, in the case of many corporations and other large enterprises, the Commission or the charging party would have a choice of forums in which to bring suit. Undoubtedly this choice would be exercised to the best advantage.

The party charged, on the other hand, is given no choice of forum in which he may defend. In cases where his principal office and his other places of business are located substantial distances apart, he could be subjected to serious financial burden and great inconvenience and disruption of his business in defending such actions. In most cases his witnesses who could testify as to the facts and circumstances at a particular plant or establishment would be located in such establishment; and to offer them as witnesses at a trial in a distant State, he would have to call them away from their employment and pay their expenses in attending the trial.

The bill provides that the Commission shall be liable for costs in suits brought by it the same as a private person. Accordingly, if the charged party prevails in a trial, he presumably could recover certain witness expenses and other costs of trial, but not the consequential costs resulting from disruption of his business. On the other hand, if the Commission or other charging party prevails, the charged party apparently would be liable for the Commission's witness expenses and other costs of trial in addition to his own. It is obvious that these expenses could be substantial where a trial is held at a place distant from the establishment where the witnesses are located.

There is no provision for trial by jury. Instead, title VII authorizes the court to appoint a master to take evidence on issues of fact, and submit a recommended order.

If the court finds that the charged party has engaged in or is engaging in an unlawful employment practice charged in the complaint, it could enjoin him from engaging in such practice in the future. The court is also directed to order him to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as it finds appropriate.

In connection with its enforcement functions, the Commission would be authorized to issue regulations to carry out the provisions of the title. In doing so it would be required to conform with the standards of the Administrative Procedure Act which would include notice and opportunity to be heard as well as other procedural safeguards.

With respect to employment in the performance of any contract with the Federal Government or its agencies, the bill would apparently supplement, but not supersede, the action already taken by the President through Executive Order No. 10925 as amended by Executive Order No. 11114 to provide equal opportunity for employment on Government contracts. Undoubtedly there will be considerable overlapping and duplication with respect to recordkeeping and possible penalties as between title VII and the requirements prescribed under Executive Order No. 10925 governing employment on such contracts.

One feature of title VII stands out above all others—it has the potential for an unprecedented volume of Federal investigative activities and litigation against private business enterprises. In this connection, it is to be remembered that charges of unlawful employment practice can be filed not only by any person who feels aggrieved but also by any other person or organization acting "on behalf of" such person.

Mr. ROBERTSON. Mr. President, will the Senator from Texas yield for a question, with the understanding that he will not lose the floor?

Mr. TOWER. I yield to the Senator from Virginia with the understanding that I shall not lose the floor.

Mr. ROBERTSON. Is it not true that under title III of the bill, as in title III of the bill in 1957, if an individual made a complaint, the Attorney General could then intervene with all the powers of the Federal Government behind him?

Mr. TOWER. He certainly could. That puts him in the position of being a plaintiff's lawyer for almost anyone who needs a plaintiff's lawyer in such a case.

Mr. ROBERTSON. Does the Senator anticipate that the Attorney General would have any difficulty in persuading a representative of the NAACP to initiate an action if he wanted to proceed?

Mr. TOWER. If the Attorney General wanted to try to obtain a decision on a particular issue, if he were attempting, by force legislation, to establish some legal precedent, he could find many lawyers who would be willing to cooperate with him. I am not casting any aspersions on the present Attorney General; but, after all, we anticipate that there will be other Attorneys General from time to time. There might be a sore temptation, for political reasons, for some Attorney General to practice barratry, which is, as the Senator well knows, for the fun of it.

Mr. ROBERTSON. Is it not true that title III of the 1957 bill which was similar to title III of the pending bill, was overwhelmingly defeated in this body?

Mr. TOWER. It was.

Mr. ROBERTSON. Is it not true that in 1957 the distinguished former Senator from Texas, Lyndon B. Johnson, made a brilliant speech about the absence of a provision for jury trials in that FEPC bill?

Mr. TOWER. Yes. President Johnson has been a consistent and highly articulate opponent of FEPC legislation.

Mr. ROBERTSON. Has he not always advocated that if any new type of

crime is established by law, a defendant should have the benefit of the traditional constitutional right of trial by jury?

Mr. TOWER. Certainly. As the Senator well knows, the right to trial by jury has come down to us through our common law heritage. It is one of the great legal institutions that evolved in medieval England, even before Columbus discovered America. It is so treasured a principle that it was fixed into our Constitution.

The proponents of the bill get around the principle by saying that what is proposed is a civil action; that it does not involve a large amount of money; and that it does not involve criminal punishment. Therefore, they say, we can proceed without jury trial. But that would be only a beginning.

I think provision for a jury trial applies to the spirit of the Constitution, the spirit of our common-law legal system.

If one refused to hire someone he did not want to hire, if he refused to hire someone he did not believe was competent to do the job, he could in effect be punished, although no substantial amount of money might be involved. If we were not violating the letter of the Constitution, if we were not violating the letter of the common law, we would certainly be violating the tradition of the common law.

Mr. ROBERTSON. Probably the Senator from Texas will recall that I have made a statement on the FEPC. In the statement I said it would certainly lead, in the end, to the quota system.

The distinguished majority whip, the Senator from Minnesota [Mr. HUMPHREY], asked, "Can you find 'quota' written out in the bill?"

Of course we do not find it written out in the bill; neither do we find written out in the 14th amendment to the Constitution some of the lengths to which the Supreme Court has gone, since the ratification of that amendment, in applying it—for example, in using it in connection with school desegregation and in using it to nullify so many other things of long standing. Certainly no one knew, for example, that, following the War Between the States, Federal troops would be maintained in the Southern States, to control their governments—action for which the then President said there clearly was no constitutional authority. But then Congress passed a law to permit the use of Federal troops in the Southern States, and said, in that connection, that such use was allowed "under the 14th amendment."

Does the Senator from Texas believe that if an FEPC were established, it would inevitably lead, in the end, to quotas?

Mr. TOWER. I do not see how they could be avoided, because this provision of the bill would confer unlimited discretionary power on the proposed five-member Commission. The bill does not use the word "quota"; but the use of quotas is implied. The bill provides that no one shall be discriminated against in connection with employment—that in connection with employment, there shall be no discrimination growing out of race, color, religion, national origin, or sex. Does that provision mean, then, that the employer must hire a certain number of persons of the various ethnic and other categories? If so, quotas would be bound to result.

As Shakespeare said, "A rose by any other name would smell as sweet."

Mr. ROBERTSON. Quotas are implicit in the whole idea of that provision, are they not?

Mr. TOWER. That is correct.

Mr. ROBERTSON. Even if their use is not specifically provided for or defined in the provision?

Mr. TOWER. Yes.

Mr. ROBERTSON. What is the Senator's opinion of the probable effect of the provision limiting the application to businesses having at least 100 employees? What does the Senator think would eventually result?

Mr. TOWER. Of course, not being a proponent of the pending measure, I cannot explain what the proponents had in mind, except perhaps they thought the smaller businesses would not be inclined to oppose the bill so much if this part of the bill were limited to businesses having at least 100 employees—although no doubt the limit would later be reduced to 75 employees, and later to 50 employees, and later to 25 employees. So perhaps the proponents believed that the 100-employee limitation would be advantageous, in terms of tending to put the small employers to sleep, so as to be unaware of the danger which eventually would face them.

Mr. ROBERTSON. In view of the undoubted coverage of the bill, does the Senator from Texas have any doubt that if the bill as first put into effect did contain the 100-employee limitation, actually the limitation would be reduced to just 1 employee.

Mr. TOWER. No doubt that would be the case. Of course, a business of 25 employees is fairly small. A retail establishment in a small town might employ 25 people. So a business which employs 25 persons is by no means a big business.

I think ultimately the demand would be to scale down further the presently proposed limitation, with the result that eventually the bill would apply to an employer who had only one or two employees.

Mr. ROBERTSON. Is it not inevitable, too, that a businessman who found that he was subjected to the provisions of this part of the bill would insist that all his competitors likewise be subjected to it?

Mr. TOWER. Oh, no doubt that would happen, for "misery loves company," as the saying is. No doubt what the Senator from Virginia suggests would quickly develop.

Mr. ROBERTSON. What is the Senator's explanation of the fact that all parts and titles of the bill, except title VII, the FEPC title, would become effective as soon as the President signed the bill, whereas the FEPC title would not then become effective?

Mr. TOWER. Again, I think perhaps the intent is to give the business world time to adjust to that part of the bill and time to rectify some of their "evil ways of discrimination," and so forth, and also to give the commission some grace time in which to think up various forms, data sheets, and so forth, which the employers would be required to maintain.

After all, in view of the vast discretionary authority which, by means of the bill, would be wielded by the commission, which would virtually operate carte blanche, this title would be a tremendously large stick, a very big stick, to be wielded over business; and the commission might think up 100 things it wanted to require business to do.

Mr. ROBERTSON. I assume that the Senator from Texas thinks the proposed postponement of application of the FEPC title does not have any relationship to the forthcoming election. Does he think that is not involved?

Mr. TOWER. Well, regardless of whether one might be regarded naive because of the attitude he took in that connection, at least it can be said that some persons believe the proponents had that situation in mind.

Mr. ROBERTSON. Does the Senator from Texas think perhaps it would be advisable to provide that application of the FEPC title of the bill should be postponed for 2 years, so as to enable another Congress to examine it and decide about it?

Mr. TOWER. Perhaps it would be well to have that done. In view of the approaching campaign, there could then be full debate on the measure during the period of the campaign. After all, a period immediately preceding a presidential and congressional election is not the best time in which to have Congress pass measures providing such vast new authority and having such vast effects. Obviously, it might be quite wise to let this issue be taken to the voters, to enable them to give their mandate on it in the election.

Mr. ROBERTSON. In short, does not the Senator from Texas believe the pending bill represents a plain attempt to grab vast power for the Federal Government, at the expense of the States and the people?

Mr. TOWER. Undoubtedly so.

Mr. ROBERTSON. I feel that the bill contains a large number of measures which are clearly unworkable, and many which are unconstitutional—such as the FEPC title, and many which are very distasteful.

What would the Senator from Texas think of adding to the bill a provision to the effect that the FEPC title would not become effective until it had been ratified by a majority of the States, at the election next November?

Mr. TOWER. I think that would be a good idea. Of course, this issue could be submitted to conventions in the States, rather than to the State legislatures. Perhaps that would be better, because the conventions would be popularly elected, and thus it would be possible to obtain a correct view of popular sentiment in the country.

Mr. ROBERTSON. But that issue could be put on the ballot; that would not be unconstitutional.

Mr. TOWER. That is correct. So what the Senator from Virginia suggests could be done, by following the regular procedures; but also, as in the case of the prohibition amendment, this issue could be submitted to conventions in the various States, and thus it would be possible to obtain a fairly accurate view of public sentiment.

Mr. ROBERTSON. I thank the Senator from Texas.

Mr. SPARKMAN. Mr. President, at this point will the Senator from Texas yield briefly to me?

Mr. TOWER. I am glad to yield.

Mr. SPARKMAN. After listening to the colloquy between the distinguished and learned Senator from Texas and the distinguished and learned Senator from Virginia, I wish to ask a question.

As I understand the statements they have made, the Attorney General of the United States—whoever might at the time be serving in that position—could, when a complaint was made to him by only one person, commence such proceedings, if he was satisfied that the complaint was a valid one.

Mr. TOWER. He certainly could. But this has been a highly controversial proposal, and this body has rejected it before.

I see no reason why it is any more advisable to enact it now than when it was previously rejected.

Mr. SPARKMAN. The question was up for consideration in 1957.

Mr. TOWER. That is correct.

Mr. SPARKMAN. The proposal was beaten on the floor at that time. Is that not correct?

Mr. TOWER. That is correct.

Mr. SPARKMAN. I believe there were two votes on it.

Mr. TOWER. Yes. I was not a Senator at that time. But I believe the Senator is correct.

Mr. SPARKMAN. I can remember the debate on it. I can remember the reaction of Senators when they learned what the various provisions were. Does not the Senator understand that these were practically the same provisions that were contained in the 1957 bill?

Mr. TOWER. That is my understanding. I can see no substantive difference.

Mr. SPARKMAN. With reference to the provision which seeks to allow the Attorney General, when a complaint is made to him by a single person, to start proceedings against the one who is charged with unfair practices or discriminatory employment practices, as the Senator has said, that suit may be brought in different places.

Mr. TOWER. Yes. It can be brought either in the jurisdiction where the events occurred, or in the jurisdiction where the headquarters of the offender are located.

Mr. SPARKMAN. For the purpose of my question, I shall consider only the place where the company's headquarters are. I want to ask the Senator particularly about small business. Could this not be used as a severe harassment of small businesses?

Mr. TOWER. Absolutely. That is what those of us who have addressed ourselves to this provision have anticipated. Certainly it would be used as a harassment. The Senator was not in the Chamber a while ago when I had a colloquy with his distinguished colleague from Alabama [Mr. HILL]. We discussed that very point. The bill has rather sinister implications which could be directed both to civil rights and to the harassment of business for some reason which is not connected with civil rights. The law might be used as a bludgeon or club, not to eliminate discrimination, but to impose some punitive, vindictive action on a business.

Mr. SPARKMAN. Suppose the small businessman knew that he was not guilty, and decided to fight the decision. No jury is provided to decide the case. Is that correct?

Mr. TOWER. There is no jury provided.

Mr. SPARKMAN. There would not be a jury of a man's own peers?

Mr. TOWER. That is correct.

Mr. SPARKMAN. The right to have a jury of one's own peers has been provided, as the Senator stated, for centuries, since medieval times. That provision has been in effect since Runnymede in 1215, when the barons wrested a guarantee from the King of England that every Englishman should thereafter be entitled to the right of trial by a jury of his own peers.

Mr. TOWER. That is correct.

Mr. SPARKMAN. That provision has been handed down through our jurisprudence.

Mr. TOWER. That is correct.

Mr. SPARKMAN. However, it is not contained in the bill.

Mr. TOWER. That is correct.

Mr. SPARKMAN. Suppose the judge were to find the man guilty, as he might well do. In that event, the bill does not set a standard; does it?

Mr. TOWER. No. It does not.

Mr. SPARKMAN. Therefore, someone or some agency will have gradually established a standard?

Mr. TOWER. That is correct. There are no objective standards in the bill. There is no clear-cut definition of color or national origin. We are placing a great deal in the laps of five nameless commissioners who will have to exercise their own discretion.

Mr. SPARKMAN. During the time required to get the system started, the five commissioners will be the ones who will be instrumental in setting standards by arbitrary pronouncements?

Mr. TOWER. Yes. We can assume that they may be well-intentioned men, and I have no doubt that they will be. But they will be given more life-and-death power, and more actual dictatorial power over the operations of business in this country, than the U.S. Senate possesses. There are 100 of us; and we could never go so far as to say that we 100 have a monopoly on truth. Could we?

Mr. SPARKMAN. We could not. There is a body at the other end of the Capitol that the Constitution makes jointly responsible.

Mr. TOWER. That is correct. And we are not always in accord.

Mr. SPARKMAN. Does not the Constitution provide that all constitutional power shall be vested in Congress?

Mr. TOWER. It clearly provides that.

Mr. SPARKMAN. Does the Senator agree with me that no standards are laid down whereby a defendant could take the case before a judge and claim that standards are not provided?

Mr. TOWER. That is correct.

Mr. SPARKMAN. Those standards will gradually be woven into the fabric of our procedures by the five Commissioners in the decisions which they will render. A quota system could be placed in those procedures, could it not?

Mr. TOWER. By all means.

Mr. SPARKMAN. I believe the Senator stated that in his opinion it would be?

Mr. TOWER. Undoubtedly there would be a quota system. I would suggest, if the bill is passed, that the validity of it be challenged on the ground that it is too ambiguous and that congressional power is not clear in the bill.

The Supreme Court should refuse to uphold the validity of the proposed act, not only on the ground of constitutionality, but also on the ground that the language is vague, nebulous, and ambiguous. How could a court possibly understand what the congressional intent is?

Mr. SPARKMAN. It would be unenforceable.

Mr. TOWER. It would be unenforceable because of the ambiguity. But as the Supreme Court is now constituted, I am afraid it would not so hold.

Mr. SPARKMAN. A few days ago there was a split decision of the Supreme Court, 5 to 4, on the right to a trial by jury.

Mr. TOWER. Yes.

Mr. SPARKMAN. I thought it was a rather significant decision on that particular subject. It is not the first time that the Supreme Court has been rather closely divided on the same question, the right to a trial by jury.

Does the Senator not feel that it is quite noticeable in that decision that the so-called liberals of the Court decided in favor of the right to a trial by jury? Does that not indicate that the liberals everywhere ought to pay attention to the bill if being liberal means that kind of interpretation?

Mr. TOWER. That is correct. I regard myself as liberal—more or less of the 19th century type. I am sorry that the terms have been preempted to mean something else. But all intellectual liberals should rally, and I would hope they would join us on this subject.

Mr. SPARKMAN. Does it not seem that Senators who call themselves liberals and generally think of themselves as being liberals, should be in the forefront, working for the right to a trial by jury in line with the opinion of the four liberals on the Supreme Court?

Mr. TOWER. They should join with us in the ardent debate to oppose this measure until such a provision is included in the bill.

Mr. SPARKMAN. I agree. Could not this provision become a very expensive item for the average small business, by

reason of being required to call in large numbers of witnesses and build up other court expenses?

Mr. TOWER. It could become very expensive. It could be a grievous burden on a marginal operation where the margin of profit is not great.

Mr. SPARKMAN. Is that not characteristic of a large number of independents, small businesses in the average community?

Mr. TOWER. Yes. We think in terms of what the legal costs might be in the average suit which would be brought. But we do not know as yet what the Commission will require the employer to keep in the way of data and records. The requirements of the Commission might necessitate the hiring of additional personnel who are not production employees and do not help the employer make money. The additional personnel would assist the Government in their recordkeeping. That would be an additional cost to the small business.

Mr. SPARKMAN. The Senator knows this section of the bill better than I do. There has been talk about this section, but it is not clear in my mind. Is it provided in the FEPC section that the law, if it should be enacted, would not be applicable in States having their own FEPC laws?

Mr. TOWER. Yes; where such laws were found by the Commission to be adequate.

Mr. SPARKMAN. Does the Senator feel that that is fair and nondiscriminatory legislation?

Mr. TOWER. I feel that it is rank discrimination.

Mr. SPARKMAN. Is not the bill shot through with discrimination?

Mr. TOWER. I believe this is the most discriminatory piece of legislation I have ever seen in the Congress.

Mr. SPARKMAN. Speaking of the quota system, the proponents say there is no quota system provided for in the bill.

Would it not be fairer, so far as the country is concerned, to have a quota system provided for in this proposal?

Mr. TOWER. Yes. If we are to pursue this course, let us enact legislation which will provide for a quota system. Then why not go a step further? If an employer must hire a certain percentage of people with certain national origins, let us say to the consumer, "You must patronize business establishments owned by people of various national origins in your community." For example, suppose an Italo-American owns a restaurant, and a Greek-American owns a delicatessen. Could we not say to the consumer, "You must take part of your meals in one place, and a part of them in another, and perhaps another part of them in a German restaurant." If we are going to compel people to do this, and if we are going to establish quota systems for hiring people of various national origins, why not go the next step?

I know of one Negro citizen who moved north, to Massachusetts. He was greeted warmly. He was helped in becoming established in business. Then the people would not patronize his business.

Mr. SPARKMAN. He was frozen out.

Mr. TOWER. He was frozen out. What are we to do about that kind of situation?

Mr. SPARKMAN. I am sure the Senator is familiar with the provision in the bill which has been referred to from time to time by various Senators as being a hyopcritical provision. I do not know that we would be right in saying that. We would probably be violating the rules in saying that, because probably Senators—no; Senators did not have any part in writing the bill. I will take it all back. No Senator had anything to do with writing the bill. Is that correct?

Mr. TOWER. That is correct. This is the House bill.

Mr. SPARKMAN. Even the House did not have an opportunity to do much writing.

Mr. TOWER. No.

Mr. SPARKMAN. It did write one provision; and I want to ask the Senator about that provision while we are discussing discrimination. That is the section in title IV, I believe, which relates to desegregation of schools. Is the Senator familiar with the little provision which states, in effect, "This provision shall not apply to transfering from one school to another"?

Mr. TOWER. Oh, yes.

Mr. SPARKMAN. In other words, it provides that it does not require "busing." Is the Senator familiar with that provision?

Mr. TOWER. Yes. That is correct. But there are many little discriminatory clauses in the bill besides the FEPC provision. Atheists are not given protection. I do not know why we are discriminating against atheists. By the way, who is going to tell who is an atheist? I cannot always tell the difference between an atheist and an agnostic. Who is going to tell the difference?

Mr. SPARKMAN. No; they themselves cannot always tell the difference. My own feeling is that there is no such thing as a genuine atheist.

Mr. TOWER. But one may discriminate against atheists under this bill. So it can be classified as class legislation.

Mr. HILL. Mr. President, will the Senator yield to me before he leaves the subject?

Mr. TOWER. I yield.

Mr. HILL. Was not the one thing above everything else that was guaranteed the people under the Constitution freedom of religion?

Mr. TOWER. By all means.

Mr. HILL. Did not those who wrote the Constitution know of the misery and suffering which could occur from not having that freedom?

Mr. TOWER. Absolutely. The Supreme Court has said that the wall between church and State must be rigid and insuperable. Yet the bill makes second-class citizens of atheists. I disagree with atheism, and I hope it never takes hold in this country, but atheists should be entitled to the equal protection of the laws. This provision flies in the teeth of the 14th amendment.

Mr. SPARKMAN. Mr. President, if the Senator will yield, does not the constitutional provision relating to religion apply to the freedom to have a religion, and, with equal force, to freedom not to have a religion?

Mr. TOWER. That is correct. A citizen can either have a religion or not have one. Many persons who profess to have a religion do not really have it, but that is another story.

Mr. SPARKMAN. The Senator is familiar with the situation that prevails in Harlem; is he not?

Mr. TOWER. I do not visit that area frequently.

Mr. SPARKMAN. But the Senator is acquainted with the conditions that obtain there?

Mr. TOWER. Yes.

Mr. SPARKMAN. The Senator knows about the difficulties the people had there a year or two ago when students were "bused" to the schools, and the objections that were made to that, and all the trouble the people had up there. Does not the Senator know that the "busing" prohibition in the bill guarantees the continuation of such conditions as exist in Harlem in the segregated sections and the segregated schools?

Mr. TOWER. The bill does not intend to encourage the breaking up of ghettoes in the big cities. That applies not only to Negro citizens, but to groups of various other national origins.

Mr. SPARKMAN. The Puerto Ricans, for example.

Mr. TOWER. Puerto Ricans, and any number of others.

Mr. SPARKMAN. And other groups.

The Senator is familiar with the fact, is he not, that a couple of years ago the Civil Rights Commission, in its report, said that the most segregated city in the United States was Chicago?

Mr. TOWER. Yes.

Mr. SPARKMAN. The Senator recalls, does he not, the trouble in Chicago over the past year or two with respect to attempts to bring about a balance in the schools and cure the so-called imbalance?

Mr. TOWER. One way to remedy that situation is to put an open housing provision in the bill. I wonder if our friends would be willing to accept such a provision.

Mr. SPARKMAN. There is a provision in the bill against that.

Mr. TOWER. Perhaps there ought to be an open housing provision in the bill.

Mr. SPARKMAN. A provision was put in the bill by the House that an open housing provision does not apply to any contract of insurance or guarantee. Such a provision protects the banks, the savings and loans associations, FHA insured contracts, and VA guarantees; but the people who must live in public housing have no protection.

Mr. TOWER. That is correct.

Mr. SPARKMAN. The elderly or low-income people, who must obtain direct loans, have no protection.

Mr. TOWER. They have no protection.

Mr. SPARKMAN. Does that not seem discriminatory?

Mr. TOWER. It is absolutely discriminatory. As I have already said, this legislation is shot through with discriminatory provisions.

Mr. SPARKMAN. Yet it is claimed that this is a bill to cure discrimination.

Mr. TOWER. Absolutely. If we did a little work on it I believe we could eliminate some of the discriminatory provisions. For example, the bill should be made equally applicable to atheists and to those who have a religion; it should be made equally applicable to northerners and southerners; city dwellers as well as rural dwellers. This is the most discriminatory piece of legislation I have ever seen.

Mr. SPARKMAN. If the Senator will yield to me further, I see present in the Chamber some long-time Members of Congress—my colleague, the senior Senator from Alabama [Mr. HILL], the Senator from Virginia, chairman of the Banking and Currency Committee [Mr. ROBERTSON], among them. They were in the House. They recall that in times past antilynching bills were introduced almost every year.

Mr. TOWER. We discussed that subject earlier.

Mr. SPARKMAN. The antilynching bills were always written to apply to the killing of someone in the South. I heard a number of southern Members of Congress say, "If you will write into that bill a provision to make it applicable to mobs, mob killings, and riots, we will support an antilynching bill."

Was it ever done? Never. It was always aimed at the South. Is not much of this bill aimed in the same direction?

Mr. TOWER. This bill is in the spirit of Thaddeus Stevens and Charles Sumner.

Mr. ROBERTSON. Mr. President, will the Senator from Texas yield, without losing his right to the floor?

Mr. TOWER. I am glad to yield to the Senator from Virginia.

Mr. ROBERTSON. I wish only to ask a question.

The Senator knows the senior Senator from Virginia [Mr. BYRD], and he knows that some years ago he was successful in having an antilynching bill passed in the State legislature of the State of Virginia. Since that time, there has not been a lynching in the State of Virginia. But a significant point was referred to by the distinguished Senator from Alabama, that the bill applies to any kind of mob action and has been used only once. That was in a strike called by a labor union in which many people were beaten. Two of its leaders were convicted and sent to the penitentiary for 3 years. There has been no labor violence in Virginia since.

As the Senator from Alabama has stated, those who wish an antilynching bill did not wish that kind of bill. It was a bill aimed at the South.

Mr. President, since I have been yielded a moment, I wish to take this opportunity to warmly commend the distinguished Senator from Texas for a fine address, and for his helpful suggestions. I hope that all Senators will consider well and read the suggestions he has made, to make this a fairer and more workable measure.

Mr. TOWER. I thank the distinguished Senator from Virginia for his comments.

Mr. HILL. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. HILL. I also wish to commend the Senator from Texas on the fine speech he has made on the floor of the Senate today. I join the distinguished Senator from Virginia [Mr. ROBERTSON] in particularly commending the constructive and statesmanlike suggestions of the Senator from Texas.

I congratulate him and warmly commend him.

Mr. TOWER. I thank the distinguished Senator from Alabama for his comments.

WELCOME TO SENATOR RANDOLPH

During the delivery of Mr. TOWER'S speech.

Mr. RANDOLPH rose.

Mr. KUCHEL. Mr. President, may I inquire of my good friend the Senator from West Virginia, whom I am delighted to see on this occasion, if he plans to make an extensive comment?

Mr. RANDOLPH. No; I desire to ask permission to insert some matters in the RECORD. I am most grateful for the Senator's welcome.

Mr. KUCHEL. I am delighted to see the Senator from West Virginia.

Mr. RANDOLPH. I thank the able senior Senator from California.

Mr. TOWER. Mr. President, I am very glad that our good friend from West Virginia has returned to the Chamber. We welcome him. We are glad to observe that he seems to be in robust health.

Mr. RANDOLPH. The Senator from Texas is thoughtful, and I appreciate his remarks.

Mr. HILL. Mr. President, the distinguished Senator from Texas [Mr. TOWER] and I serve on the Committee on Labor and Public Welfare with the distinguished Senator from West Virginia. During his recent absence, we missed him greatly. We deeply sympathize with the ordeal he had to go through; and we are delighted to have him back with us. All of us know full well of the very fine work he does in our committee; and all of us know full well, too, of his exceedingly fine work in the Senate itself.

We salute him, and are extremely happy to have him back with us.

Mr. RANDOLPH. I thank the Senator from Alabama. I cherish our friendship of many years, extending back into the 1930's when we were colleagues in the House of Representatives. It is a privilege to serve on the Labor and Public Welfare Committee under his competent leadership.

Mr. BAYH. Mr. President, will the Senator from West Virginia yield briefly to me?

Mr. RANDOLPH. I yield.

Mr. BAYH. Mr. President, I wish to second the remarks of the Senators who have paid their respects to the distinguished Senator from West Virginia.

As a relatively junior Member of the Senate, I wish to state that I have always regarded the Senator from West Virginia as one of the pillars of the Senate; and I have been very happy to serve with him on the Committee on Public Works.

All of us have sent him our prayers.

Now that you are back with us, Senator RANDOLPH, we are more than delighted; and we trust that you will now be able to return to the harness.

Mr. RANDOLPH. Mr. President, I appreciate the remarks of the Senator from Indiana, and I thank my friends and colleagues, all. Their remarks have been expressed in much too generous terms.

Mr. President, I wish to comment on what the Senator from Indiana [Mr. BAYH] has said about prayer. We know the skill of the surgeon's hands. There are other powers that are very real. Strength comes to a person through prayer, and hope, and faith. I know this through a time of testing.

I recall some lines written by Ella Wheeler Wilcox:

> Say you are well, or all is well with you;
> And God shall hear your words and make them true.

Mr. HILL. Mr. President, will the Senator from West Virginia yield again, briefly, to me?

Mr. RANDOLPH. I yield.

Mr. HILL. Concerning what the distinguished Senator from West Virginia has said, I may say that my father was a physician and a surgeon for 50-odd years. He performed many surgical operations. He always said he could do only 10 percent, and that the good Lord did the other 90 percent.

Mr. RANDOLPH. I thank my friend the Senator from Alabama. I am reminded also of the lines by John G. Whittier which were quoted to me by our beloved Chaplain, Dr. Frederick Brown Harris, as follows:

> The healing of His seamless dress
> Is by our beds of pain;
> We touch Him in life's throng and press,
> And we are whole again.

Mr. President, 1 week ago today I entered the Chamber for the first time since my hospitalization. It is a genuine privilege to return again today. I anticipate increasingly frequent attendance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 143 Leg.]

Allott	Hartke	Miller
Anderson	Hayden	Monroney
Bayh	Hill	Morse
Beall	Holland	Morton
Bennett	Hruska	Moss
Bible	Humphrey	Mundt
Boggs	Inouye	Nelson
Brewster	Jackson	Pastore
Burdick	Javits	Pearson
Byrd, W. Va.	Johnston	Pell
Cannon	Jordan, Idaho	Prouty
Carlson	Keating	Randolph
Case	Kennedy	Ribicoff
Church	Kuchel	Robertson
Cotton	Magnuson	Saltonstall
Curtis	Mansfield	Scott
Dodd	McCarthy	Simpson
Dominick	McGee	Smathers
Douglas	McGovern	Smith
Fong	McIntyre	Sparkman
Gruening	McNamara	Symington
Hart	Metcalf	Tower

Walters Williams, Del. Young, Ohio
Williams, N.J. Young, N. Dak.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). A quorum is present.

AMENDMENTS NOS. 498, 499, AND 500

Mr. ROBERTSON. Mr. President, I send to the desk an amendment (No. 498) and ask that it be read and printed, and that it lie on the table.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

On page 27, line 8, insert "(a)" immediately after "SEC. 603.".

On page 27, between lines 20 and 21, insert the following new subsection (b):

"(b)(1) In all cases of department or agency action taken pursuant to this title, any person (including any State or political subdivision thereof and any agency of either) aggrieved by any such action may elect, in lieu of the judicial review provided for by subsection (a) of this section or by any other law, to file a petition for judicial review of such action in (A) a United States district court for any district where such action was effected in the case of action terminating or refusing to grant or to continue financial assistance, and (B) in any appropriate judicial district in the case of any other department or agency action.

"(2) For the purpose of this subsection, (A) the district courts of the United States shall have jurisdiction of proceedings instituted for judicial review of such department or agency action and (B) the aggrieved person (including any State or political subdivision thereof and any agency of either) shall be entitled to a hearing de novo and a trial by jury in such proceedings on the issue of the occurrence of discrimination on the ground of race, color or national origin in connection with the program or activity with respect to which such action was taken."

Mr. ROBERTSON. Mr. President, I ask that the reading of the amendment just submitted be considered to be in compliance with rule XXII, and that the amendment may now be printed and lie on the table.

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

Mr. ROBERTSON. Mr. President, I send to the desk an amendment (No. 499), which I ask to have read in compliance with Rule XXII, and that it then be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be read.

The legislative clerk read as follows:

On page 27, line 8, insert "(a) immediately after 'SEC. 603.'"

On page 27, between lines 20 and 21, insert the following new subsection (b):

"(b) In all cases of department or agency action taken pursuant to this title, any person (including any State or political subdivision thereof and any agency of either) aggrieved by any such action may elect, in lieu of the judicial review provided for by subsection (a) of this section or by an other law, to institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. For the purposes of this subsection, (1) the district courts of the United States shall have jurisdiction of proceedings instituted for such preventive relief, (2) such proceedings may be brought (a) in the judicial district in which such department or agency action was effected in the case of action terminating or refusing to grant or to continue financial assistance and (B) in any appropriate judicial district in the case of any other department or agency action, and (3) the aggrieved person (including any State or political subdivision thereof and any agency of either) shall be entitled to a trial by jury in such proceedings on the issue of the occurrence of discrimination on the ground of race, color, or national origin in connection with the program or activity with respect to which such department or agency action was taken."

Mr. ROBERTSON. Mr. President, I send to the desk an amendment (No. 500) and ask that it may be read in conformity with rule XXII, and that it then be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

On page 27, line 8 insert "(a)" immediately after "SEC. 603."

On page 27, between lines 20 and 21, insert the following new subsection (b):

"(b) Notwithstanding any other provision of this title or of any other law, in all cases of judicial review of department or agency action taken pursuant to this title, the reviewing court shall hold unlawful and set aside any such action found to be unsupported by a preponderance of the evidence."

Mr. ROBERTSON. Mr. President, Edmund Burke, one of Great Britain's greatest statesmen, said, "Nations do not learn by experience." The Romans have come down through the history of civilization as the great law givers but the personal rights of a Roman citizen so eloquently explained by Cicero in his brilliant oration, "The Origin of Natural Law," were wiped out in a bloody revolution which followed the assassination of Julius Caesar. That assassination stemmed from his use of the threat of mob action against the Roman Senate if it did not promptly act on his bill to redistribute the public domain. I am sure Senators are not unmindful of the fact that we have been told, first, by the chief proponent of the pending civil rights bill that unless it was promptly passed by the Senate, and without change, there would be rioting in the streets and perhaps a resort to violence. Later, on two subsequent occasions, those sentiments have been echoed by the distinguished Senator from Oregon [Mr. MORSE]. Both of those gentlemen are urging prompt passage, without an amendment, of the most far-reaching bill presented to the Congress since the unfortunate days of Reconstruction, when the Congress passed such punitive bills against the South that the Supreme Court was forced to declare them null and void. One of those punitive bills which was declared to be unconstitutional is now the accommodations provision in title II of the pending civil rights bill.

That the pending civil rights bill is an unprecedented grasp for naked power by the Attorney General is clearly shown by the speeches and the votes against similar measures by a great former Senator from Texas named Lyndon B. Johnson. In 1957, we had presented to us in a civil rights bill a title III which authorized the Attorney General with all the power and influence of a great nation at his command to proceed at any time and in any place of his choosing to institute proceedings against a private citizen. That provision was so repugnant to the Senate in 1957 that it was defeated by an overwhelming vote, including, as I have indicated, the vote of the distinguished Senator from Texas, Mr. Johnson. Yet, we have that same title III in the pending bill, with just this minor deviation. Any member of the NAACP would start an action against any individual, any group of individuals, any locality, or any State, and immediately thereafter the Attorney General could intervene.

To all intent and purposes, therefore, title III of the pending civil rights bill is just as vicious as title III of the bill in 1957, yet, we are now told that we must accept it without change.

Title VII of the pending civil rights bill, which in verbiage amounts to nearly one-half of the entire bill, is a drastic FEPC bill, which in the past the Senate has never accepted, and that includes the vote cast by the distinguished Senator from Texas, Mr. Johnson, in 1960.

In addition to voting against any FEPC bill, Senator Johnson voted for jury trials in all the new civil rights legislation that was proposed while he was in the Senate.

Here is what the Senator from Texas said about the right to a trial by jury in 1957, just before he and the then Senator Kennedy, from Massachusetts, voted with the majority to adopt an amendment that would strike out of the civil rights bill then under consideration a provision denying the right of a jury trial for certain alleged violations—and now I shall read from the permanent RECORD, volume 103, part 10, pages 13355–13356:

Mr. JOHNSON of Texas. Mr. President, sometimes in the course of debate we use loose language. But it is not speaking loosely to say that the Senate is approaching a truly historic vote.

By adopting this amendment, we can strengthen and preserve two important rights. One is the right to a trial by jury. The other is the right of all Americans to serve on juries, regardless of race, creed, or color.

But the adoption of this amendment means something even more important. It means the strengthening of the basic purpose of this bill, which is to provide strong guaranties for the right to vote.

I believe we all recognize the fact that in this bill we are stepping into a new field of law enforcement. I am aware of the legal arguments that this is a traditional exercise of the powers of equity.

Those arguments will not be very impressive to our people. No lawyer—no matter how learned—will ever convince them that it is traditional to bring Federal judges directly into the voting cases.

As the bill now stands, it is an effort to convert criminal acts into civil offenses so that they may be punished criminally without a jury trial.

In my opinion, our people will accept the necessity for bringing the Federal courts into the election picture. They realize that there is a question of speed involved if the right to vote is to be effective.

But I do not believe that our people will accept the concept that a man can be branded a criminal without a jury trial. That is stretching the processes of the law too far.

If we were to insist upon criminal contempt proceedings without a jury trial, we would be inviting the very violations we seek to avoid. In my opinion, we could make no greater mistake.

This amendment has been carefully drawn. It leaves the Federal courts with full power to enforce compliance with legitimate court orders. It does not touch, in any manner, the coercive authority the judiciary properly should have.

It says only that a man cannot be branded as a criminal, in the sight of his fellow man, without a trial by jury.

North, South, East or West, our people will respond to laws that are enacted fairly after reasonable consideration. Those who will not respond can be handled under the ordinary proceedings of criminal contempt.

Mr. President, I believe in the right to vote. I believe in strengthening that right. I believe further that most of our people share my belief or are at least willing to accept it.

And I reject—absolutely reject—the contention that we must concentrate on threats in advance of violation. That is not the way to resolve an issue; it is only the way to create new issues.

Mr. President, I am not going to engage, tonight, in a lengthy argument on the merits of this amendment. There are on this floor able Senators who have explored every aspect thoroughly. The hour is late, and many Senators are prepared to vote.

But, before the rollcall is had in the Senate tonight, I should like to call the roll of the great men of the past. I do so only because I believe it will indicate the strength of the jury trial tradition among our people.

It was Thomas Jefferson who said:

"They [the juries] have been the firmest bulwark of English liberties."

It was Alexander Hamilton who said:

"The more the operation of the institution [trial by jury] has fallen under my observation, the more reason I have discovered for holding it in high estimation."

It was the late Senator Walsh, of Montana, who said:

"There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the system as we now know it."

It was the late Senator George Norris, of Nebraska, who said:

"A procedure which violates this fundamental right of trial by jury in criminal cases, even though it be a case of contempt, violates every sense of common justice, of human freedom, and of personal liberty."

Mr. President, these quotations could be continued into the evening, but it would be pointless to do so. The tradition of trial by jury is deep within the heart of our liberty-loving people.

Repeal that right, and our laws will become ineffective, except to incite disobedience. Recognize that right, and we shall have one of the strongest and most effective laws in our history.

Mr. President, I do not presume—as the minority leader has—to pass judgment on the actions of the other body. All I know is that tonight we in the Senate must do our duty as we see it.

Mr. President, when the roll is called, I hope this amendment will be adopted by a substantial vote.

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

Mr. ROBERTSON. I yield.

Mr. HILL. Congress wrote right into that act the right to a trial by jury.

Mr. ROBERTSON. By a big majority.

Mr. HILL. Is it not true that when the Congress had before it what we know as the Landrum-Griffith Act, dealing with labor unions, their financial affairs, administrative affairs, and standards with respect to elections, the very first title of which is entitled, "Bill of Rights of Members of Labor Organizations," it provided that in any criminal contempt proceeding there should be the right of trial by jury?

Mr. ROBERTSON. There is no question about it. Years ago we provided that in all contempt proceedings against labor unions—which did not involve offenses committed in the presence of the court—there should be a trial by jury. We thought it was not fair if the courts were supposed to be more favorable to corporations than they were to labor unions, as they would be if a Federal judge were permitted to try a labor union leader without a jury and put him in jail for contempt.

Mr. HILL. Is it not true that where the right to a trial by jury does not exist and is denied to individuals, the judge is the accuser and the prosecutor, he tries the case, and then passes judgment and fixes the penalty? It is all done by one man.

Mr. ROBERTSON. That is correct. We would then go back to what was called the star chamber proceeding.

Mr. HILL. That is correct.

Mr. ROBERTSON. Which forced our English forefathers to demand not only the right of a trial by jury, but a jury of their peers. That meant their neighbors, people who knew them and lived with them.

Mr. HILL. Is it not true that nothing caused the British people to fight more, to struggle, and to demand that they might have the Magna Charta, that they might have the petition of rights, and that they might get the Bill of Rights, than the denial of the right to a trial by jury?

Mr. ROBERTSON. It goes back to 1215. It came down to us in an unbroken line, and is one of our cherished rights. It is one of the symbols of our personal freedoms. Yet, nowhere in the pending bill is a man accused of violating a court order, or some other offense, given a right of trial by jury on the issue involved.

Among the many others who spoke and voted in favor of providing jury trials for those charged with certain offenses under the 1957 Civil Rights Act was the then Senator Kennedy from Massachusetts. He inserted in the RECORD advisory opinions from two Harvard law professors who supported the amendment to guarantee jury trials to accused persons and then joined Senator Johnson, of Texas, Senator MANSFIELD, of Montana, and others in voting for the jury trial amendment.

We were advised last week by the present Senator KENNEDY from Massachusetts that his late brother's heart and soul were in the pending bill and that it should be passed unchanged as a memorial to him. The RECORD shows, however, that in 1957, when he actually was in a position to vote on the issue, the then Senator Kennedy from Massachusetts spoke for and voted for the jury trial provision.

Yet, in the pending civil rights bill no jury trials will be allowed in criminal contempt proceedings on discrimination charges in employment or under any other provisions of the bill.

I said in 1957, and again in 1960, the extreme proposals of NAACP and its allied group of do-gooders were driving an unfortunate wedge between the North and the South just as disruptive of national unity and of national cooperation for the general welfare as were the intemperate proposals of the Abolitionists in the early part of 1861 following their success at the polls in the previous November when the northern Whigs had united with the Abolitionists to form a new party called the Republican Party.

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

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the late President Kennedy did not recommend or request the inclusion in the pending bill of an FEPC provision?

Mr. ROBERTSON. That is correct. He did not recommend the FEPC. That provision was inserted on the House side. No one has found out yet who drew it. There were no hearings on it. It is a little different from any of the others. It starts with 100 employees. It comes down to 50. Then it comes down to 25. It is not to become effective for some months after it is passed.

Mr. HILL. Is it not true that it was never considered by the House committee?

Mr. ROBERTSON. It was never considered by the House committee.

Mr. HILL. There were no hearings. No testimony was taken.

Mr. ROBERTSON. It was never considered by any committee. It was never considered by any committee on this side.

Mr. HILL. Is it not true that it was inserted by the House committee after only 2 minutes of debate?

Mr. ROBERTSON. I do not remember how many minutes, but I know it was a very short time. It could have been only 2 minutes. There was bitter complaint that there was no time to amend it or discuss it. The minority report assigned that as one of the specific objections to the bill that was reported.

Mr. HILL. That was one of the specific objections. The declaration in the minority report is signed by six responsible Members of the House of Representatives.

Mr. ROBERTSON. And one of them was Representative WILLIAM TUCK, of Virginia.

Mr. HILL. That is correct. He is a former Governor of the great Commonwealth of Virginia, is he not?

Mr. ROBERTSON. That is true.

Mr. HILL. He is a former Governor of the great Commonwealth of Virginia, as well as a longtime member of the House of Representatives.

Mr. ROBERTSON. A longtime member of the State senate.

Mr. HILL. He was also Governor?

Mr. ROBERTSON. Yes; and he has been in the House of Representatives for a long time.

Mr. HILL. That is correct. So far as anyone knows, no one has ever disputed the statement in the minority report of the Members of the House of Representatives that only 2 minutes were allowed before the provision was reported out.

Mr. ROBERTSON. The Senator can read that if he wishes.

Mr. HILL. It reads:

The bill was, upon order of the chairman, read hastily by the clerk, without pause or opportunity for amendment. Several members of the committee repeatedly requested to be permitted to ask questions, have an explanation of the bill, discuss it, consider its provisions, and offer amendments. The Chair refused to grant such requests or to recognize these members of the committee for any purpose. After the reading of the bill in the fashion hereinabove described, the chairman announced that he would allow himself 1 minute to discuss the bill, after which he would recognize for 1 minute the ranking minority member, the gentleman from Ohio. This was an ostensible attempt to comply, technically with the rules of the House but did not amount to debate, as debate is generally understood. Neither of these gentlemen discussed the bill for more than 1 minute; both of them refused to yield to any other member of the committee; and neither of them debated the bill nor discussed it in any fashion other than to say that they favored it. They made no effort in the 2 minutes consumed by both together to even so much as explain the provisions of the bill. In short, there was no actual debate or even any opportunity for debate.

Mr. ROBERTSON. Mr. President, I appreciate the kindness of the Senator in reading that language. It is the reason why the Senator from Virginia would not positively agree that the opposition had 2 minutes. It was his recollection that it had but 1 minute. The RECORD shows that 1 minute was taken by Chairman CELLER to explain what had been inserted.

In a recent address in Miami, Fla., to the bankers of that great and progressive State, I reiterated my fears about the divisive effect of the extreme and, in numerous instances, the unconstitutional provisions of the pending civil rights bill. Those remarks struck a responsive chord in the heart of a great-grandson of a distinguished former Senator from Missouri, Trusten Polk Drake, of Ocala, Fla. On my return to Washington, Mr. Drake wrote me a letter mentioning the fact that his great-grandfather was Senator Trusten Polk who predicted in a memorable speech in the Senate in January 1861 that the intemperate program of the abolitionists of New England could well result in a disastrous civil war and he urged his Senate colleagues to avoid such a catastrophe by a more reasonable approach within the framework of the Constitution. Before I quote from that brilliant speech by Senator Polk in the U.S. Senate, entitled "The Crisis and What It Means," I wish to point out that Senator Polk, although a cousin of President Polk, of Tennessee, was born and reared in Delaware and received two degrees—B.A. and LL.B. from Yale—and then moved to St. Louis, Mo., in 1835, where he began the practice of law. His great ability as a lawyer and his deep piety as a lay leader in the Methodist church soon attracted attention and he was elected Governor of Missouri, defeating for that office a man named Benton, who was later to become one of the famous Senators from Missouri. Then, Polk was elected to the U.S. Senate from Missouri, from which office he resigned when Lincoln called for troops to use against South Carolina and three other States which had seceded from the Union. Senator Polk offered his services to the Confederate Army; was given a commission of Colonel, was captured by Federal troops, served a long prison sentence, but was released after Lee's surrender at Appomattox. The Governor of Missouri, where Polk had been declared a traitor and his property confiscated, restored Polk's citizenship and from then, until his death, he enjoyed a large and lucrative law practice.

Mr. President, the burning issue before the Senate and before the Nation in January 1861 was the solution of the problem of slavery. The Abolitionist Party was demanding the abolition of slavery, but it was unwilling to proceed constitutionally; namely, by an amendment to the Constitution to abolish slavery, and it was unwilling to pay slave owners for their property. They openly proclaimed that the slaveholding States must pass laws voluntarily to abolish slavery and free the slaves or that the nonslaveholding States would compel them by force to do so. At that time, there were possibly 3 million slaves and the highest estimate of their value as chattels was $4 billion. There can be no doubt about the fact that in 1860 the institution of slavery was repugnant to a majority of Virginians and to those of numerous other slaveholding States. Those States would have gladly supported a 13th amendment to abolish slavery provided the amendment was accompanied by a proposal to pay a fair value for the slaves, which, in my opinion, might not have exceeded $3 billion.

But northern agitators would hear nothing of such a reasonable proposal. So, what was the result of the Civil War that they forced upon the South? The North in battle casualties, including those who died during the war from battle injuries, lost 364,511 men, and they were the flower of the youth of the North. I would not undertake to put a money value upon those needlessly sacrificed lives. But I do know the money value the North spent on its unjustified war against the South. The actual Federal Government expenditures were $3,288 million. That included an issue of $400 million of greenbacks for which there was no backing whatever except the credit and good faith of the issuing Government. More than a hundred years after the issuance of those unsecured greenbacks a large number are still in circulation, notwithstanding the earnest plea in 1896 of the atheist, Bob Ingersoll, for a sound currency anchored to gold. Criticizing the proposal of William Jennings Bryan that silver be monetized at 16 to 1, Ingersoll said, "I want every greenback to be able to stand on end and say 'I know that my redeemer liveth.'"

The Civil War Centennial Commission advises me that the overall cost of the unnecessary Civil War, both direct and indirect, for the combined effort of North and South, may have been $20 billion. I have no way of computing the purchasing value of $20 billion before war inflation disrupted all values in our country, but I do have a rather personal illustration of how the purchasing power of the dollar has changed just in my lifetime.

In the year that I was born—namely, 1887—my grandfather, A. G. Willis, of Culpeper, Va., for whom I was named, purchased a gold watch from the famous watchmaking firm of Patek-Phillipe of Geneva, Switzerland, for which he paid $200. He left that watch to me upon his death in 1903, and I have treasured it ever since. Four years ago, when I was attending a meeting of GATT in Geneva, I took the watch to Patek-Phillipe and asked the president of that firm what a similar watch would cost today. He replied that they did not today make as heavy a gold watch and that its nearest counterpart had 19 synthetic rubies, as against 23 genuine rubies in my watch; it did not have gold filigree hands and it had no second hand. I asked the price of that nearest counterpart to my watch and was told that it was $1,875. Naturally, I assume that my watch today could not be duplicated for less than $2,000; and should that be a measure of the change in values in just 77 years of the past century since the commencement of the Civil War, it indicates that in 1860 the Federal Government, in a program of freeing the slaves, could have paid slaveholders the fair value of all slaves for just one-eighth of the direct monetary cost of the war, in current monetary terms. The indirect cost was far greater and, as I say, who can estimate the value of losing nearly 400,000 of the flower of the Union population?

And, now may I also ask who can estimate the effect upon the perpetuity of those precious principles of political and economic freedom written by our forefathers in the Philadelphia Constitution of the effect of the violation of states rights when President Lincoln used troops from Northern States to make war on Southern States? Of course, when General Lee yielded to superior physical force at Appomattox, a precedent for using the Federal Army against a State or a group of States was established. Subsequently, such authority was written into statutory law, but even statutory authority was exceeded by the use of Federal troops in the now-famous Little Rock, Ark., school integration case.

Since the preparation of that statement, I have had prepared for me a summary of the code sections which authorize the use of Federal troops, and I ask unanimous consent that the statement may be printed in the RECORD.

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

CHAPTER 15—INSURRECTION

§ 331. Federal aid for State governments.

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the num-

ber requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection. (Aug. 10, 1956, ch. 1041, 70A Stat. 15; recodification of Military Statutes.)

§ 332. Use of militia and armed forces to enforce Federal authority.

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, makes it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion. (Aug. 10, 1956, ch. 1041, 70A Stat. 15.)

§ 333. Interference with State and Federal law.

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution. (Aug. 10, 1956, ch. 1041, 70A Stat. 15.)

Mr. ROBERTSON. Mr. President, I rejoice, of course, that the Union was saved; that time has eroded the scars in the South made by the iron heel of war and that the ability to forgive and to forget has eliminated the sectional rancor that was created by the conflict. But, Mr. President, we now have pending another very definite attack upon the same Constitution and made, of course, for the same alleged purpose; namely, to promote the economic and social welfare of a group that has descended from former slaves. There is no man in Virginia, and I hope no man in the South, who does not want that group to have in the fullest sense all the rights and privileges of citizenship which are guaranteed to white citizens by the Constitution and the amendments thereof. But the proposed attack upon the constitutional rights of white citizens reminds me of a striking statement made some 25 years ago by a former member of the U.S. Supreme Court who said:

The saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while there was yet time to save it.

Mr. President, since there is a striking parallel between the attack made over 100 years ago on States' rights and the current threat to those rights by the pending civil rights bill, I hope my distinguished colleagues will be interested in the discussion of the previous attack voiced on the floor of this Senate—on January 14, 1861, by Senator Trusten Polk, of Missouri.

Among other things, he said—and the following is taken from a photostat of the CONGRESSIONAL RECORD for the U.S. Senate, under date of January 14, 1861:

Mr. POLK. Mr. President, in the momentous crisis precipitated upon the country, I have felt constrained hitherto, to refrain from participating in the debate occasioned by it. I have feared, that if I should speak, I might say something which might be productive of harm; that, under the pressure of excitement, or of interest for my State and constituents, I might not heed as implicitly as I ought, the dictates of moderation and patriotism.

But, representing, in part, on this floor, a State whose welfare I know is most deeply involved—a border slaveholding State, and though one of the youngest, yet one of the most populous of the Southern States; indeed, the first of all of them, in white population—I feel that duty allows me to remain silent no longer.

The Roman historian, Tacitus, in describing the condition of the eternal city, when about to receive the shock of one of those startling revolutions which transferred the imperial purple from one Emperor to another, used this language; "Non tumultus, non quies, sed quale, magnae irae, magni metus, silentium fuit." ("There was not tumult, there was not quiet, but the silence of great wrath and great fear.") This I apprehend, is the condition of the southern half of our Confederacy at this hour. The noise and excitement of the late Presidential canvass are past. The contest is decided. Sectionalism and antislavery fanaticism have triumphed; their candidates are elected, and now there is calm. The silence of men settled in their purpose, to accept the stern alternative forced upon them by the result. Now look in the other direction, at the North. What is the state of the case there? At first, astonishment; then, among the honest and patriotic masses; regret, profound and widespread. The sections are brought by the result; face to face, not in fraternal greeting, but in unnatural antagonism, separated by a geographical line.

What is the condition of things all over the entire Confederacy, both North and South? Universal panic, prostration of credit, public and private. Why, Mr. President, our Government has just advertised for a loan of $5 million, and she could only get half of it bid for; nor even that, except at usurious rates of interest, running up to the extreme of 36 per centum per annum. Failures and bankruptcies, stagnation and embarrassment everywhere and among all classes. Business languishing, trade crippled, commerce curtailed, industry paralyzed; artisans and mechanics idle for the want of employment; factories stopped and operatives discharged; suffering among the laboring poor; and families without necessaries even now, and want and perhaps starvation, just before them in the future; and this glorious fabric of our Union even now tottering to its fall. Four of the pillars that sustained the towering edifice are already removed; and among them, one of the Original Thirteen upon which it first reposed. Six others are on the point of being removed; soon to be followed, it may be, by half of the residue, including among the slaveholding States, the first and last to come into the Union.

The circumstances which surround us are enough to force us to pause and ponder. And if we do so, we shall perceive the cold shadow of events still more startling coming upon us in the future. Even now, a vision of civil war begins to rise up before us; but we are not yet able to discern the form thereof. Sir, I feel for one, that we are in the midst of a crisis unprecedented in our history. It may be the crisis of our country's fate.

Some affect to ignore it all; as, for instance, the Senator from Ohio, Mr. Wade, who first addressed the Senate. Some again try to argue against it. That is the wisdom of the ostrich, which thinks to escape by his pursuers by hiding his head in the sand. Others still strive to allay apprehension. "Be still," they say, "there is no sufficient cause for danger." Grant it; and the danger is not thereby removed. What concerns us, and what we ought to be concerned about, is the magnitude of the evil. It matters not how trifling and insignificant the cause. A very small leak will sink a line of battleship, and when the noble craft has gone down forever, it will not relieve the diaster to point out the smallness of the cause. You may tell me ever so eloquently, how she was able to battle with the storm king on his own element and to vanquish him, but the fact still remains that the gnawings of an insect has sunk her into an abyss. The American Revolution, says Mr. Webster, was fought on a preamble. Is it not wiser and better to admit the truth, and look the danger full in the face? Then we may hope to prevent or, at least, to avoid it. "The prudent man foreseeth the evil and hideth himself, but the fool passeth on and is punished."

But there are causes for the perilous condition of affairs which is upon us. I know Senators say, "State your grievances; draw up your bill of indictment," implying that there are no grievances, and that no bill of indictment can be drawn up. They are in error. They say, "You complain of the Government, and yet the Government has been, for the most of the time, in the hands of the Democratic Party." Here they are in error again. The complaint is not against the Government. To assume that it is, is a great mistake. To be sure, the action of the Government affecting the institution of slavery has been prejudicial to the South and violative of its constitutional rights.

That was the case when the admission of my State was resisted, and the Missouri restriction was enacted into law. The South has borne the weight of that unconstitutional restriction for more than a quarter of a century. But we did not complain because it was the work, in part of southern men.

That was the case again in the passage of the Oregon territorial bill. President Polk, a southern man, deprecated the blow aimed against the rights of the citizens of the slaveholding States in that bill, as unjust and unequal. Yet, yielding to what he deemed the spirit of the Missouri Compromise, he signed it. He signed it, because Oregon was north of the compromise line of 36 degrees and 30 minutes.

That, still again, was the case in the admission of California. California did not lie north of 36 degrees and 30 minutes; and her constitution did not tolerate slavery; and yet she was admitted into the Union, in violation of the spirit of the Missouri Compromise. Moreover, the admission of California destroyed the equilibrium in the Senate between the slaveholding and the nonslaveholding States forever, and put the South at the mercy of the North.

But the complaint, I repeat, is not against the Government. It is against the action of certain States and the people of those States—States which are parties to the constitutional compact, on which rests the Union, of which they and their southern sisters are alike members. They reap special advantages from the Union, in the protection it gives to their manufacturing industry; in the bounties it lavishes upon their fishing interests; in the discriminations it imposes in favor of their commerce; in the millions of expenditures it pours annually into their lap; and they cry very loudly for its preservation, while at the same time, they are violating the Constitution which supports the Union. They violate the compact on their

part, and insist that their southern confederates shall be required—nay, coerced by force and by war to keep it on their part; as if, in the language of Mr. Webster, "A compact broken on one side, was not broken on all sides." They pass their personal liberty bills, there are some exceptions; I single them out, and honor them, bills in the very teeth of the Constitution, in contempt of it, and intended to deprive their southern brethren of their undoubted rights under the Constitution.

These bills not only do wrong and injury to their southern brethren, but they intensify the wrong by adding insult to the injury. They are passed in States where it has been admitted on the floor, a fugitive slave scarcely ever goes—"not one in 40 years," according to the Senator from Vermont, Mr. Collamer. A highspirited people may bear wrong, but it is quite too much to expect that they will bear with patience, insult added to the wrong. And this, too, from those standing in the relation of friends and brethren. "It was not an enemy that reproached me," says the word of inspiration: "then I could have borne it, but it was thou, a man my equal, my guide and mine acquaintance."

The fugitive escapes. Is he delivered up in obedience to the command of the Constitution? No, sir: He is harbored and secreted and hastened on his way. If the master is passing through the State, is he bid "God speed" in the spirit of friendship and fraternity? On the contrary, his slave is enticed away by false promises, or is ravished from him by force. Underground railroads are established, stretching from the remotest slaveholding States clear up to Canada. Secret agencies are put to work in the very midst of our slaveholding communities, to steal away the slaves.

The constitutional obligation for the rendition of the fugitive from service is violated. The laws of Congress enacted to carry this provision of the Constitution into effect are not executed. Their execution is prevented. Prevented, first, by hostile and unconstitutional State legislation. Second, by a vitiated public sentiment. Third, by the concealing of the slave, so that the U.S. law cannot be made to reach him. And when the runaway is arrested under the fugitive slave law—which however, is seldom the case—he is very often rescued. It is said that, in such case, when suits are brought against the rescuers, courts and juries will enforce the law against them. But all of this is accompanied by delay and vexation, and the most serious expenses—far exceeding the value of the slave. And even when judgment is obtained, it is, in many cases, valueless, for nothing can be made on the execution. The rescuers are either worthless Negroes or equally insolvent white men. But worse of all, these rescues are always accompanied by violence, and consequently by the most imminent peril to the master. They are effected by mobs of excited and fanatical white men and reckless black men, themselves runaway slaves.

Sir, I know gentlemen of my own State who have slaves in a northern city, worth thousands of dollars, who prefer to bear the loss of them rather than jeopardize their lives in attempting to recover them. The very case to which the Senator from Wisconsin, Mr. Doolittle, alluded, is a strong illustration. The slave was rescued by a mob, and the life of his master whom I know well—was put in imminent peril. He has never recovered his slave; he has never recovered a dollar of his value, although he spent more than his value in the endeavor. He has recovered judgment, and incurred costs, and that is all. And in this very case, the supreme court of Wisconsin committed the judicial outrage of deciding the fugitive slave law unconstitutional. And even yet the fruitless litigation is not ended. This lawlessness is felt with special seriousness in the border slave States. The underground railroads start mostly from these States. Hundreds of thousands of dollars are lost annually. And no State loses more heavily than my own. Kentucky, it is esitmated, loses annually as much as $200,000. The other border States, no doubt, lose in the same ratio. Missouri much more. But all these losses and outrages, all this disregard of constitutional obligation and social duty, are as nothing in their bearing upon the Union, in comparison with the animus, the intent and purpose, of which they are at once the fruit and the evidence. They demonstrate that the authority of the Constitution has ceased to be respected in the North. That instead of fraternal feeling—instead of the good faith which ought to subsist between confederates—there is animosity and bad faith. And it is rendered worse still by the consideration, that it was not so in the earlier and better days of the Republic. Then there was loyalty to the Constitution, and kindness towards the South. These are now changed, it is feared, into disloyalty and hatred. If so, how remorseless is that hatred? "Earth hath no hate like love to malice turned, nor hell a demon, like a brother scorned."

Is this a gloomy and portentous picture? I fear it is not equal to the sad reality. A worse feature is yet to be added. These sentiments have become the animating spirit of a political party. They have found expression in the platform of its principles; they have nominated candidates for the Presidency and Vice Presidency; and they have elected them by a strictly sectional vote. The candidate just elected to the Presidency, was the first man of his party to enunciate the dogma that there is an irrepressible conflict between the slaveholding and non-slaveholding States.

This House of the Constitution, made by our fathers, and which they supposed, by being divided into many apartments, was thereby rendered more commodious for a harmonious family of numerous and happy States; this Union, we have been told, is a house divided against itself. The Senator from Ohio, Mr. Pugh, not long since, showed, beyond cavil, that Mr. Lincoln, in uttering that sentiment, had reference to slavery in the States—not merely in the Territories—but also and especially in the States.

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Now, consider this in connection with the declaration made on the floor of the U.S. Senate in 1858 by the Senator from New York, Mr. Seward, who may be considered the leader of the party, that the Supreme Court of the United States must be reformed, which means that the national judiciary must be abolitionized; and is it not evident, that the writ of habeas corpus might be brought into use to effect the liberation of the slaves in the slaveholding States? Is not such a purpose palpable, and such a result probable? What, then, could the slaveholding States expect, after the election of such a candidate upon such a platform, but that all the patronage and all the power of the Federal Government, in all its departments, would be brought to bear upon the institution of slavery in the South, in order to compass its destruction?

To this effect have been the plain and unmistakable avowals of the Republican Party since the election of its candidates. It has constituted the theme of their rejoicings; it has rung from the press; it has spoken from the rostrum. Leading editors and politicians have reiterated it. The attitude and temper of the party have been not merely more arrogant, but more hostile and more threatening, since their triumph than before, evincing a determination to use their victory against the rights of the slaveholding States of the Union, regardless of the consequences.

The New York Tribune, which may be said to have been the war horse of Mr. Lincoln's campaign, and whose editor is supposed to have been his special friend in the Chicago convention, on the 22d day of December last, published the following: "We are able to state, in the most positive terms, that Mr. Lincoln is utterly opposed to any concession or compromise that will yield one iota of the position occupied by the Republican Party on the subject of slavery in the Territories; and that he stands now, as he stood in May last, when he accepted the nomination for the Presidency, square upon the Chicago platform."

And the Springfield Journal, which is considered Mr. Lincoln's home-organ, after the States bordering on the Gulf of Mexico had begun to evince determination to take the steps deemed necessary by them to insure their domestic tranquillity, published an article in which occurs the following strong language; "Let the secessionists understand it—let the press proclaim it—let it fly on the wings of the lightning, and fall like a thunderbolt among those now plotting treason in convention, that the Republican Party, that the great North, aided by hundreds of thousands of patriotic men in the slave States, have determined to preserve the Union—peaceably, if they can forcibly, if they must."

In a speech made by him, at a public meeting of his partisan friends in Masschusetts, shortly after the late presidential election, assembled in order to rejoice over their victory, one of the Senators on this floor from that State, Mr. Wilson, is reported to have said that they now had their heel upon the neck of the slave power.

And Mr. Giddings, of Ohio, who has the reputation of having procured the insertion in the Chicago platform of the portion most hostile to southern institutions, has lately held forth in the following strain: "Let it be understood that we do not recognize the right of any Member of Congress to make platforms for us; that shall not recognize their right of assumption to abandon our principles or sacrifice our honor, at the dictates of our enemies, whom we have triumphantly vanquished at the ballot box."

Mr. President, that was because they were hauling slaves from Africa and making big money out of it.

Many years later, reasonable men like the Senator from Missouri, Trusten Polk, whom I was quoting, a leading layman in the Methodist church, born and reared in Delaware, educated at Yale, graduating with academic and law degrees, a brilliant man, who did not own a single slave, who was against the institution of slavery, was appealing for moderation and for proceeding by constitutional methods—that would be the 13th amendment, to abolish slavery—to pay the slave owners for the deprivation of their property. But this was resisted by those who had made a profit hauling the slaves down to the South but now had lost the protection of that traffic on the high seas.

As I have just said, even when buying the Louisiana Territory, we protected the right of property in slaves. But the intemperate members of the Abolitionist Party who had formed an alliance with the Whig Party, which had elected Abraham Lincoln—although he got a minority of the votes that had been cast—was determined to abolish slavery. How? By telling the Southern States, "You must do it without any compensation, or if you do not, we will come down there and lick you."

That threat was carried out. Volunteers were called for, when there was no authority whatever in the Constitution for the Federal Government to use the power of military might against any State or any group of States.

When Robert E. Lee was forced to surrender at Appomattox, that set the precedent for the use of Federal troops.

But we piously put it into our law that we can use them to suppress an insurrection, or we can use them when the Governor of a State says, "The situation has got beyond me. Give me some help." But what happened at Little Rock? Without any authority whatever, troops were sent to Little Rock.

That is what we are appealing from here today. If we tear down the Constitution in one instance, and then tear it down in another instance, we can keep tearing it down until we will wind up with no Constitution.

The speech from which I was quoting was made over 100 years ago appealing for constitutional processes, not for slavery. God forbid—he did not approve it—I do not approve it—Virginia did not approve it. We wanted to get rid of it. We would have done it in the constitutional way.

Thomas Jefferson never approved of slavery. He owned slaves, but he was going to free them at his death. He did not do it during his lifetime, but he would have given them up.

But he supported an amendment to provide for payment to slaveowners, because there were many instances in which most of a man's property would be tied up in slaves. When he died, and the assessment of his worth was made, the appraisal might list his land at $10,000 and his slaves at $100,000. They were just that valuable, because there was little machinery in those days, remember, and if one did not have labor one could not work his farm.

That is the reason the South was 50 years in recovering from the blood bath that was forced on us back in 1861 to 1865. All the South had left was its land. In the Valley of Virginia where I live, all the fences were gone. A man could look out from the top of the Blue Ridge Mountains and see 100 houses and barns burning at one time. They took the livestock and the horses after the war and left only the land. And no one could work it. We have not yet recovered economically from that blow, besides losing, as I have already stated, the flower of our youth. The North, alone, suffered casualties of more than 400,000 men. They spent over $3 billion in money, and that would be $20, $30, or $40 billion in money today.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield for a further question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Would not the cost have been much less in the long run, both to the North and to the South, had the statesmanlike procedure been agreed upon, that there would have been a gradual freeing of the slaves, with the people of the entire United States helping to bear the cost of indemnifying the slaveowners, who had acquired slaves as property under legal institutions, for the reasonable value of the property when they were being deprived of their property rights in human slaves?

Mr. ROBERTSON. I fully agree with the Senator from Louisiana. Before the distinguished Senator came into the Chamber I said, in effect, that we could have passed a constitutional amendment, which we eventually did. The proclamation was not legal, although it was tried as a war measure and applied only to the Confederacy. Only the 13th amendment freed the slaves. We could have freed the slaves and paid for them, on the basis of present values, for one-eighth of what we paid in fighting to free them.

Statesmanship broke down and we plunged into an unnecessary fratricidal war.

Mr. LONG of Louisiana. I thank the Senator.

Mr. ROBERTSON. I continue to read from the speech of Senator Polk, of Missouri, on January 14, 1861:

But Mr. President, there was no need of his holding such language to the Members of Congress of his party in either House. We know full well, from the reports of the committee of 33 in the House, and of the committee of 13 in the Senate, and from the temper evinced by the members of the Republican Party, including both Senators and Representatives, that they have shown a disposition as unyielding and defiant as even Mr. Giddings could have desired. Nothing is to be conceded, it would seem, even if the destruction of the Union is to be the consequence.

Sir, at the formation of the Constitution, 12 of the 13 States were slaveholding. And even Massachusetts herself, had been a slaveholding colony, nor had she ever abolished slavery by any statute law. They all recognized the right of property in slaves. The Constitution was adapted to the institution of slavery as it then existed, and was in accordance with the public sentiment of the whole country at the time. Accordingly, no man doubted that it recognized property in slaves, and was designed to protect it wherever the national flag was unfurled, on sea or on land. No question was made as to the right of the master to carry his slaves with him, into the common Territories of the Union. Even the men of Massachusetts would no doubt have conceded it. Its denial would have lessened the market and consequently depreciated the price that the New England slave trader might get for the slaves he was importing from Africa by the ship load. The flag of the Union protected this property on its passage from Africa to the slave States of the South. The treaties of the country with foreign nations especially stipulated for the idemnification of the loss of slaves. This was done in the Jay's Treaty. It was done in the Treaty of Ghent; and the treaty for the acquisition of Louisiana recognizes and protects the right of property in slaves.

But the times have changed. States have changed their institutions; and now 18 of them are nonslaveholding—a majority in number, and a majority in population—and now the political power of the country is in their hands. But the Constitution is not changed. No amendment has been added to it on the subject of slavery. It remains exactly the same today, that it was in 1789. Yet Mr. President, what do we now behold? A political party has been organized upon the one central idea of hostility to slavery, and its ultimate certain abolition in every section and State of our broad republic; and it has triumphed. It has wrought a revolution in the public sentiment of the country against slavery, and is about to inaugurate a revolution in the policy and administration of the Government for its extinction.

Mr. President, has the South no cause for alarm for the safety of her institutions, and security of her rights? Is not her very existence at stake? How long could she retain the institution of slavery after the whole power of the Federal Government shall have been brought to bear upon her for its destruction? Think what could be effected by Federal legislation. Abolition of slavery in the District of Columbia; abolition in the arsenals, dockyards and forts; outlawry of it on the high seas, and wherever the flag of the Union floats; exclusion of it from the common territories belonging equally to all the States; circumscribing it as with a wall of fire within the States.

Then let the long and strong arm of the executive power of the Government be put forth for its extinction within the States. Sir, it will be mighty to the pulling down of the strongholds of southern institutions and rights. Against almost everything else, but this, the South might protect herself. Cohorts of Federal officeholders, abolitionists, may be sent into her midst to exert the patronage, influence, and power of their offices, and to plot and conspire against her property, and her peace. Postmasters—more than 13,000, with all their employees, controlling the mails and loading them down with incendiary documents. Add to these, land officers, surveyors of land, surveyors of ports, collectors of customs, assistant treasurers, judges and marshals, each of these, with their subordinates, intent upon one aim. What institution could withstand such an invasion, such sapping and mining? Even the Senator from Ohio, Mr. Wade, is not surprised that the citizens of the slaveholding States should begin to arouse themselves from their supiness.

The slave property of the South, Sir, is worth $3½ or 4 billion. Is it to be expected, that a brave and intelligent people would submit without resistance, without a murmur, to the destruction of such an amazing amount of property? Sir, no people, in any age of the world, in any country, or clime, under any form of government, has ever submitted to the destruction of a hundredth part of it, without resistance and revolution.

But there is a more horrible result still to follow, especially in those States where the black slaves greatly outnumber the free whites. This I forbear to hold up to view. I draw a veil over it. Let not its horrors be even suggested to the imagination.

I am satisfied, Mr. President, that there exists, and is spreading among the masses of the citizens of the southern section of our Union, alarm in all the slaveholding States, real and profound alarm, for the safety both of their property and the lives of their wives and children. The President has sketched this in the following sentences of his last annual message: "The immediate peril arises not so much from these causes as from the fact, that the incessant and violent agitation of the slavery question throughout the North, for the last quarter of a century, has at length produced its malign influence on the slaves, and inspired them with vague notions of freedom. Hence, a sense of security no longer exists around the family altar. This feeling of peace at home has given place to apprehensions of servile insurrection. Many a matron throughout the South retires at night in dread of what may befall herself and her children before the morning. Should this apprehension of domestic danger, whether real or imaginary, extend and intensify itself until it shall pervade the masses of the southern people, then disunion will become inevitable. Self-preservation is the first law of nature, and has been implanted in the heart of every man by his Creator for the

wisest purpose; and no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to render the homes and firesides of nearly half the parties to be habitually and hopelessly insecure."

Mr. President, I repeat, that, in my opinion, the difficulties and dangers which are thickening around us every hour, can be dissipated but by one course. Concessions must be made full and certain, and that without delay. There is but one other alternative left, and that is dissolution of our beloved Union.

Mr. President, I am sorry to say that Missouri seems to be the first of the slaveholding States selected after Mr. Lincoln's election for abolition attack. The New York Tribune, one of the most prominent of the organs of the abolitionists, shortly after the late presidential election, contained an article on that election. In that article it descanted upon the results and bearings of the election generally, and also especially in reference to Missouri. It used the following language: "Deeply as we all rejoice in the general results of the election, there is even greater reason for pleasure and hope in the condition of things it thus reveals in Missouri. Here, then, is a slave State entering upon a struggle to rid herself of the greatest curse that ever befall a people. She needs our help. She needs the encouragement of the moral influence of the North on behalf of freedom. She needs, above all, that the tide of free emigration pouring westward should, as far as possible, find homes upon her soil. This part of the subject, especially we commend to the attention of all parties who propose to seek for themselves new abodes in the great West."

But, sir, if disruption is to be forced upon us, we can at least guard ourselves against incursions of that sort.

Mr. President, I ought not to say, I will not say, that Missouri would be better off in the event of secession than she is now. But I may say, that I cannot see how she can be greatly worse off. But, sir, I do not present before the Senate of the United States the reasons why Missourians, in case of a division of the Confederacy into a northern and southern one, will fix the destiny of their State with the South. These reasons are properly reserved for another locality. Yet, Mr. President, I am satisfied that the citizens of Missouri do not desire to see the disruption of this Government. It would rend the great heartstrings of the entire State. She would submit to the most painful catastrophe, with feelings like those with which an affectionate daughter would part forever from her long-loved and deeply venerated mother. Will you not spare her the mournful separation.

Mr. President, I do not propose to argue the right, under the Constitution, of separate State secession. The controversy, in my opinion, has progressed beyond that stage of it. Secession is now already an accomplished fact. It has been thrice repeated. To stop to argue its constitutionality, is to fall behind the march of events. It would be something like discussing the legality of the judgment of a court, after its sentence had been executed and the convict hanged. Secession having actually taken place in the four States, and just on the point of taking place in at least three others, we must now deal with consequences.

Following after secession, there comes upon us a question of more momentous import; and that is; has the Federal Government, by the Constitution, the right to coerce a seceding State back into the Union by force? In the emergency which is upon us, this is now a practical question; and it is as momentous as it is urgent.

Gentlemen on the other side seem to me to approach the subject under wrong impressions. They seem to think that the States were made for the Federal Government, and not the Federal Government for the States. But the truth is, that the Federal Government was made by the States, for the States. Now suppose that the Government becomes hostile in its spirit, and destructive in its action, to the rights and institutions of the people of a portion of the States; what then? Let the spirit which dictated our Declaration of Independence answer. On the other hand, suppose it fails to answer the purpose of its creation, and instead of insuring domestic tranquility, destroys it; what then? Let the example of the Revolutionary Fathers, in withdrawing themselves and their States from the Union of the old Confederation, answer.

The Senator from Ohio, Mr. Pugh, has said that he will not stretch forth his hand to remove the well behind which stands the Atlas which supports on his shoulders alone, the firmament of our federative system. But, sir, I have no such aversion. I am willing to see the danger that lies before us. If this Government is about to rush into the vortex of ruin, I want to know it. If civil war is removed from us but by a single step, do not let me be ignorant of it, lest I take that step in the dark. Hide from me the day, when the dying agonies of my country shall begin; but do not hide from me, the lawless and fatal policy which must inevitably plunge her into the mortal strife.

By the 10th amendment of the Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The power to coerce, therefore does not exist—cannot exist, unless it has been delegated to the United States by the Constitution. But there is no delegation of any such power. It follows, of necessity, that the Federal Government does not possess it. All such argument is confuted and confounded by the simple truth, that the Constitution nowhere gives the power. Nor will it answer or attempt to raise the power by implication. The very terms of the constitutional provision just quoted, preclude the implication, expressly and emphatically, and forever. They utterly exclude any such conclusion.

Yet some persist in the attempt to deduce the power from the nature of the compacts. I understood the Senator from Tennessee, who first addressed the Senate, to pursue that course. It is said that, "When two parties make a compact, there results to each the power of compelling the other to execute it." Results from what? Such power can only result, either, first from the compact itself, second, from the fact of making it. It does not result from the compact, because we have already seen that the compact itself gives no such power to the General Government. It cannot result from the fact of making it, because the compact itself expressly declares that it shall not vest, except by its own delegation.

But the States made the compact—the Constitution—not with the Federal Government, but each other. The Federal Government never was a party to any compact with the States. Therefore, by the very postulate itself, that Government can have no right to enforce the execution of a compact, to which it never was a party. The postulate assumed, goes upon the further assumption, that the Constitution is a compact between the Federal Government and the States. But that assumpion is false in fact. If such power, therefore, as is assumed in the postulate—the power to forcible coercion—exists anywhere, it must belong to the other contracting States, which are parties to the Federal Constitution, and not to the Federal Government. The Federal Government is the result of the compact, and that is all. It can only use the powers given to it in express terms by the compact, nothing more. Unless the power, therefore is vested in the Federal Government by the terms of the compact, or in other words by the Constitution, it can neither coerce a State to remain in the Union, nor punish her when she goes out. But no such power is delegated by the Constitution to the Federal Government.

The absence of this power is no casus omissus in the Constitution. So far from it, the very point was presented and pressed upon the Convention which framed the Constitution, at the very commencement of its deliberations. The Convention met, and commenced its labors on the 25th of May 1787. Only 4 days thereafter, on the 29th, Mr. Randolph presented the plan of a Federal Constitution. It consisted a series of 15 resolutions. The sixth resolution contained the following: "That the National Legislature ought to be empowered to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof." On the motion of Mr. Madison, this proposition was postponed, and it was never again called up. And it was upon this occasion that he uttered the sentiments quoted a few days since by the Senator from Louisiana, Mr. Benjamin, in his speech on the question of State secession (Madison papers, 5 Elliot's Debates, pp. 127, 128, 139, 140).

Afterwards on the 15th of June, Mr. Patterson proposed a project of a Constitution. This also consisted of a series of nine resolution. His sixth resolution also proposed to give the General Government the right to coerce a State. This, too, was postponed by the Convention, and was never again renewed. So that the proposition to give to the General Government the power to coerce a State, was distinctly put to the Convention twice over on different days, and each time it was refused. The Convention was exceedingly careful and scrupulous on this point of the power of the Federal Government, in all its departments, over the States.

The sixth resolution of Mr. Randolph's plan contained another proposition akin to the coercion of a State. It was, "That the National Legislature ought to be empowered to negate all laws passed by the several States, contravening, in the opinion of the National Legislature, the articles of union or any treaty subsisting under the authority of the Union." This power was first agreed to. This was on the 31st of May. But afterwards, on the 8th of June, it was reconsidered and voted down. It was never again renewed.

On the 18th of June Mr. Hamilton also proposed a series of resolutions, embodying his ideas of a constitution, his 10th resolution proposed, in order to prevent the passage of laws by the particular States contrary to the laws of the United States, that the President should have power to appoint the Governor of each State, who should have a negative upon the laws of the State of which he was Governor. This was refused. Again; it was proposed in the eighth resolution of Mr. Randolph's plan, to give the President and a convenient number of Federal judiciary, a power of revision of the laws of the several States. And this was rejected.

But it is said that what is contended for, is not coercion of a State; but only that the Federal Executive is bound by the Constitution to see that the laws of the United States are faithfully executed. This I understand to be the position of the Senator from Tennessee, to whom I have already alluded. Such I infer to be the position of the President elect, if the newspapers of his party which have spoken on the subject truly gives his position. Let us examine this a little. Suppose a State secedes, in the exercise either of a constitutional or a revolutionary right—I do not care which, for the purpose in hand.

She passes laws in conflict with the laws of the United States; they may be in regard to the revenue and its collection, or the carrying of the mails, or anything else. An officer of the State, duly appointed such, acting in pursuance of her laws, and in the execution of them, does an act in violation of the laws of the United States. The Federal Executive undertakes to enforce the Federal laws against him. Forthwith the sovereignty of the State, whose agent and servant he is, and whose command he is obeying, is interposed to protect him. On the other hand, the U.S. Government brings its power into play to punish him. Here is necessarily conflict and coercion. You may call it the execution of sovereignty of a State.

Mr. President, this is reaching coercion by an indirect and roundabout mode; and I confess that, that fact does not render its features any the less abhorrent to my mind. On the contrary, it makes them only the more so. You coerce each individual citizen of the State, and yet you say you do not coerce the State. Then you may hang as a traitor each individual citizen of a State, and the State will not be depopulated, nor lose a single soul. Sir, such a result is not what is contemplated by the Constitution of the United States, when it makes it the duty of the President to see that the laws are faithfully executed. That Constitution never intended that Federal laws should be executed by force of arms within the limits of a State which has, in the most solemn and authentic form, withdrawn itself from the Union, and displaced the jurisdiction of the General Government. It has respect to the execution of the laws of the United States only upon the soil of a State while she remains within the Union, and subject to its jurisdiction. And here sir, is the exact point of difference between secession and nullification. In the latter case, the State, still abiding in the Union, and acknowledging the jurisdiction of the Federal Government, refuses to obey the laws. In the former case she has separated herself from the Union, and put off its jurisdiction. To my mind, the difference is a clear and a broad one.

But, sir, to enforce the laws within the limits of a State after she has seceded is an impossibility. This position was vindicated a few days ago to the Senate by the honorable Senator from Virginia, Mr. Hunter, much more ably than I can hope to be able to do it; and I shall therefore forbear to go over the ground much better occupied by him, and shall invoke the attention of the Senate to but a single view of it. The State has withdrawn herself from the Union. There is not a single Federal officer within her boundaries—no judges, no clerks, no marshals. In our Government the laws can be executed only by the courts and their officers. The President, in fulfilling the duty imposed on him by the Constitution to see that the laws are faithfully executed, has no right to act as judge, jury, and executioner. He is no autocrat. If the United States law is violated, the offense is cognizable under the Constitution, only by the Federal judiciary. A court must be called; a Federal judge must preside; a U.S. marshal must be there to execute process; and a district attorney to prosecute the offense. But all this, in the case under consideration, is impossible, because there is not a single one of all these officers within the limits of the State.

Do you say you will change the laws, and send foreign judges and marshals into the State? Well you make the alteration of the law, and you send your judge and marshal to the State. But the State will not receive them. She excludes them by force of arms. If you are determined to force them upon her, it must be done by Federal troops, and at the point of the bayonet. Here is war. But you suppose you shall succeed in forcing your officers into the seceding State, and you open your courts. The party to be proceeded against must be indicted by a grand jury. This is the first step. Without it you cannot put him on trial. But the grand jury must be citizens of the State. Each one of them is prohibited by the authority of his State from finding a true bill, and therefore, he cannot do it. And each one may be liable to the very same kind of a prosecution, and therefore he will not do it. And the next step, which is also an indispensable one, is, that the accused is entitled by the Constitution to be tried by a traverse jury, which must be composed of citizens of the State. And they too, for the same reasons already stated in regard to the grand jury, will not, and cannot, convict the accused. The Army of the United States cannot be made to play any principal part in the process of enforcing the laws of the United States.

Nor is the President authorized by the Constitution to allow the Army of the United States to play any principal part in the process of enforcing the laws. He can only send the troops to act in the capacity of a posse, under the direction of the civil authorities. These authorities must make demand for the posse, and take the charge of it. But in the case supposed there is neither civil officer to make demand for the aid of the troops, nor is there any judgment of a court to be executed.

Now, Mr. President, suppose it be conceded that this kind of coercion is constitutional, and that you are able to put it into operation, what result have you reached in the process of it? You have inaugurated war, nothing less, nothing else. Sir, war is the most terrible of all calamities under all circumstances, and for the most righteous of causes. It stands first in the dreadful triumvirate for the scourging of the nations—war, pestilence, and famine. War first and chiefest of the three. But this would be the most wicked, most horrible of all wars. It would be civil, internecine war, perhaps also servile war.

In the dreary catalog of wars that have cursed and depopulated and ravaged the earth, there is none which is a parallel to what such a war must be. The civil wars of the Roman Empire in ancient days, and those of the British in more modern, are no types of what this American civil war must be. It will be a war of sections—the North against the South, and the South against the North. It will be a war of families—son against father, brother against brother, and husband against his wife's brother. It will be bitter, bloody, remorseless, and exterminating. No man can tell when it will terminate, and no fancy depict its horrors, its universal devastation and ruin. The picture drawn by Mr. Burke of the havoc inflicted by Hyder Ali upon the Carnatic, will scarcely convey an adequate idea of it.

Sir, is any Senator on this floor prepared to resort to coercion in order to achieve such a result? Ought any Senator to be willing to deny to the South the constitutional concessions and guarantees necessary to maintain her rights and safety, at the risk of incurring these consequences?

Mr. President, for myself, I denounce the policy and the construction of the Constitution which must lead to such disasters. If we must separate, let us separate in peace. If republicanism, having beaten down and subdued the gallant democracy of the North, is determined, in spite of constitutional guarantees, in spite of social duties, in spite of justice and right—is determined to exterminate the institution of slavery from every foot of soil, of every State in the Union, or else to force the slaveholding States to go out of the Union—let our separation be without the shedding of blood. "Let there be no strife, I pray thee, between thee and me, and between thy herdsmen and my herdsmen, for we are brethren. Separate thyself, I pray thee, from me. If thou wilt take the left hand, then I will go the right; or if thou depart to the right hand, then I will go to the left" (Genesis 13: 8).

Mr. President, South Carolina has by solemn ordinance declared herself withdrawn from the Union, and repealed the act by which she ratified the Constitution, and entered into the Confederacy. This has been done by a convention deliberately called by the people for that purpose. Mississippi, Alabama, and Florida are in the same position. Other States are following close and hard in the same path. Sir, I am sorry that the good people of these States, in the exercise of their high discretion for securing their sacred constitutional rights, had not seen fit to consult with their sister slaveholding States, before adopting this policy. These States all have the same institutions, the same rights, the same blood. Their cause is a common one; their policy, it seems to me, ought to have been a common one, also.

But, Senators, I will never give my vote nor my consent either to coerce or to execute the laws by force of arms in any way in any one of them. To do that would be to wage war upon them; and that war could have but one object, and that, to subjugate the States and bring them back captive in chains. Is there any Senator who would be willing to achieve that scandalous and monstrous result, even if it were possible to accomplish it? The Constitution of the United States was never designed by the fathers to be prostituted to any such base purpose of oppression and outrage. It has no aptitude to coerce and hold in unwilling union, alienated, hostile, and belligerent States, nor to maintain a centralized despotic power to dominate over subjugated provinces, and to coerce their allegiance by the bayonet and the sword.

Mr. President, if the spirit of fraternity and conciliation has fled from this Congress and this Senate Hall, is it clean gone from the country forever? Does it no longer move the masses of honest and true men of the North? Do they not still love their country, the whole country, the South as well as the North? Will they forget the spirit in which the War of the Revolution was waged? Will they not recollect, that George Washington, a southern man, led their fathers of the North as well as the men of the South, in that war; that while northern men offered up their lives on southern battlefields, the men of the South as cheerfully shed their blood in the defense of their brethren on northern soil?

And remembering that Heaven itself deals with his creature, man, through mediation and in infinite concession; remembering too, that in order to form the Constitution of our Government, their fathers made concessions upon this very subject of slavery, will they refuse the concessions now demanded by the South, not merely on the score of equality and of right; but as necessary, to the safety of their wives and children? Will they not yield them, and so preserve, or if need be, reconstruct, the Union of these American States?

That former Senator from Missouri said:

Mr. President, I appeal, from their Representatives, to the sovereign people of the North; and may God grant, to interpose for our country, in this hour of her extremity, and need.

Mr. President, in a brilliant speech delivered last summer at the University of Virginia, Jefferson's historic school, Hon. Fred Gray, a former Assistant Attorney General of Virginia, said:

It is unquestionably true that the tremendous, even unbelievable, scientific

achievements of the past two decades have conditioned the mind of man for change. Today, many have developed an attitude that whatever is as old as yesterday, must certainly be obsolete. We are ready for change. We are even eager for change and in many instances, we are apparently ready for change for the sake of change itself and not for any virtue which the change offers us.

I am convinced that the tremendous progress which has been made in the fields of technology has had a tremendous effect upon the attitude of people. There is a restlessness; an impatience; even to the extent of affecting our governments. Legislatures leap to new and untried methods and disregard the tried and true. Courts seek to do by revolution that which should be done by evolution. It is the belief of the Virginia Commission on Constitutional Government that these are dangerous practices—that freedom remains modern and that the dangers to freedom remain unchanged. It is for that reason that we were created and seek in these revolutionary times to hold fast to the basic concepts of the American Republic and to alert the American public to the dangers which we feel are being pursued today. We believe that the ancient slogan—"the price of liberty is eternal vigilance" is neither outmoded nor outworn.

I do not appeal to your passion, I care not for your views on segregation or integration, I am not concerned with your politics, and my appeal is as much to the Negro as to white race. I appeal only to reason. I ask you to look at the lessons of history, and ask yourself, am I safe from tyranny?

The Negro says he is struggling for his total freedom. No one can criticize a man for seeking freedom. But I say to the Negro race, "If it is indeed freedom which you seek, you should not believe that yours is the first such struggle in the history of the world." White men have struggled for centuries to achieve their freedom. And against whom did we struggle? We struggled against government. When we struggled to be free, we struggled against a czar, an emperor, a king—give him whatever title you will—but it was the power of a too powerful government which we were seeking to escape. And after centuries of struggle a new concept was born. It was a concept predicated on the individual dignity of a human being, a concept that there are certain rights that a man possesses because he is a man, certain rights that neither the courts, the Congress, nor the Crown can take from him. Much later, we came to refer to them as certain "inalienable rights." Long after the birth of the concept of a written guarantee of these rights was wrung from the British Crown by our English forebears. Magna Carta. A promise of liberty. When the English colonists came to America they brought with them a fierce love for those rights. It was to preserve those rights that our forefathers pledged to one another "Our lives, our fortunes, and our sacred honor" and entered upon a struggle that even the most optimistic among them is certain to have realized carried with it the very real prospect of death as a traitor. It was the determination never again to surrender to government their individual rights that carried them through the horror and suffering of Valley Forge to the glory of Yorktown.

These same people drafted and ratified the Constitution of the United States. They were people who had more than a passing acquaintance with tyranny. They knew him well * * * they had faced his sharp steel in battle * * * they had starved under his blockade * * * their comrades in arms had died under his power. Tyranny was no friend to them and when they instituted our form of Government they did so with one thought uppermost in their minds, "We, the people" are to control the Government, the Government is to be "of the people, by the people, and for the people." They placed every safeguard around their liberty that they could conceive. They rigidly limited the power of the Central Government. They preserved to the States all the powers except those conferred by the Constitution on the Federal Government.

Today the struggle lies forgotten, the fears are regarded as outmoded, the safeguards are thrown aside. Under a cry of freedom, well-meaning people forget the lessons of history, forget that unlimited power inevitably leads to oppression, and seek by the process of empowering the Central Government, to obtain what they would call liberty. And I say to them the very tools which you forge today in the name of freedom can as easily be used tomorrow to enslave us all. No tyrant could ask better weapons than those which you now create. The very people who most need unalterable constitutional rights applaud, indeed demand, a process by which constitutional rights are made subject to interpretation and change. Freedom of speech, freedom of religion, freedom of the press, the rights which we have considered inviolate now fall within the orbit of judicial change. The Constitution, the harness by which Federal power is held in check, is cast aside and we, all of us, must pray that power thus loosed will never fall into the hands of a zealot. And still you may ask what is it, that the President's civil rights bill does, that so endangers our liberty? And I would reply that it establishes a sufficient precedent as to the power of the Federal Government to support almost any legislation which can be conceived.

TITLE VI

Mr. President, as I pointed out on March 12, title VI is the real penalty provision of this unconstitutional and power-grabbing bill. Title II, the accommodations section, is merely the reenactment of a punitive civil rights bill which the Supreme Court declared to be unconstitutional in 1883 and which a former member of that Court, Mr. Justice Whittaker says is still the law of the land, That means, of course, section II is clearly unconstitutional although it would appear that some believe that a combination of politicians, Socialists, churchmen, and so forth, can prevail upon the present Court to reverse that decision on the ground that the right of the owner of a private hotel or restaurant to select his associates, or decide to whom he wishes to sell is not in keeping with the spirit of the times.

Again, in a 3-hour speech on March 23, I pointed out how irritating, as well as how unconstitutional, was title VII, which would permit the Federal Government to force unwanted employees upon the owner and operator of a private business. And, of course, the unconstitutional provisions of the sections relating to elections will cause trouble in some States, although not in Virginia because no one can truthfully claim that anybody is denied the right to vote in Virginia because of race, color, or religion. I repeat that the real "meat ax" of the bill is in title VI, which would permit the Federal Government to withhold from an individual, from groups, and even from an entire State, types of Federal aid that run into the billions. The following list includes just a part of those programs:

Agricultural experiment stations.

Colleges for agricultural and the mechanic arts.

Civil defense.

Highway construction.

Public works planning.

The school lunch program.

Soil conservation.

Watershed protection and flood prevention.

International research and training.

Agricultural Trade Development and Assistance Act.

Cooperative research or demonstration projects on social security or related programs.

Child welfare services.

Surplus property disposition and utilization.

Financial assistance for maintenance and operations of schools in federally affected areas.

National Defense Education Act of 1958.

Community health services, particularly for the chronically ill and aged.

Hospital and medical facilities research and demonstrations. That refers to the Hill-Burton Act, I believe. I continue the list:

Health research facilities construction.

Water treatment works construction.

Old-age assistance and medical assistance for the aged.

Aid to the blind.

As I pointed out on the 12th, I have made many speeches to State bankers associations, and savings and loan associations about the disastrous effect upon their lending privileges of title VI of the Senate omnibus bill of 1963. As a result, terrific opposition to that section of the bill had developed among all of the lending institutions of the Nation. Then, comes the pea shell game: Insurance programs that you thought were under the shell are no longer there. See, I lift the shell in subtitle 102 and declare that the insurance programs are not covered. However, there was nothing in the bill that repealed the President's order about discrimination in all housing programs until the adoption of the House floor amendment excluding contracts of insurance and guarantee. I agree with the distinguished Senator from Alabama, chairman of the Housing Subcommittee, this language means what it says. They are excluded.

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

Mr. ROBERTSON. I yield.

Mr. HILL. The Senator took the lead and rendered a magnificent service in enlightening people as to the housing provisions in the bill as it was originally sent to Congress by the President. As to the report by the House Committee on the Judiciary, when the committee became enlightened, is it not true there was so much opposition to those provisions that the House committee voted certain amendments, which took out the guarantees in the contracts?

Mr. ROBERTSON. That is true. I explained it to the bankers and to the savings and loan association officials all over the United States. They had the ability to get an expression of their viewpoint. They intended to make their viewpoint against this bill felt in Congress—make no mistake about it. So the House quietly, in an overnight session,

stated, "Please be excluded. Please keep quiet. We will not place this burden on you."

Mr. HILL. It adopted an amendment that would exclude certain financial institutions. Is that correct?

Mr. ROBERTSON. That is correct. If there were to be a shell game, it seemed that they were out, but the President's open housing provision was to be enforced. It could have been extended to insurance and contracts, and enforced under section 601. Another amendment had to be adopted, so as to spell out contracts and insurance. As the Senator from Alabama [Mr. SPARKMAN] has so eloquently and ably explained, they covered the FHA, but not the VA, nor the Area Redevelopment Administration. But if insurance money or a contract is involved, it is covered by this vicious bill.

Mr. HILL. But the housing that is provided for the old people is still left in?

Mr. ROBERTSON. Yes.

Mr. HILL. And for low-income people?

Mr. ROBERTSON. Yes. They have to take it.

Mr. HILL. They have to take it?

Mr. ROBERTSON. It amounts to that.

Mr. HILL. If they had known what the bill contains, and if they had an effective organization, such as the one to which the Senator has referred, they could come here and very likely have themselves excluded. Is that correct?

Mr. ROBERTSON. If they were administering some $50 billion of assets, they would have been heard from.

Mr. HILL. They would have been heard from. And very likely we would have seen the same retreat in that event which we saw in the case of the other folks.

Mr. ROBERTSON. Someone would have seen the justice of eliminating them.

Mr. HILL. That is correct.

Title VI of the civil rights bill, H.R. 7152, is an unprecedented, and all encompassing proposal. To my mind, it is both unconstitutional and inconsistent with all normal concepts of our form of government.

This title of the bill gives the President the power to withhold funds or other assistance if discrimination be charged. The power to withhold funds is a dictatorial power that should not be given to the executive branch of the Government as proposed in this bill.

Section 601 is as follows:

> Notwithstanding any inconsistent provision of any other law, no person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activity receiving Federal financial assistance.

There are no express words defining what constitutes discrimination. In fact, there is no such definition in the bill. The executive branch of the Government is directed by section 602 to issue regulations or to take action to effectuate the policy of section 601 by withholding funds or by "other means authorized by law." This would be an arbitrary delegation of power to the executive branch with no limitations attached other than the right of judicial review should an individual be so bold as to take the Government into court under the provisions of section 603.

The truth of the matter is that the head of an agency could forthwith, before he prescribed any conditions for Federal contracts, and irrespective of his powers relating to contracts either before or after prescribing contract conditions, proceed to interpret any or all laws relating to programs or activities of Federal financial assistance in his jurisdictions. He could then set into motion the machinery to withhold funds based on arbitrary standards as to what constitutes discrimination.

He could exercise this power on a mere individual complaint perhaps by an emotionally prejudiced individual. He could exercise it against the whole project in a large Federal contract simply because one Negro did not receive certain treatment, a certain payment, or a certain benefit. Title VI could include urban renewal matters, social security payments, veterans' pensions, all Federal loans, highway funds even where States put up matching funds, agriculture contracts, the school lunch program, public health and hospital programs, area redevelopment, public housing, and a host of other matters too numerous at this time to be enumerated. And it is no adequate answer to say that final action is taken by the President.

Let us now analyze section 601. The opening words are: "Notwithstanding any inconsistent provision of any other law." Hundreds of laws are in the statutes at large dealing with programs of Federal financial asistance. These laws touch directly or indirectly upon practically every phase of individual property and business ownership. This language is designed to be so broad that should the administration lose the fight on title II, which would outlaw segregation in restaurants, hotels, theaters, and places of public accommodation, as it undoubtedly will, it could still accomplish at least part of the purpose indirectly by regulations and by withholding funds in any Federal assistance program that has any connection with a privately owned public accommodations business.

Many laws of Congress and of State legislatures have been disapproved in the courts because they were too broad, too general, or too vague. Title VI is so general and so vague that any court should hold it unconstitutional on that ground. While there are no criminal penalties involved in title VI as such, it would be, if enacted, a part of and a powerful adjunct to the many civil rights laws now on our statute books which do carry criminal penalties and to the penalties attached to crimes in the financial assistance programs.

The Federal Registration of Lobbying Act was held unconstitutional because it was too broad and too vague in the case of *National Association of Manufacturers* v. *McGrath*, 103 F. Suppl. 510.

This case caused such uncertainty as to the extent of the coverage of the Lobbying Act that it was not until the Supreme Court later gave definite interpretations of the extent and meaning of the language of the act that proper standards of compliance could be drawn. The Court did this in the case of *U.S.* v. *Hariss*, 347 U.S. 612 (1954). The Court stated at page 617:

> The constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. The underlying principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed.

The Court then followed the principle adopted in *Screws* v. *U.S.*, 325 U.S. 91 which upheld the definiteness of a former Civil Rights Act and gave what it called a "reasonable construction of the statute." See page 618 of the opinion.

See also *Fox* v. *Washington*, 236 U.S. 73; *Musser* v. *Utah*, 333 U.S. 95; *Winters* v. *New York*, 333 U.S. 507, 510.

Title VI, taken in its entirety, or part by part, is vague, and indefinite and therefore unconstitutional as I have indicated.

Section 601 of title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Exactly what constitutes "financial assistance" is difficult to determine. Neither is the difference between a "program" and an "activity" clear. In the main, one thinks of programs in large terms, such as the school assistance program, or higher educational aid program recently enacted. The language of this bill, however, would seem to cover any Federal "contract." Conceivably, if the Federal authorities wished, they could use title VI to suspend every small business administration loan.

Under section 602, it would appear that the recipient of the loan could be blacklisted by administrative action, and unless he assumed the burden of proof under a law that does not describe what constitutes discrimination and took his case successfully into the Federal courts, he would not only lose Federal assistance, but perhaps his good reputation as well.

GENERAL ANILINE & FILM CORP.— A STEP CLOSER TO PRIVATE ENTERPRISE

Mr. KEATING. Mr. President, the long and tortuous litigation with regard to the sale of the Government's holdings in the General Aniline & Film Corp. finally appears to be coming to a close. Yesterday the Federal Court issued an order permitting settlement of the case along the lines of an agreement between the Government and Interhandel, a Swiss holding company which initiated the original suit more than a decade ago.

Unfortunately, there are still many obstacles to overcome before the Government can dispose of its stockholdings.

Further steps apparently will be guided by the recommendations of an Advisory Committee set up by the Department of Justice.

It would be a mistake for the Government to approach these problems simply from the point of view of a litigant in a lawsuit. GAF is an important industrial enterprise and its future growth and prosperity is of vital concern to thousands of its employees and the communities in which it now has its major facilities. It has always been my strong view that its future as part of private enterprise would be much more promising than under continued Government control. But the specific terms of a sale must be given the most careful consideration to assure the maximum benefit to its longtime employees and the economy of the areas in which it has been operating.

In my judgment, the employees of the company and other residents of the local communities involved deserve special consideration in any arrangements that are made for the sale of the stock. They have been loyal to the company throughout its history and have earned the right to share directly in its future growth. Moreover a wide distribution of the stock to the public would avoid antitrust problems, which might arise if GAF were turned over to a group of corporations, and assure against dismemberment or relocation of the firm in the future.

I have strongly urged that the interests of the local people and employees be fully considered by the advisory committee, and while I have avoided specific names, have suggested that it would be appropriate for labor, as well as management officials of the company, to be named to the advisory committee. Its tasks will be difficult under any circumstances and it can profit from the advice and help of men and women who have been associated with the company for many years.

It is gratifying to be able to report progress on the long stalled efforts of the Government to restore GAF to private enterprise. We must now make certain that this transaction fully serves the public interest.

APPOINTMENT TO THE INTERNATIONAL LABOR ORGANIZATION

Mr. KEATING. Mr. President, I am greatly honored by the appointment to serve as a Senate delegate to the meeting of the International Labor Organization. The ILO is one of the oldest of the specialized agencies of the U.N. In fact, its origins go back to 1919 when it was created in the Treaty of Versailles as a part of the League of Nations. The United States became a member of this autonomous intergovernmental agency in 1934. Today 106 member countries participate in this organization, together with labor and management representatives. Decisions are made and policy is shaped by this tripartite membership, which makes the ILO unique among international agencies.

Mr. President, the purposes of the ILO, to which I subscribe heartily, are to raise the standard of living, improve working conditions, and to promote economic and social progress.

Mr. President, it is a genuine privilege to serve with an international body of such high purpose and caliber and to work in whatever manner possible to improve the position of free workers throughout the world. Certainly, there can be no doubt that the United States has led the way for the entire world in the real privileges and opportunities available to its working citizens. Despite Communist propaganda the United States has a record of which it can be justly proud before all the world. I am honored to represent the United States in this international forum and to work in this forum for widespread betterment of living and working conditions throughout the world. It is my hope that, in preparation for the Geneva meeting, I shall have the opportunity—indeed, I shall make it a point—to discuss the problems likely to come before the conference with U.S. labor representatives who, I am sure, can render valuable assistance in acquainting the U.S. Government delegates with the viewpoint of the U.S. labor movement in the areas of chief interest and concern.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ROBERTSON. Mr. President, when I address the Senate again next week, I shall expect to continue my discussion of title VI of the bill, but for today I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 144 Leg.]

Aiken	Gruening	Morton
Allott	Hart	Moss
Anderson	Hartke	Mundt
Bayh	Hayden	Muskie
Beall	Hill	Nelson
Bennett	Hruska	Neuberger
Bible	Humphrey	Pastore
Boggs	Inouye	Pell
Brewster	Jackson	Prouty
Burdick	Javits	Ribicoff
Cannon	Johnston	Robertson
Carlson	Jordan, Idaho	Saltonstall
Case	Keating	Scott
Church	Kennedy	Simpson
Clark	Magnuson	Smith
Cooper	Mansfield	Sparkman
Cotton	McGee	Symington
Curtis	McGovern	Talmadge
Dirksen	McNamara	Williams, N.J.
Dodd	Metcalf	Williams, Del.
Dominick	Miller	Young, Ohio
Douglas	Monroney	
Fong	Morse	

The PRESIDING OFFICER. A quorum is present.

During the delivery of Mr. ROBERTSON's speech,

Mr. DIRKSEN. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. Mr. President, I yield to the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], with the understanding that I shall not lose my right to the floor, and that his remarks will not come within my speech.

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

Mr. DIRKSEN. I am grateful to the Senator from Virginia for permitting me to intrude at this point in his interesting speech.

I had planned today to submit 10 amendments to title VII of the bill. They are submitted in the utmost good faith and in the firm belief that they would improve markedly the title of the bill that deals with fair employment practices and creates the so-called Equal Employment Opportunity Commission.

These proposals are the fruit of long study and staff work and consultation with the people in business, in industry, in the contracting field, and in nearly every other field of economic activity.

I wish to make it abundantly clear that there may be other amendments. The most controversial amendment that I have been dealing with, together with my staff, will be submitted at a later date.

We have been having consultations on this side of the aisle with the proponents of the bill as is, in the hope that somehow we can find a practical solution for the problem which is involved where State and Federal jurisdictions are concerned.

Let me say, parenthetically, that I found most of the people who have come to consult with me, and who would be widely affected by this measure hostile to the civil rights bill. They began by stating that they would like to see a civil rights bill, but they wish it to be sound and practical. They wish it to be workable and, quite naturally, out of an abundance of their experience, they seek the enactment of a measure that will be fair.

I do not believe that anyone can quarrel with that premise. I do not believe that these amendments which will be submitted directly would impair, weaken, or emasculate the pending measure. They are not so designed and they are not so inspired.

It should be remembered that we are seeking to predicate a civil rights bill upon a solid foundation, knowing that in the years to come it will probably share the same fate as legislation in every other field.

I recall that even now we are amending and perfecting legislation on which I first voted in 1933 and 1934, and in subsequent years, when I was a Member of the House of Representatives. Thus, no legislation is perfect at the outset. Only as experience somehow yields to the wisdom and the prudence which is necessary, will it dictate the amendments which probably will be offered in the years ahead.

Later in my remarks, I shall ask unanimous consent to insert the text of

the amendments in the RECORD, together with a brief explanation of their significance. When the time comes, I expect to call them up for consideration, and that is momentarily a rather indefinite date. At that time, there will be a more thorough exploration and exposition of the amendments.

I am rather confident that they will beget the spirit of consideration by the Senate, and that there will be an abundance of debate, so that all aspects of the amendments will be thoroughly ventilated.

I am withholding one amendment. It is probably more important than all the others. It deals with the procedure to be followed by an aggrieved person who feels that he has been the victim of discrimination in the employment field. This involves a question of jurisdiction, since 30 States today have enacted and put into practice their own code which deals with employment discrimination.

The 30 States to which I refer are:

Alaska and Arizona; California and Colorado; Connecticut and Delaware; Idaho and Illinois; Indiana and Iowa; Kansas and Massachusetts; Michigan and Minnesota; Missouri and Nebraska; Nevada and New Jersey; New Mexico and New York; Ohio and Oregon; Pennsylvania and Rhode Island; Washington and West Virginia; Wisconsin and Hawaii; and Vermont and Oklahoma.

In those 30 States are located about 70 percent of the working population of the Nation and, for aught I know, that percentage may be even larger. We have tried by interpolation to determine how many of our working population are presently covered by State fair employment practice statutes and how the commissions should articulate those statutes. Interestingly enough, of this group of States, 17 are represented by 23 Republican Senators, and this figure is sufficiently impressive to indicate that these and other Members of the Senate are interested in the question of primary jurisdiction over civil rights complaints.

The House bill which is before us contains a section in the 11th title which recites:

> Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provisions thereof.

That language can be interpreted in a number of ways. However, if we are dealing with basic intent and purpose, I believe it was the intention of the House of Representatives, when it incorporated that language in the House bill, to give full consideration to the States and to the jurisdiction of the States in dealing with this problem in the first instance.

To be sure, there are recitals in title VII of the pending bill calling for cooperation between Federal, State, and local agencies and even for reimbursement of State and local agencies for services which might be rendered. Cooperation, however, between the Federal Commission on the one hand and the State and local commissions on the other can easily become a one-way street because of the pressure and emotionalism involved and because of the tendency of Federal agencies to dominate any field which they are authorized by Congress to enter.

In the Senate are men who have been Governors of their State. Offhand I can think of at least a half-dozen. In the main, they all seek a workable and equitable civil rights bill but they are mindful of the steady and deeper intrusion of the Federal power in fields where the problem is essentially State and local in character. It should be borne in mind that we deal not with something like trade practices in commerce which are widely diffused over the whole country and therefore require the interposition of Federal power, but rather with cases where a single individual is involved who complains of discriminatory practices by an employer. Surely we can develop language which will assure the States on this point, assure individual complainants that they will have fair and expeditious consideration of their grievances and still retain sufficient authority in the Federal Commission to carry forward the purposes and objectives of this title of the bill.

I trust that within a few days, it will be possible to satisfactorily resolve the issue of jurisdiction and procedure between the State and Federal commissions.

Mr. President, I submit these 10 amendments, and with each of them I submit an explanatory statement. In addition to them, I should like to have the amendments in proper form not only presented, but also published in the CONGRESSIONAL RECORD. I submit them for that purpose.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and, without objection, the amendments and explanations will be printed in the RECORD.

The amendments and explanations presented by Mr. DIRKSEN are as follows:

AMENDMENT 501

On page 29, line 13, after "person" insert "(including a labor organization having a hiring hall or hiring office)".

Incorporated into the definition of "employment agency" are the hiring halls or hiring offices of labor organizations. This has been done to insure, so far as is possible against discrimination by labor organizations against members by reasons of race, color, religion, sex, or national origin.

In these instances, which by reason of agreement by and between an employer and a labor organization, the employer is not able to seek new employees from the general labor market but is obligated to secure the employees from a hiring hall or hiring office maintained by a labor organization, it is desirable that adequate protection be extended under this title to these members who may be the subject of discrimination by the labor organization to which they belong.

The "hiring hall or hiring office" of a labor organization may be, in some areas, the only available source of access to the labor market.

Omission from the bill of this language may have been inadvertent. We do know that labor organizations have given support to this bill. This language I propose to insert in no way weakens or dilutes the title, but enlarges it by extending coverage to a large member of men and women in the labor market who would not otherwise be protected by this title.

AMENDMENT NO. 502

On page 35, strike all of line 7 through line 10 and reletter subsection (g) accordingly.

Paragraph (f) of section 704 of this title provides: "Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs."

This amendment will strike the above section from this title. To leave it in would only provide a vehicle for the first legal assault on this bill, which in view of recent court decisions would probably be successful.

The first words of the first amendment to the Constitution deal with freedom of religion and the cases decided under this section make it clear that the freedom of conscience enjoyed by Americans with respect to their religious beliefs ought not to be interfered with by the Congress.

The nature and extent of a man's beliefs with respect to his Creator are, and ought to be, sacred and exempt from testing as a condition of employment.

I can think of nothing so ill suited to a civil rights bill, designed to protect the rights of all persons to be free from discrimination as this section, the deletion of which I now propose.

AMENDMENT NO. 503

On page 39, at the end of line 11, insert "the public." and strike line 12.

The bill empowers the Federal Commission to make such technical studies as are appropriate to effectuate the purposes and policies of title VII and to make the results of such studies available to interested governmental and nongovernmental agencies.

However, every employed person and every employer has an interest in knowing the results of studies made with respect to discriminatory employment practices and the results of such studies should therefore be available to the public.

AMENDMENT NO. 504

On page 39, line 22, strike "or on behalf of"; and on lines 23 through 25 strike "or a written charge * * * has occurred."

This amendment provides for the filing of a charge in writing, under oath, by the party claiming to be aggrieved. The amendment precludes the bringing of this action "on behalf of" a person. This is in keeping with our historical concept of jurisprudence. We have recognized two types of court action, those brought by an individual to seek redress of a civil wrong or those brought by the Attorney General to correct a public wrong. It does not seem appropriate to deviate from this concept and to permit such filing of charges as is contemplated by the language of section 707.

AMENDMENT NO. 505

On page 40, line 15, after "be" insert "made public or".

The maximum results from the voluntary approach will be achieved if the investigation and conciliation are carried on in privacy.

If voluntary compliance with this title is not achieved, the dispute will be fully exposed to public view when a court suit is filed.

AMENDMENT NO. 506

On page 41, line 11, strike "may" and insert in lieu thereof "shall"; on line 11,

strike "either"; and on lines 13 and 14, strike all after "committed" through "office".

Now I feel that any action brought in the Federal court under this title should be brought in the judicial district where the unlawful employment practice is alleged to have been committed.

I realize, of course, that there are some other statutes which provide for venue in districts other than the district in which the cause of action giving rise to the complaint occurs. It becomes extremely important however, in setting up a statute giving rise to a new cause of action to choose our language with both clarity and precision.

Because the failure to comply with the provisions of this title is termed "an unlawful employment practice", I consider it both desirable and practical to provide that an action brought under this title should be filed in the Federal district court for the area of its occurrence.

To allow such a case to be brought in the judicial district in which the respondent has his principal office could, and probably would, result in a large number of suits being filed in the so-called home office districts of corporations.

In many instances the principal office of such firms are located in our large metropolitan areas. In such cities the court calendars are almost uniformly burdened with heavy case loads, upon which would be laden the additional cases it is expected would be brought under this title. The delay in justice to other litigants, and to the parties to actions under this title would be intolerable.

It could be anticipated also that there will be considerable problems involved in the transportation of witnesses and evidence from the district where the cause of action arose to a district far removed, with consequent difficulties to the maintenance of almost any business operation.

It is perhaps not inconceivable that employers, in an attempt to reduce their exposure to the hazards of litigation under this title, would increase the use of overtime by persons presently employed rather than run the risks attendant upon seeking new employees.

The expanding use of automated processes has already reduced the availability of employment opportunities for many categories of the employment market. I would hope, therefore, that in attempting to achieve a good end we do not create more problems than we solve. Accordingly, I suggest that acions under this title be brought only in the U.S. district court where the unlawful employment practice is alleged to have been committed.

AMENDMENT NO. 507

On page 41, line 22, after "has" and on line 23 after "is" insert "willfully".

The word "willfully" is added to section 707(e) to make clear the intention of Congress in respect to possible unwitting violations of title VII. Certainly it is not intended that an accidental or unintentional violation should subject an employer to the provisions of this title.

Corpus Juris Secundum defines willful and willfully in volume 94 at pages 620 through 638. On page 622 it is stated that:

"The words 'willful' and 'willfully' as ordinarily employed, mean nothing more than that the person, of whose actions or default the expressions are used, knows what he is doing, intends what he is doing, and is a free agent; that is that what has been done arises from the spontaneous action of his will.[1] Thus the terms imply a conscious act of the mind[2] and denote an attitude of the mind and will[3] but they import something more than a mere exercise of the will, and include the idea of a consciousness or knowledge, that is knowledge of all of the circumstances, and when used in connection with an act forbidden by law, the terms carry the idea that, with knowledge, the will consented to, designed and directed the act. Thus the terms signify an act done knowingly[4] permissively, voluntarily, deliberately, persistently, perversely, obstinately, or even an act performed stubbornly. The terms also signify an act done by design, with set purpose.

"The terms are also employed to denote an intentional act, an act done intentionally, or purposely, as distinguished from an accidental act, an act done by accident, or accidentally, or carelessly, thoughtlessly, heedlessly, or inadvertently, or otherwise beyond the control of the person charged."

This is precisely the situation which might exist if the words are not added to title VII. Accidental, inadvertent, heedless, unintended acts could subject an employer to charges under the present language.

In distinguishing in the use of the words in civil or criminal states it is stated on page 630 that: "the words willful and willfully are frequently used in a sense that does not imply any malice or wrong, or anything necessarily blamable or malevolent, and the words are generally used in this mild sense[5] in civil cases[6]."

A greater degree of certainty will be obtained by the addition of this word of refinement and certainly a much clearer legislative intent will be provided for the use of the Commission and the courts.

AMENDMENT NO. 508

On page 42, strike lines 17 through line 2 on page 43 and reletter the following subsections accordingly:

The next amendment will strike paragraph (f) of section 707 of title VII. This section provides for the appointment of a master in cases where the pleadings present issues of fact.

Traditionally in our theory of jurisprudence the decision on issues of fact are reserved to the jury and the decision of questions of law reserved to the judge. I do not believe it is wise to alter or to dilute proven legal procedures by incorporating this section into the statutes.

Of course, I am aware that the Federal Rules of Civil Procedure (rule No. 53) provide for the appointment of masters in particular cases, but the rule states: "a reference to a master shall be the exception and not the rule * * *."

The courts have held that such references are expensive and time consuming, that they greatly increase the cost of, and postpone the end of litigation. For nearly a century litigants and members of the bar have been crying out against the burden and delay of masters hearings and certainly litigants prefer, and are entitled to, the decision of the judge of the court before whom the suit is brought. Greater confidence in the outcome of the trial and more respect for the decision of the court should reasonably be expected if masters are eliminated.

It has been stated by one of our Nation's eminent jurists that there is no more effective way of putting a case to sleep for an indefinite period than to permit it to go to a reference with a busy lawyer as referee.

To subject complainants, who have been discriminated against by unlawful employment practices to the built-in delays of this section is unreasonable. I therefore propose its elimination.

AMENDMENT NO. 509

On page 45, line 1, strike out "(c) Every" and insert "(c) Except as provided in subsection (d), every".

On page 46, after line 5, insert the following:

"(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State which has a fair employment practice law during any period during which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, and shall not apply to any employer during any period during which he is subject to the provisions of Executive Order 10925, issued March 6, 1961, or to any other Executive order prescribing fair employment practices for Government contractors and subcontractors."

Amend section 709(c) to provide that the Federal Commission shall not require records different from those required by a State fair employment practices agency or the President's Committee on Equal Employment Opportunity.

This amendment is necessary to prevent the superimposition of different recordkeeping requirements by the various State and Federal agencies dealing with discrimination in employment. The preparation of business records is already burdensome, and there is little justification for allowing each agency to impose its own requirements for records.

AMENDMENT NO. 510

On page 46, strike out lines 6 through 24 and insert the following:

"ENFORCEMENT

"SEC. 710. (a) If the respondent named in a charge filed under section 707 refuses to permit the Commission or its designated representatives to examine, or to copy, evidence in conformity with the provisions of section 709(a), the United States district court for the district in which such evidence is located shall, upon application of the Commission, have jurisdiction to issue to the respondent an order requiring him to permit the examination and copying of such evidence.

"(b) If any person fails or refuses to comply with the provisions of section 709(c), the United States district court for the district in which such failure or refusal occurs shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with such provisions.

"(c) Any failure to obey an order of the court issued under subsection (a) or (b) may be punished by the court as a contempt thereof.

"(d) In any proceeding commenced by the Commission under subsection (a) or (b), the Commission shall be liable for costs the same as a private person.

"Upon the failure or refusal of any person to comply with section 709, the Commission may apply to the district court in the district in which such records or other evidence are located for an order requiring the production of such matter, and for failure to obey such order, such person may be punished as for contempt of court."

The broad investigatory powers in section 710 are covered by the court rules for discovery and depositions and will be available in aid of the court proceeding for injunction and also for contempt of the court order.

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[1] *Col. Murray* v. *State Board of Accountancy of Dept. of Professional and Vocational Standards*, 218 p. 2d 569, 572.

[2] *U.S.-Chicago Coulterville Coal Co.* v. *Fidelity & Casualty Co. of New York, C.C.* Mo. 130 F. 957, 962.

[3] *U.S.* v. *Philadelphia & R.R. Co.*, D.C. Pa. 223 R. 207, 210.

[4] *Nebraska-Union Transfer Co.* v. *Bee Line Motor Freight*, 34 N.W. 2d 363, 365.

[5] *Iowa State* v. *Meek*, 127 N.W. 1023, 1024.

[6] *Cal-Chan* v. *Title Insurance & Trust Co.*, 257 p. 2d 53.

The power required by the Federal Commission is the power to examine records, and that is provided by the substitute language.

Mr. DIRKSEN. Mr. President, that is about all I care to say about this matter at the present time. I wish to emphasize the fact that these amendments deal with only one title in the pending bill. I apprehend there will be a great many amendments submitted to other titles as well. I reassert the hope that somehow we can contrive a palatable bill, a fair bill, and a workable bill.

I have been in receipt of communications and have had conversations with people who express the hope that the bill will be approved by the Senate without a single amendment. I am afraid that people who utter that hope have no familiarity with the real legislative process. If that were to become the precedent, obviously one or the other of the two branches that constitute the exclusive lawmaking branch of this Government would have no particular function. I believe the Senate is dutybound carefully to examine not only all legislation, but particularly that which is designed to alter the economic patterns of this country for a long time to come.

It will be applicable not to a fragment, not to a segment, not to a minority, but to the 190 million people scattered in the 50 States, and the other areas over which this country has jurisdiction.

I believe it is the duty of a Senator, as he looks down the road, to give attention to the perfecting of any legislation in the hope that in future days we shall not create a problem similar to the problem which confronts us now. We in this generation are the victims of what happened in Reconstruction days, when others dealt with the "force" legislation, out of which sprang in considerable part the condition that confronts a rather substantial segment of our people today.

I do not wish to save any pockets of prejudice for the future. I have an interest in what happens long after I have left this mundane sphere. I have a couple of grandchildren. I want them to grow up in a country of opportunity as completely free from hate and prejudice and bias as can be consummated by legislation, and a maximum amount of good will on the part of the lawmakers, who will be the ultimate authors of whatever goes on the books.

Mr. President, this constitutes a beginning. I only hope, as I have indicated before, that neither fear nor intimidation nor demonstrations nor evidences of violences or abuses will deter us or divert us from doing our full duty in preparing and bringing about the enactment of the right kind of civil rights bill, one that will be at once durable and of which we can be truly proud.

Mr. KEATING. Mr. President, will the distinguished Senator from Virginia yield, so that I may comment on the remarks of the distinguished minority leader?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from New York without losing the floor and that his remarks will not appear in the body of my speech.

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

Mr. KEATING. Mr. President, first, I commend the distinguished minority leader for his constructive approach to this problem. Speaking for myself, I shall examine these amendments with deep interest and great care. I wish to put this inquiry to him in order that it might be a guidance to some of the rest of us in this debate.

I have an amendment to title I of the bill, the most important part of which is to make that title applicable to State elections as well as to Federal elections. I wish to inquire whether there is a gentlemen's agreement or any other kind of agreement or understanding to the effect that the first move will be toward title VII, and the perfecting of that title before going to some other title; or is that question still undecided?

Mr. DIRKSEN. There is no agreement of any kind. There could be no agreement under Senate rules. Under the rules of the House of Representatives, it is quite customary to start with the first title or the first section of a bill and march through the measure to its end. But under Senate rules, any title or any section is susceptible of amendment at any time.

I know of no undertaking or agreement whatsoever, with respect to perfecting title VII or any other title before moving along to some other title.

I might say, parenthetically, that my principal interest, as I have expressed it publicly and privately, has been particularly in title II and in title VII. There is so much in the bill that one individual obviously, within the compass of allowable time, cannot do justice to all the titles. I am delighted that my distinguished friend and colleague from New York has given special consideration to title I, dealing with voting rights.

Mr. KEATING. I have that assignment from the distinguished Senator from Illinois; in fact, I have the title, according to him, of "Captain."

Mr. DIRKSEN. I beg the Senator's pardon. I promoted him to "Major" last night.

Mr. KEATING. I thank the Senator. I was not aware of that. I had not noticed it in my paycheck. But I am delighted with the promotion and am grateful to the minority leader.

I realize that there is nothing in the rules that prevents any Senator from offering an amendment at any time. My inquiry—I believe the Senator has answered it—was whether there was an understanding, which, of course, all the rest of us would respect, that the amendments which the Senator has now presented would be the first order of business when it seemed as if we might get around to amendments. However, I understand there is not even an understanding to that effect.

Mr. DIRKSEN. Oh, indeed not. These amendments cannot be considered by the Senate until they are called up. I have no specific time in mind when they shall be called up.

I wish to make it emphatically clear that under no circumstances would I prevent or preclude any Member of the Senate from speaking freely and at length upon the bill. Until that has been done, I rather fancy that Senators will not be disposed particularly to consider amendments. So it could be sometime deep in the next week before any of these amendments are called up.

Mr. KEATING. The Senator would not be prepared to say how deep?

Mr. DIRKSEN. No. After all, the Senate can be in session only 6 days a week, and 6 nights, if that be the wish of the leadership. So it could not be beyond sometime next Saturday, meaning Saturday of next week.

Mr. MAGNUSON. Any Senator could call up an amendment at any time.

Mr. DIRKSEN. That is quite true. Several amendments have been submitted. Any Senator is at liberty to call up an amendment, if he so desires.

Mr. KEATING. I am sure the distinguished Senator from Virginia [Mr. ROBERTSON] has some amendments that he might wish to bring up. I know he has. The Senator from North Carolina [Mr. ERVIN] and the Senator from Georgia [Mr. RUSSELL] and other opponents of the bill also have amendments. I would not want to do anything to interfere with any of their plans, even if it were within my power to do so. For guidance, I was trying to find out what amendment we would likely be confronted with first. I do not know, and I suppose there is no way of telling.

Mr. DIRKSEN. Exactly so, because some Senator other than the minority leader might obtain recognition and call up an amendment of his own. So we shall have to abide strictly by the rules of the Senate.

But at some point, I think the extended discussion will begin to taper off, and then the Senate will be in the mood and will be prepared to consider amendments. Once that begins, and after the first amendment has been disposed of, other amendments will follow. So by the orderly processes of going through the whole legislative method of perfecting a bill, we eventually reach the third reading and finally the rollcall. I believe that if we follow that course and are not too dilatory, we shall probably gain time, rather than by making an effort arbitrarily and rather capriciously to shut off debate.

Once more, I express my appreciation to the distinguished Senator from Virginia for permitting me to intrude upon his time. It is understood that these remarks will come at the end of the remarks of the Senator from Virginia.

Mr. ROBERTSON. I am always glad to yield to the distinguished minority leader. His remarks this afternoon have been most helpful. I am glad he took the time to indicate that he does not believe the bill is perfect. I am sure we shall await with interest the full consideration of his amendments.

As the Senator from New York [Mr. KEATING] indicated, the Senator from Virginia has already submitted an amendment relating to jury trials which he would like to call up between now and the middle of June.

Mr. DIRKSEN. Between now and what date?

Mr. ROBERTSON. I said between now and the middle of June, not fixing any specific time.

Mr. KEATING. The Senator from Virginia was referring to 1964, I hope.

Mr. DIRKSEN subsequently said: Mr. President, I ask unanimous consent that the amendments I submitted a moment ago, under the rule, be considered as having been received and read, so they may qualify with respect to anything which might happen with respect to cloture.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

During the delivery of Mr. ROBERTSON'S speech,

Mr. JACKSON. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington, with the understanding that his remarks will appear at another point in the RECORD; that in yielding to him for this purpose, I shall not lose my right to the floor; and that my subsequent remarks will not be counted as a second speech by me.

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

FOREIGN FISHING VESSELS OFF ATLANTIC AND PACIFIC COASTS OF THE UNITED STATES

Mr. JACKSON. Mr. President, for some time I have been increasingly concerned about the increasing pressures on American fishermen by foreign fishing vessels off our Atlantic and Pacific coasts. Moreover, foreign nations, off whose coast our own fishermen operate, are extending, or seeking to extend unilaterally their fisheries jurisdiction in a manner adversely affecting American fishing interests.

The Canadian Prime Minister, in his talks with the late President Kennedy at Hyannisport in May 1963, indicated Canada's intention to extend its fisheries' limit to 12 miles. President Kennedy immediately reserved U.S. rights in the affected waters. Subsequently, negotiations between the United States and Canada were begun in an effort to work out a solution to problems raised by Canada's decision.

Several meetings between high ranking officials of the United States and Canada have taken place. However, I am personally concerned whether anything substantial is being accomplished to protect American interests.

My concern is increased by the following colloquy which took place in the Canadian House of Commons on March 13:

Mr. Lloyd R. Crouse, Queens-Lundenburg:

> Mr. Speaker, may I direct a question to the Minister of Fisheries. On April 1, Britain will impose a quota on landings of Faroese-Danish fresh and frozen fish as a result of the action by the Danish controlled Faroe Islands in unilaterally extending their territorial limits to 12 miles. Since it is the Minister's intention to unilaterally extend Canada's fishing limits to 12 miles on May 15, will he tell the House what steps are being taken to prevent any retaliatory action by the United States that would be detrimental to Canada's fishing industry?

Hon. H. J. Robichaud, Minister of Fisheries:

> Mr. Speaker, in reply I wish to say that there is no indication whatsoever that any measures of retaliation will be taken by the United States.

Mr. President, the United States imports annually from Canada, fish and fish products having a total value of some $116 million. It would be interesting to know on what Minister Robichaud bases his apparent confidence, and whether he has been given any assurance that there will be no retaliation by the United States if American interests are adversely affected by Canada's unilateral decision to extend its jurisdiction over the high seas.

There have also been indications that, in extending its fisheries jurisdiction, Canada intends to assert a claim, as territorial waters of Canada, to Hecate Strait where many Pacific Northwest fishermen operate, as well as to the Gulf of St. Lawrence and other large bodies of water on both its Atlantic and Pacific coasts. This would create precedents gravely affecting the freedom of our Navy and Air Force to operate over the high seas. I am sure the Senate shares my interest in knowing of the attitude of the executive branch to such Canadian intentions, and that the Senate wishes to be advised as to what concrete steps are being taken to protect U.S. interests.

I can say with confidence that my colleagues from the States affected will not accept anything less than clear assurances that the interests of U.S. fishermen will be fully protected in this situation with Canada.

IMPACT ON PROFESSIONAL PEOPLE OF SCIENTIFIC AND TECHNOLOGICAL CHANGES

Mr. JACKSON. Mr. President, the Senate is well aware of the problems that have existed and continue to face us in the area of retraining the nonprofessional workers of this country for new roles in our changing society.

The Kennedy administration and the Johnson administration have been keenly aware of this problem and have acted with firmness. The Senate has responded by approval of the Manpower Development and Training Act.

Mr. President, I believe it is important that we also consider the impact on professional people resulting from rapid changes in the scientific and technological scene.

The continuing initiation of new systems has an impact on the worker on the bench, the white collar employee, and the professional. As with the nonprofessional, the professional is faced with the task of constantly updating his talents, in order to survive in the job market.

Today, the new technology embraces new knowledge and new techniques which the young man just getting out of college may have—but which the man who has been out of school and on the job for 10 years or more may not have been able to acquire.

In the engineering field, there are new requirements—to which the engineer must continuously keep his education tuned. His decisions hinge on new learning.

It is startling that the whole basis of mathematics has changed in the last 20 years. Those who learned mathematics as recently as 10 years ago, with limited subsequent education, are not abreast of modern concepts. This is true of many of the other disciplines, where educational breakthroughs have substantially altered the systems.

As a result, even college degrees today are perishable commodities, sometimes lessening in value with age. The jobseeker looking for work and using his degree as an entree, can be turned away because he has specialized himself out of competition. This can be particularly true of specialists in defense industries in programs suddenly terminated.

Because of defense cutbacks, there is no immediate engineer shortage. However, there may develop a shortage of trained, up-to-the minute contributing engineers, unless increased attention is paid to this emerging problem.

I am pleased that the professional societies, industry, and education are taking note of this. The Engineers Counsel for Professional Development has taken the lead in forming a committee to coordinate the concern of many of the societies, industry, and educators. Almost every major industry has some kind of educational assistance program on plant sites or on the campuses of cooperating institutions. A pioneer course in updating top management personnel has been established at the University of California at Los Angeles, and General Electric has a continuing program in this area. The Boeing Co. has expended a quarter of a million dollars annually in assistance to its engineers seeking advanced degrees.

Mr. A. C. Montieth, vice president of the Westinghouse Corp., said in 1963:

> Today the half life of the engineer is 10 years. Half of what he knows now will be obsolete in a decade or, to put it another way, half of what he will need to know in 1973 is not available to him today.

Mr. President, industry is rightfully concerned, and is studying the effects of this problem child of our scientific age. The U.S. Office of Education is concerned, and has been meeting with leaders of industry, labor, and the professional groups.

In my State the Seattle Professional Engineer Employees Association has displayed initiative and enterprise by squarely facing this problem, with an eye to reaching a workable solution.

Mr. Jon B. Jolly, president of the association, has detailed to me the SPEEA plan, which is a proposal to provide working engineers with continuing instruction. The Seattle Professional Engineering Employees Association plan is designed to maintain a stream of learning, and to combat a possible trend of diminishing returns for professional engineers.

The SPEEA plan can serve as a basis for further study and coordination by employers of engineers, educational institutions, and State and Federal agencies which will be beneficial to the participants, their employers, the community, and the Nation.

The concept of the SPEEA plan is one of broadening rather than specialization. Two options are suggested. The first—course option 1—offers the engineer a comprehensive exposure to the whole spectrum of science and engineering in 17.5 classroom hours. The second—course option 2—offers a somewhat specialized exposure in any one of five areas—structural design, 75 hours; electrical and communications design, 68 hours; subsystem design, 68 hours; analytical, 117.5 hours; and test, 86 hours.

Mr. John N. Shive, director of the Bell Education and Training Center, recently wrote:

> The field of communications is dynamic and the engineer seeking a rewarding career in this field must develop both the specialist's depth and the generalist's perspective. He must have enough specific knowledge and skill to bring to bear in his work the most effective modern techniques. Yet, he must be flexible enough to move in the new directions which a dynamic technology is continually unfolding.

With two out of every five of the Nation's engineers and scientists either employed directly by the Government or working on projects financed by Government funds, this problem is of concern to the Federal Government, as well as to the individual, to industry, and to the States.

The President's manpower report states that more than 120,000 engineers and scientists are now employed directly by the Federal Government, and that perhaps half as many are in State and local governments. A larger number, possibly in excess of 300,000, are said to be employed on federally financed programs in private industry, universities, and other nonprofit organizations.

The report said the Government has a heavy responsibility for helping to meet the needs for scientists and engineers, both through support of their education and continued professional development and through efforts to insure their optimum utilization. The report stated this is essential, not only to improve the operation of Government programs, but also to help meet urgent personnel needs in colleges and universities and other fields of private employment.

The proposal by the Seattle Professional Engineering Employees Association merits close inspection. While this is a proposal emanating from a local source, it highlights a national problem.

Today, the engineer needs broad knowledge and skills; and modern trends of engineering education recognize this. The older—but often still young in age—engineer requires constant updating, to keep pace. Industry, Government, the professional societies, and educational institutions must provide the opportunities, within our educational system, and in our industrial complex, to permit the professional to keep pace.

I compliment the Seattle Professional Engineer Employees Association and the others who have articulated this need, and I suggest that it is also an area of concern for the appropriate agencies of Government.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE obtained the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. TALMADGE. Mr. President, I ask unanimous consent that during the course of my remarks I may yield to Sentors from time to time for insertions in the RECORD, interrogation, colloquy, or such remarks as Senators may desire to make, without it affecting my right to the floor in any way whatever, or being charged to me as a second speech.

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

Mr. KUCHEL subsequently said: Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, once again—and I shall not do this each time—I desire to say that I returned to the Senate 1 minute late in response to the last quorum call. I was in downtown Washington with members of the press from California. I desire the RECORD to show that I returned.

The PRESIDING OFFICER (Mr. BAYH in the chair). The RECORD will so show.

GENERAL MACARTHUR'S PRAYER FOR HIS SON

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

Mr. TALMADGE. I yield with the understanding previously stated.

Mr. MILLER. Mr. President, in the April 6 issue of the Des Moines Register there appears an article, datelined Washington, D.C., setting forth a beautiful prayer composed by the late Gen. Douglas MacArthur for his son.

I ask unanimous consent that the article, with the inspirational prayer included, be inserted in the RECORD at this point.

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

MACARTHUR LEAVES CREDO IN PRAYER FOR HIS SON

WASHINGTON, D.C.—Gen. Douglas MacArthur is leaving a spiritual legacy to his son, Arthur—a father's prayer he wrote in the Philippines during the desperate early days of the Pacific war.

According to the general's biographer and confidant, Maj. Gen. Courtney Whitney, the family repeated this MacArthur credo many times during early morning devotions:

"Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.

"Build me a son whose wishes will not take the place of deeds; a son who will know Thee—and that to know himself is the foundation stone of knowledge.

"Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm; here let him learn compassion for those who fail.

"Build me a son whose heart will be clear, whose goal will be high, a son who will master himself before he seeks to master other men, who will reach into the future, yet never forget the past.

"And after all these things are his, add, I pray, enough of a sense of humor, so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, and the meekness of true strength.

"Then I, his father, will dare to whisper, 'I have not lived in vain.'"

THE MYSTERY OF FOOD AID IN ALGERIA

Mr. MILLER. Mr. President, for some time now I have been expressing concern over the final destination of U.S. grain shipments to Algeria.

The State Department has informed me that thus far it has uncovered no evidence to support reports that our wheat is being diverted to Russia in exchange for Soviet arms and other goods.

It has assured me that it is satisfied that the Department maintains adequate controls over wheat shipments to that country and that no significant amounts are being diverted to purposes not envisaged by our aid program.

I would like to feel satisfied with those assurances. But I am not, for the simple reason that I keep getting reports which are unsettling to say the least.

The latest report, which continues to place me in the doubting Thomas category, is one which appeared in the New York Times of March 15. It tells how an official of one small village in Algeria is using American wheat to play politics—that he doles out the commodity to his friends, not to those who are in need or who should be on the receiving end.

According to the report, the wheat storage in the town of Tamanrasset was accidentally discovered by the U.S. Ambassador, William J. Porter.

Let me quote from that article by Peter Braestrup:

> Although U.S. food relief has been operating in Algeria since independence in mid-1962, no one in Tamanrasset could recall any actual distribution of such food.

In visiting the food storehouse, Harry Lennon, chief of the U.S. aid mission in Algiers, spotted certain kinds of wheat sacks that had not been used in the U.S. program since 1962.

Mr. Lennon later said:

There was a lot of stuff in there that had obviously been there a long time.

And what kind of runaround did the Americans get? Let me continue from the article:

Outside the adobe storehouse, he saw a parked truck.

"Is the food going to go on the truck for distribution in the countryside?" he asked the driver.

"Oh, no," said the driver. "We never deliver by truck. People come in with their camels."

At city hall, Mr. Lennon asked an official why so much food was still on hand. The cost of transportation by truck to outlying areas was blamed. "Can't you send it by camel?" asked Mr. Lennon. "Oh, no," said the city official, "we never send anything by camel."

Amid this and other contradictory tales, an explanation of Tamanrasset's nondistributed relief food developed.

The article went on to say how the mayor was not especially interested in feeding non-Touaregs, who were either vassals or former slaves of the Touareg, and that the wheat was put under the control of the assistant mayor who distributed paper chits to his friends entitling them to food. Nonfriends went without.

Mr. President, the article left one question unanswered: What does the United States plan to do about this situation? I am afraid if this question is asked that we would find that nothing is planned—that we cannot interfere in local politics.

I suggest that this situation could be duplicated all over Algeria. In any event, we need an inspection system to assure the taxpayers that the State Department is exerting sufficient controls over our food shipments.

I ask unanimous consent that the article, entitled "U.S. Envoy Ends Mystery of Food Aid in Algeria," be placed in the RECORD.

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

U.S. ENVOY ENDS MYSTERY OF FOOD AID IN ALGERIA

(By Peter Braestrup)

TAMANRASSET, ALGERIA, February 29.—The U.S. Ambassador to Algeria, William J. Porter, and his aids turned detectives here to solve what had come to be known as the missing American relief food mystery.

The villain, they found, was a local Sahara-style political setup controlling this adobe oasis town, almost 1,500 miles south of Algiers. Sociology also played a part.

Ambassador Porter, an experienced Arabic-speaking Foreign Service officer from Fall River, Mass., and Harry Lennon, chief of the U.S. aid mission in Algiers, arrived here with three aids February 21 on a good-will and fact finding tour of the Sahara.

The food in question was 12 tons of American-donated wheat and a ton of cooking oil, Tamanrasset's share of the more than 15,000 tons shipped to Algeria each month to feed 2 million needy Moslems.

According to AID inspectors, the Algerian Government's local distribution of the food has been remarkably free of waste and private profiteering. But there are occasional irregularities. Porter, Lennon and company scented one soon after they arrived in this dusty town built by the French. As a trading center for 10,000 veiled Touareg nomads, their black slaves and freed men called Harratine.

After setting in at the Moufflon d'Or Hotel, Mr. Porter and his aids paid courtesy calls on the officials newly appointed by Algiers to run things.

At the subprefecture, a Mr. Tounsi, regarded as an able official by Tamanrasset's 80 remaining Europeans, apologetically explained that he had just arrived from Biskra in the north to take over as the subprefecture's Secretary General, or No. 2 man. The subprefect was out of town. Asked about the wheat, Mr. Tounsi said he had just received a telegram from Ouargia, 700 miles away, asking him to send a truck for his 12-ton allotment enough for 1,500 local needy.

Asked for details on distribution, Mr. Tounsi suggested that his visitors return in 2 days.

A few hours later, as they talked to local people, the Americans' suspicions were aroused.

Although U.S. food relief has been operating in Algeria since independence in mid-1962, no one in Tamanrasset could recall any actual distribution of such food.

After talking with Mayor Sidi Musa, Mr. Lennon visited the food storehouse. There he spotted certain kinds of wheat sacks that had not been used in the U.S. program since 1962. "There was a lot of stuff in there that had obviously been there a long time," Mr. Lennon later recalled.

Outside the adobe storehouse, he saw a parked truck.

"Is the food going to go on the truck for distribution in the countryside?" He asked the driver.

"Oh, no," said the driver. "We never deliver by truck. People come in with their camels."

At city hall, Mr. Lennon asked an official why so much food was still on hand. The cost of transportation by truck to outlying areas was blamed. "Can't you send it by camel?" asked Mr. Lennon, thinking of the truckdriver. "Oh no," said the city official. "we never send anything by camel."

Amid this and other contradictory tales, an explanation of Tamanrasset's nondistributed relief food developed.

Mayor Sidi Musa, a Touareg and brother of the Touareg chieftain, was not especially interested in feeding non-Touaregs, who were either vassals or former slaves of the Touareg. No major change had been attempted by Arab newcomers from the north. The Touaregs, once warrior nomads, were best left, well fed and their prestige untampered with. Touaregs in any case would decide what their vassals ate, and the Harratine were secondary.

What wheat did come in was put under the control of Kasmi Slimane, assistant mayor and local merchant, who distributed paper chits to his friends entitling them to food. Nonfriends went without. Mr. Slimane, the Americans were told, was on a business trip to Niger, 200 miles to the south. According to one local source, truckloads of unidentified wheat had recently swollen Tamanrasset's marketable exports to that African republic.

SIXTH ANNUAL BOOK-OF-THE-MONTH CLUB LIBRARY AWARD

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the distinguished majority whip, with the understanding previously stated.

Mr. HUMPHREY. Mr. President, on April 12, the Book-of-the-Month Club made its sixth annual Library Award. The first-place award, bringing a prize of $5,000, was presented to the East Central Regional Library in Minnesota. Mr. Harry Scherman, chairman of the board of directors of the Book-of-the-Month Club, presented the award. The award was accepted by Mrs. Paul Hammar, chairman of the East Central Regional Library Board and Miss Marjorie J. Pomeroy, director of the East Central Regional Library. Speaking at the occasion were His Excellency Karl F. Rolvaag, Governor of Minnesota, Mr. John Mason Brown, distinguished author and drama critic and member of the editorial board of the Book-of-the-Month Club, and myself.

The award this year was significant in many ways:

First. It recognized an unusual degree of hard working local initiative, and extraordinary cooperation and planning by local people.

Second. The achievement in the east central region of Minnesota will not only have a profound leadership impact in the State of Minnesota. A model has been set for regional, rural library development all over the Nation.

Third. A brilliant example has been set for the wise and efficient use of Federal aid in the Library Services Act. We should be pleased indeed in the Congress to see our intentions so well executed.

Fourth. Most of all there has been revealed once again, the deep desire for, and response of, the people to libraries. A library has been well labeled "the people's university." It is deeply reassuring for the future of democracy in this age of exploding knowledge, that the people want libraries, will work and tax themselves to get one, and use it when they have it.

The east central region of Minnesota is large. It comprises four counties with a total area more than twice the size of the State of Delaware. The people are all rural people. The largest town has only 3,000 persons. The total population is 55,284 persons dispersed over more than 4,200 square miles of area, much of which is wooded and remote.

Community support has been remarkable. In two counties, the commissioners created a library service at the request of a citizens' movement. In two others, establishment resulted from a referendum at a general election. The commissioners of all four felt that the only sensible thing to do was to get the counties together. The citizens' movements, the referendums, and the total coordination represent a lot of work, a lot of patience and courage, by many different people. This has resulted in a central library in Cambridge, Minn., 6 branches in other communities, 2 deposit stations, and 54 bookmobile stops. The isolated Chippewa Indians are among those reached by the bookmobile service. A reporter, who recently rode the bookmobile out into the area where the Chippewas make the principle use of it, was most enthusiastic about what the library does for these people. It serves them just as regularly as it does those in more settled areas.

An immediate leadership impact is being felt in the State of Minnesota. Al-

though more than half a million Minnesotans have received new or improved public library services under the Library Services Act, there are still more than 600,000 Minnesotans who have no public library service available to them. Thousands more have access only to substandard libraries with inadequate book collections and untrained personnel. The model established in the east central region of Minnesota will stimulate many other communities and show them how a good library service can be attained.

But the leadership impact will be far more extensive than on Minnesota. There is a deplorable condition all over the Nation with respect to library services. Approximately 128 million Americans have inadequate library services or none at all. This number is divided about evenly between rural and urban areas.

Since urban areas should be able more easily to help themselves, the Book-of-the-Month Club competition annually is only for rural areas. It emphasizes sound regional development as the best answer. Eleanor A Ferguson, executive secretary of the public library association which set up the criteria for the award, said that the Minnesota library was "a model of how small regional libraries should be organized."

The Book-of-the-Month Club Award is hotly contested. Libraries in 45 other States also won awards this year of lesser amounts and are to be congratulated too. For the competitions in future years, a high benchmark has been set for communities all over the Nation, on how to do the job of getting adequate library service.

A high mark has been set also for the best use of the Library Services Act. The Congress wanted to stimulate State and local initiative in extending library services to rural areas, when it passed the Library Services Act—Public Law 84–507—in 1956. Last February President Johnson signed the bill which amended the Library Services Act again to include urban as well as rural areas, and lifted the modest $7.5 million annual grant to the States, to $25 million, plus additional funds to aid construction.

We knew the needs. Still it should be gratifying to us to hear the testimony of Emerson Greenaway, a past president of the American Library Association, who pointed out that the Minnesota library had made "effective and intelligent use of Federal Library Services Act money."

Most importantly the local initiative and desire was there to respond to the stimulus. I believe the thirst for knowledge is general and widespread. It takes a little leadership here, an example there, and some cooperation between different levels of government to give the people the waters of knowledge.

The Book-of-the-Month Club award was established in honor of Dorothy Canfield Fisher, the distinguished American authoress who also gave much of her time to library development. On one occasion Miss Fisher said:

Wherever I go in this country, I always step into the local public library, taking its condition as * * * an indication of the civilized plane of living of the community.

Libraries do reflect and serve the "civilized plane of living" of the community. They are essential to the maintenance of its freedom and democracy. The Communists know this so well. Among the first places attacked always in Communist riots and revolutions, are the libraries of the U.S. Information Service. Windows are smashed, bombs are thrown, disorder is created to disrupt these centers of giving information to the people. Our libraries abroad are more loved by the people, and more feared by the Communists than almost any other single American institution. We should appreciate this much more than we do here at home.

We must develop our libraries. They are essential to the combined acquisition by the people of the new knowledge that is expanding at such an enormous rate. We are about to engage in a war on poverty in America. Every long-term solution for poverty underlines education as the basic necessity to equip people in the more skilled demands of the new society. Books and libraries are absolutely essential to this. When he signed the Library Services and Construction Act last February President Johnson said:

Books and ideas are the most effective weapons against intolerance and ignorance.

In this regard I am shocked by the fact that two-thirds of all the elementary schools in the Nation are without libraries. In my remarks at the award ceremony I found it appropriate to make some suggestions for new thinking to rectify that impossible situation of trying to communicate a culture without books. I ask unanimous consent to have excerpts from my remarks on that occasion be printed at this point in the RECORD.

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

(Excerpts from remarks by Senator HUBERT HUMPHREY, on occasion of the Library Award ceremony, at the East Central Regional Library, Cambridge, Minn.)

I am truly honored to participate in this occasion. The first award of $5,000 in the annual Book-of-the-Month Club Library Awards competition has brought great distinction to all of the citizens in this east central region of Minnesota. It has brought honor to the State of Minnesota. More than that, it is deeply reassuring and inspiring to all who know how much democracy and the progress of civilization depend upon an educated citizenry. This Library Award was established in the memory of Dorothy Canfield Fisher, a distinguished and beloved American author who also made the cause of disseminating books and improving libraries a lifetime cause. She said on one occasion:

"Wherever I go in this country, I always step into the local public library, taking its condition as * * * an indication of the * * * civilized plane of living of the community."

That plane stands high here, as proved already by achievement.

On such occasions as this, it is customary to pay one's respects to books and libraries and to note how indispensible they are in holding man's knowledge. I also wish to do this. But I would also like to take this occasion to suggest that we be open to ever new ideas to expand the use of our libraries, and bring them to bear ever more effectively, on the problems of the new society that is growing in our midst. For example, books are going to be important in the attack on poverty. And books are going to be vital in preparing citizens for the leisure that a technological society is going to bring to them.

The knowledge explosion forces us to read more and more to handle everyday practical needs in a democratic society. As intelligent, responsible citizens, we are expected to know something about the newly emerging nations of Asia and Africa, about the complex issues of peace and war, about equally complex issues in our domestic society. We are expected to know about and make decisions on the conquest of space, world markets, racial relations, the impact of automation, the effect of tax cuts—and many more issues vital to democratic government. As our daily jobs are becoming more skilled and more technical, all of us have more to learn and study to improve ourselves and keep abreast of the new developments. For everyday practical needs, we need well-stocked, well-equipped, and well-staffed libraries.

This brings me to the point of offering a suggestion on how to bring more pressure on libraries. I want to see them expand more and be used more by all ages of our society, but particularly by the young.

We have finally brought ourselves in America to facing frankly and consciously that we have poverty in a land of abundance. President Johnson has declared all-out war on poverty and the conditions that spawn and nurture poverty.

In planning any attack on poverty we always find that the basic problem is education and in this connection, we generally find that the most common term educators use for children of the poor is "culturally deprived."

These educators believe that this cultural deprivation is one of the chief factors in the failure of these people to compete in the economic and social life of our society.

By cultural deprivation the educators always cite that the children have little or no acquaintanceship with books at home. There is little conversation and what there is is in an idiom that sounds foreign to the normal society they find outside their home.

These children enter school several years behind their classmates in terms of "cultural lag" and this lag tends to widen as they group up. We know that the school dropout problem doesn't come merely when the child reaches his teens. It is formed early by an apathy born in the spirit of frustration because they feel they can never become a part of everyday society.

I believe that one of the best ways that we can help close this "cultural lag" is to expand our library programs and make a great many more books readily available to the children—especially books that children can call their own.

We have a great and growing paperback book industry in America and we are seeing the effects of this all around us. Many a drugstore bookrack today is better equipped than some of our poor libraries insofar as variety and up-to-date titles are concerned.

We can take advantage of this revolution in the publishing industry. Back in the 1930's a great depression started us on a school lunch program. We still have that program today because it has proven itself to be one of the wisest investments America ever made. I believe we can do something similar to this with a free book program for needy children.

Such a program would go beyond the needs of the normal textbooks and the reference books in the school libraries and provide needy children with paperback books of their own novels, biographies of great men, popular books on science, history, adventure, sports, and hobbies.

I am confident that a program could be worked out that would protect the economic interests of the publishers who would cooperate with the Government in such a program. I am also sure that it would spur a new interest in books that would ultimately lead to even greater sales. I also am confident it would lead to greater use of public libraries.

During World War II an enormously popular program was operated for our servicemen. In cooperation with publishing houses, the Government printed millions of books in cheap, paperback form that could be fitted easily into a soldier's pocket. The shipments of these books were eagerly awaited on ships and at bases throughout the world. The books were passed from hand to hand and read until they were dogeared and tattered beyond use.

I believe a free book program for needy children would be greeted with the same eagerness here at home, especially by children who never see a book at home. And I am confident that the seeds of learning that would be planted by these books would prove to be of incalculable benefit to this country.

Mr. HUMPHREY. Mr. President, I found the achievement of the people in east central Minnesota in establishing a model regional library inspiring. The Book-of-the-Month Club is to be highly commended for having this annual competition. Under its founder, president, Harry Scherman, it has distributed $150,000 under the Dorothy Canfield Fisher Awards to small libraries.

I ask unanimous consent also to have printed at this point in the RECORD an article about the East Minnesota Regional Library, published in the Minneapolis Sunday Tribune of April 12, 1964.

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

REGIONAL LIBRARY SERVES FOUR COUNTIES—GETS AWARD IN CAMBRIDGE, MINN., TODAY

At the start of the National Library Week today the East Central Regional Library at Cambridge, Minn., is receiving national recognition for excellence in serving 55,000 persons in four counties. The $5,000 Dorothy Canfield Fisher award, largest and most important made by the Book-of-the-Month Club, will be presented to the Cambridge library by Harry Scherman, club president. The 2:30 p.m. ceremony will include talks by Gov. Karl Rolvaag and Senator Hubert H. Humphrey and an address by author John Mason Brown.

The $5,000, intended for book purchases, is given to a small-town library that has made "exceptional efforts to improve services to its public." The Book-of-the-Month Club citation praises the East Central Regional Library as "a model of how small regional libraries should be organized, as well as an outstanding example of the effective and intelligent use of Federal Library Services Act money."

The library has had impressive grassroots support before and since its organization in 1959. In addition to State and Federal aid, the library is supported by local taxes in the four counties it serves—Isanti, Mille Lacs, Pine, and Aitkin.

An Isanti County library, which had been in existence for more than 10 years, was the natural nucleus for the regional library when it was organized. Elections in 1958 determined that Pine and Mille Lacs Counties would support the library with taxation. Aitkin joined last year.

The 4 counties served by the East Central Regional Library are among 20 in Minnesota that have new or improved library services under a program guided by Hannis S. Smith, State library director. He and his staff assisted in the organization of the Cambridge-based library which, under the leadership of Director Marjorie Pomeroy, has grown in 5 years to be an efficient combination of agencies.

The central agency is the headquarters building in Cambridge which lends books directly to borrowers and mails other items to people throughout the library's area. Other agencies are two bookmobiles that make 54 stops on schedule, many in out-of-the-way places, and branch libraries, with paid staffs, in Milaca, Princeton, Hinckley, Sandstone, McGregor, and Aitkin. Circulation of books and other materials in all agencies totaled 147,787 in 1963.

SIXTEENTH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. HUMPHREY. Mr. President, today is the 16th anniversary of the birth of the State of Israel. I want to recognize that birthday, and extend congratulations to the State of Israel and its people for its freedom and independence, and for its many remarkable achievements in 16 short years.

Israel is a tiny nation. When it came into being 16 years ago it faced problems that would have been insuperable to any but an indomitable people. In a land where water is life, there was little water. What there was had not been developed for proper use to convert the desert sands into fertile soil. The new state had to find homes for thousands of refugees from many lands. These people spoke many languages and were in a variety of stages of cultural development and education. I suppose every American who has visited Israel has been reminded that if America is a "melting pot," Israel is a "pressure cooker." But they say this with a pardonable pride and optimism about their success.

In soil and water conservation, in reforestation and irrigation, the Israelis have truly wrought a "miracle in the desert." I visited Israel first in 1957 and again in 1961. The progress made in the interim was phenomenal. Yet on any occasion you can see it going on before one's eyes. One will see a new plot fenced with its windbreak of sugarcane. That gives a little cash while it controls drifting sand. Inside you will see the young citrus trees. They are too young to bear yet, but peanuts, for an interim cash crop are growing around them. Nearby is the mature orchard, which this fresh little plot will become in a few short years.

Elsewhere in the cities and towns industry and commerce have been developed. In the Negev, the copper mines of King Solomon—fallow for more than 2,000 years—are yielding once again to produce wealth.

Every step of this development represents herculean effort. Money is scarce, taxes are high, and a defense burden is large. Yet the Jewish passion for education and welfare has not been stinted. The new Hebrew University at Jerusalem, the Technion at Haifa, and the Weizmann Institute for Research are world renowned. Elementary education has not been neglected for all children, Arab or Jew. The medical center at Ain Karem is exceeded in its modern functional efficiency only by the grace and beauty of its architecture and the magnificent stained glass windows which Chagall has executed there. The cultural center at Tel Aviv would be a pride in any nation.

Opinions clash vitally in Israel because democracy flourishes. Without treaty or special arrangements Israel has been a strong friend of the United States and a conspicuous example of democracy in action. They have a commitment to the welfare and peace of the Middle East and we can count on them to play a responsible role in maintaining it.

Small as Israel's resources are, they have exported technical assistance in important degree to developing countries in Africa and South America. Their cooperative farms and villages continually host visitors from Asia and India who come to get ideas to take back to their countries.

In age, the State of Israel is yet in its teens and has all of the optimism and vigor of youth. In progress and responsibility Israel has shown the wisdom and maturity that any age might envy.

I do not believe this birthday should pass without greetings and the extension of sincerest best wishes.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, may I ask the Senator from Georgia a question?

Mr. TALMADGE. I am glad to yield to the Senator from Minnesota for a question.

Mr. HUMPHREY. Is the Senator from Georiga able to give us any indication as to when another quorum call might be expected?

Mr. TALMADGE. The time is not certain. The junior Senator from Georgia expects to hold the floor until the distinguished Senator from Florida [Mr. SMATHERS] arrives to make a speech, at which time the Senator from Georgia will be prepared to yield the floor.

Mr. HUMPHREY. Does the Senator from Georgia contemplate asking for a quorum?

Mr. TALMADGE. Yes, indeed; I would not want the Senator from Florida to speak to an empty Chamber.

Mr. HUMPHREY. Will the Senator from Georgia indicate whether he believes that following the speech by the Senator from Florida there will be a request for a quorum?

Mr. TALMADGE. The Senator from Florida is best qualified to answer the Senator's question.

Mr. HUMPHREY. But it would be correct to say that Senators ought to be on notice to expect a quorum call at least after the Senator from Georgia has spoken?

Mr. TALMADGE. Yes, indeed.

Mr. HUMPHREY. And possibly after the Senator from Florida has spoken?

Mr. TALMADGE. The Senator from Florida will make an able, eloquent, powerful, and erudite speech. I would certainly want Senators to have the opportunity to hear him.

Mr. HUMPHREY. I think that is a good idea. I would want the Senate to be on notice, therefore, that at least between now and midnight there will be two quorum calls; there may be more.

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

Mr. TALMADGE. Mr. President, does the Senator from Oregon desire me to yield to him?

Mr. MORSE. For just a moment.

Mr. TALMADGE. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I wish my dear friend, my leader on the bill, the distinguished Senator from Minnesota, to know that I intend to discuss McNamara's war in South Vietnam before the evening is over, and I certainly would want Senators to have an opportunity to hear that speech. So I shall call for a quorum then.

Mr. HUMPHREY. Mr. President, will the Senator from Georgia further yield?

Mr. TALMADGE. I yield.

Mr. HUMPHREY. I would not want to miss the speech of the Senator from Oregon. I shall surely be present to listen to it.

Mr. TALMADGE. Mr. President, when I last took the floor of the Senate to discuss H.R. 7152, the so-called civil rights bill, I was accused of launching a filibuster and of abusing the right of debate in the Senate.

And why was I so accused?

Because I read sections of the bill which was then, and is now, the subject matter of discussion.

Then pending before the Senate was whether or not to take up or send to committee for hearings the bill as it was passed by the House of Representatives, which, as everyone knows, came to the Senate without having once been studied or analyzed by any legislative committee.

Mr. President, I know of no better way to determine the worthiness of this proposed legislation or to decide whether or not it needs close committee examination than to discuss the legislation itself.

I know of no better way to discuss the legislation itself than to go into it title by title, section by section, and line by line.

I confess that I was guilty of this on the afternoon of March 25 when I began a discussion of the civil rights bill by reading sections of the bill, which, as anticipated, led to debate and exchanges between myself and various other Senators on the bill's various provisions.

I was under the impression, which I believe to be shared by other Members of this body, whether they be for or against the bill, that this debate and exchange was enlightening, and that it brought out certain aspects of the bill about which there is considerable controversy.

As the CONGRESSIONAL RECORD, pages 6197 through 6214, shows approximately 20 percent of my time was consumed in reading through title V of the bill, and the remainder of the time was devoted to debate on the alleged merits and demerits of these titles by both their proponents and opponents.

It is unfortunately unfairly misleading that certain news reports of the time that I held the floor of the Senate indicated that this time was taken up only by a dull and perfunctory reading of the bill itself.

It is true that I had no prepared text of a formal speech, but I do not always consider this necessary in engaging in a debate of proposed legislation in the Senate. It is, therefore, regrettable that members of the press in the gallery had no copy of the debate which was then taking place below them, and admittedly it made their work more difficult.

Mr. President, the reading of the bill and the vigorous debate which it elicited certainly was most germane to the issues then pending before the Senate. I know of nothing which could be more germane.

Therefore, it is unfortunate that certain news accounts reflected not at all what actually took place in the Senate in the approximately 3 hours that I had the floor.

For instance, there was no mention of the debate concerning provisions in title I of the bill with reference to expansive powers given the Attorney General in trying voting cases before special three-judge tribunals. Nor was there any mention of the debate concerning special rights being given the Federal Government in such cases, with reference to their priority and removal from State courts.

There also was no mention of the debate concerning certain provisions of title II of the bill, the so-called public accommodations title, with reference to its applicability to private clubs and private hospitals, which I and others contend would be covered. Nor was there any mention of the debate concerning the powers given to the Attorney General in this title to decide for himself what he deemed to be covered by the bill, and if he so wished, to file suits on a wholesale basis all across the land.

This was brought out in the debate, and at the time went unrebutted by opposing Senators, in a discussion of section 204 which states that all the Attorney General need do before filing suits against establishments allegedly covered by title II, is satisfy himself "that the provisions of this title will be materially furthered by the filing of an action."

There also was no mention of the debate concerning what I contend to be a gross distortion of the commerce clause in an attempt to support the provisions of title II in the absence of State action. Nor was there any mention of the debate, both pro and con, of whether or not the public accommodations section does not provide for the unconstitutional Federal regulation of private property, such as eating and lodging establishments.

With reference to the title of the bill concerning public education, there also was no mention of the debate concerning the desirability or undesirability of destroying neighborhood schools in order to overcome so-called defacto segregation.

There also was no mention of my concluding statement contending that H.R. 7152 is not a civil rights bill at all, and that it is in fact a bill to restrict the constitutional liberties of our citizens. Nor was there any mention of my statement of fact that every civil and constitutional right guaranteed every citizen is at the present time already enforceable.

Concerning certain contentions that I spoke in a barely audible voice, judging from the amount of debate which took place, my colleagues in the Senate had little trouble in hearing what I was reading and saying.

Indeed, any objective observer knew that more was taking place than just a reading of the so-called civil rights bill.

Moreover, inasmuch as a vast majority of our citizens are not familiar with the language of this bill or its far-reaching contents, I submit that reading this bill and debating its contents was time well spent.

Mr. President, I doubt that one-third of 1 percent of the people of the United States of America today have the vaguest idea of the all-important and all-inclusive contents of the pending bill. It really is 11 bills in 1, with 55 pages—11 different titles dealing with every aspect of private human conduct, from the cradle to the grave. The bill would inject the police power of the United States of America into every area of private life.

Never in the history of our Republic has there been submitted to the Congress of the United States a bill so far reaching in its import or in its impact on the everyday lives of our citizens, or a bill so restrictive of their freedom of action and freedom of movement in the day-to-day conduct of their daily private life.

Because of this fact, Mr. President, I ask unanimous consent that titles VI through XI of the so-called civil rights bill be printed at this point in the RECORD.

There being no objection, the excerpt from the bill (H.R. 7152) was ordered to be printed in the RECORD, as follows:

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity. Such action may be taken by or pursuant to rule, regulation, or order of general applicability and shall be consistent with achievement of the objectives

of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation or order shall become effective unless and until approved by the President. After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

Finding and declaration of policy

SEC. 701. (a) The Congress hereby declares that the opportunity for employment without discrimination of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

(b) The Congress further declares that the succeeding provisions of this title are necessary for the following purposes:

(1) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(2) To insure the complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

Definitions

SEC. 702. For the purposes of this title—

(a) the term "person" includes one or more individuals, labor union, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided,* That during the first year after the effective date prescribed in subsection (a) of section 718, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 71-8, (B) seventy-five or more during the second year after such date, or fifty or more during the third year; or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

Exemption

SEC. 703. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society.

Discrimination because of race, color, religion, or national origin

SEC. 704. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees of a particular religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ

employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

(g) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

Other unlawful employment practices

SEC. 705. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

Equal Employment Opportunity Commission

SEC. 706. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $20,000 a year, except that the Chairman shall receive a salary of $20,500.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place. The Commission may establish such regional offices as it deems necessary, and shall establish at least one such office in each of the major geographical areas of the United States, including its territories and possessions.

(g) The Commission shall have power—

(1) to cooperate with and utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or other remedial action;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

Prevention of unlawful employment practices

SEC. 707. (a) Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this Act has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge. If two or more members of the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation, and persuasion and, if appropriate, to obtain from the respondent a written agreement describing particular practices which the respondent agrees to refrain from committing. Nothing said or done during and as a part of such endeavors may be used as evidence in a subsequent proceeding.

(b) If the Commission has failed to effect the elimination of an unlawful employment practice and to obtain voluntary compliance with this title, the Commission, if it determines there is reasonable cause to believe the respondent has engaged in, or is engaging in, an unlawful employment practice, shall, within ninety days, bring a civil action to prevent the respondent from engaging in such unlawful employment practice, except that the Commission shall be relieved of any obligation to bring a civil action in any case in which the Commission has, by affirmative vote, determined that the bringing of a civil action would not serve the public interest.

(c) If the Commission has failed or declined to bring a civil action within the time required under subsection (b), the person claiming to be aggrieved may, if one member of the Commission gives permission in writing, bring a civil action to obtain relief as provided in subsection (e).

(d) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such actions may be brought either in the judicial district in which the unlawful employment practice is alleged to have been committed or in the judicial district in which the respondent has his principal office. No such civil action shall be based on an unlawful employment practice occurring more than six months prior to the filing of the charge with the Commission and the giving of notice thereof to the respondent, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event a period of military service shall not be included in computing the six month period.

(e) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and shall order the respondent to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as may be appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, or national origin.

(f) In any case in which the pleadings present issues of fact, the court may appoint a master and the order of reference may require the master to submit with his report a recommended order. The master shall be compensated by the United States at a rate to be fixed by the court, and shall be reimbursed by the United States for necessary expenses incurred in performing his duties under this section. Any court before which a proceeding is brought under this section shall advance such proceeding on the docket and expedite its disposition.

(g) The provisions of the Act entitled "An Act to amend the Judicial Code and to define

and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to civil actions brought under this section.

(h) In any action or proceeding under this title the Commission shall be liable for costs the same as a private person.

Effect on State laws

SEC. 708. (a) Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

(b) Where there is a State or local agency which has effective power to eliminate and prohibit discrimination in employment in cases covered by this title, and the Commission determines the agency is effectively exercising such power, the Commission shall seek written agreements with the State or local agency under which the Commission shall refrain from bringing a civil action in any cases or class of cases referred to in such agreement. No person may bring a civil action under section 707(c) in any cases or class of cases referred to in such agreement. The Commission shall rescind any such agreement when it determines such agency no longer has such power, or is no longer effectively exercising such power.

Investigations, inspections, records

SEC. 709. (a) In connection with any investigation of a charge filed under section 707, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question.

(b) With the consent and cooperation of State and local agencies charged with the administration of State fair employment practices laws, the Commission may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered to assist the Commission in carrying out this title.

(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship it may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment service, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

Investigatory powers

SEC. 710. (a) For the purposes of any investigation provided for in this title, the provisions of sections 9 and 10 of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission, except that the provisions of section 307 of the Federal Power Commission Act shall apply with respect to grants of immunity, and except that the attendance of a witness may not be required outside the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

(b) The several departments and agencies of the Government, when directed by the President, shall furnish the Commission, upon its request, all records, papers, and other information in their possession relating to any matter before the Commission whenever disclosure of such information is not prohibited by law.

Notices to be posted

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts of this title and such other relevant information which the Commission deems appropriate to effectuate the purposes of this title.

(b) A willful violation of this section shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

Veterans' preference

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

Rules and regulations

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

Forcibly resisting the Commission or its representatives

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

Appropriations authorized

SEC. 715. There is hereby authorized to be appropriated not to exceed $2,500,000 for the administration of this title by the Commission during the first year after its enactment, and not to exceed $10,000,000 for such purpose during the second year after such date.

Separability clause

SEC. 716. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Special study by Secretary of Labor

SEC. 717. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1964, containing the results of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

Effective date

SEC. 718. (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 704, 705, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

TITLE VIII

Registration and voting statistics

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States

House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe.

TITLE IX—PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 1001. (a) There is hereby established in the Department of Commerce a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director shall receive compensation at a rate of $20,000 per year. The Director is authorized to appoint, subject to the Civil Service laws and regulations, such other personnel, not to exceed six in number, as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of $75 per diem.

(b) Section 106 of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205), is further amended by adding the following clause thereto:

"(52) Director, Community Relations Service."

SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

SEC. 1003. (a) The Service shall, whenever possible, in performing its functions under this title, seek and utilize the cooperation of the appropriate State or local agencies.

(b) The Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service.

SEC. 1004. Subject to the provisions of section 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year.

TITLE XI—MISCELLANEOUS

SEC. 1101. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

SEC. 1102. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

SEC. 1103. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 1104. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances shall not be affected thereby.

Mr. TALMADGE. I should like now to discuss the pending proposals relating to the right to vote.

One of the civil rights statutes dating back to 1870 is 42 U.S.C.A. 1971—section 2004 of the Revised Statutes—which, prior to 1957, read as follows:

All citizens of the United States who are otherwise qualified by law to vote in any election by the people in any State, territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, shall be entitled to vote at all such elections without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage or regulation of any State, territory, or by, or under its authority, to the contrary notwithstanding.

The Civil Rights Act of 1957 (71 Stat. 634), the first such legislation in approximately 80 years, amended this section by adding paragraphs specifically; first, guaranteeing the right of persons to vote in Federal elections—President, Representative, Senator, et cetera—even as against private action; second, conferring upon the Attorney General the power to institute actions for injunctions thereunder; and, third, declaring that Federal jurisdiction in such cases should be exercised regardless of whether State administrative remedies had been exhausted. The act also limited punishment for criminal contempt thereunder to $1,000 and 6 months, and guaranteed right of de novo jury trial when the punishment imposed by the trial judge exceeded $300 or 45 days.

In 1960, Congress enacted another Civil Rights Act—74 Stat. 90—which, first, required preservation of voting records relating to Federal elections, subject to stated penalties, and conferring the right of inspection upon demand by the Attorney General, enforcible by court order; second, amended the same 42 U.S.C.A. 1971 amended by the 1957 act, so as to add provisions authorizing the Federal district courts to issue certificates of "qualification"—to vote—to persons illegally deprived thereof when such deprivation was pursuant to a "pattern or practice"; third, amended 42 U.S.C.A. 1971 by adding a paragraph making provision for "voting referees" to take evidence and submit reports to the courts concerning qualifications of voters, and if authorized by the court, to issue certificates of qualification; and, fourth, authorized joinder of the State as a party defendant.

This is the posture of the present law on voting rights. Suffice it to say, it already is the most detailed, complete, and far-reaching legislation on the books relating to any constitutional right.

At the present time there are on the Federal statute books 15 laws protecting and guaranteeing the right to vote. Six of those laws and statutes are criminal in scope and in nature. If anyone is being illegally deprived of the right to vote, at the present time the Attorney General has the option of invoking any one of the six criminal penalties, and indicting the persons who deprive anyone of the right to vote; and such persons can be sent to the Federal penitentiary therefor.

In addition to the six criminal statutes, there are on the statute books at the present time nine civil remedies.

So, Mr. President, at the present time the Attorney General has at his disposal 6 criminal statutes and 9 civil statutes—making a total of 15 statutes protecting the right to vote in the United States of America.

I point out that those 15 statutes are exactly 50 percent more than the Lord himself handed down for the government of the human race, at Mount Sinai—that is, the Ten Commandments.

If 15 statutes will not do the job, we certainly could not do it with any additional unconstitutional statutes that would centralize further power in the Federal bureaucracy in Washington.

The pending proposal would amend 42 U.S.C.A. 1971 even further.

First, the act provides that no person, acting under color of law shall, in determining whether anyone is qualified to vote in any Federal election, apply any practice, standard, or procedure different from those applied to other individuals similarly situated who have been found entitled to vote, nor deny the right to vote to anyone because of any omission or error on any paper which is not material in determining qualifications, or apply any literacy test unless administered in writing, and a certified copy thereof furnished to the applicant upon demand made within the time that voting records are required to be kept by the act as amended in 1960.

To this extent, the proposed legislation is not necessary, the same relief having already been granted under existing law by the sweeping and detailed injunctions granted in *United States* v. *Penton*, 212 F. Supp. 193 (D.C. Ala. 1962), and in *United States* v. *Alabama*, 192 F. Supp. 677 (D.C. Ala. 1961).

Next, the bill purports to raise a presumption that for purposes of literacy tests, anyone with a sixth grade education from an accredited school and not previously adjudged incompetent, shall be considered to possess sufficient literacy for Federal elections.

Mr. President, this proposal would take for the Federal Government the responsibility of determining voter qualifications—a matter which by the Constitution has been left exclusively up to the individual States.

The Constitution in three separate places vests the power to determine the qualifications of all the voters in Federal elections in the respective States themselves.

The first authority is found in article I, section 2, of the Constitution, which states that the electors for Members of Congress shall have the same qualifications as the States themselves impose upon their citizens to determine the members of the most numerous branch of their State legislatures.

The next power vested in the Constitution is substantially in the same language, relating to the determination of the qualifications for voters for Federal electors.

The third power is in the 17th amendment that authorized the election of Members of the U.S. Senate by the people.

In those three places in the Constitution, it is repeated over and over in the clearest possible English language that the qualification of voters shall be determined by the respective States.

I have, in the past, called attention to the fact that Congress is without constitutional power to prescribe qualifications for electors, and at this time, I would like to reiterate for the Senate, portions of the statement I made in March of 1962, to the Senate Judiciary Committee which was then considering an earlier proposal similar to the present one. And I quote:

In the plainest language possible, article I, section 2, declares that electors for Members of the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When the method of selecting Senators was changed from election by the State legislatures to election by the people in the 17th amendment, section 1 thereof adopted language identical to article I, for it was provided: "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Article I, section 4, clause 1, is cited in the proposed legislation as giving constitutional authority for such legislation. I wholeheartedly disagree with this conclusion.

This clause provides:

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It would be enough to say that since article I, section 2, makes express reference to qualifications of electors by adopting those applicable to State legislatures, and since the 17th amendment makes similar provision as to Senators, these specific provisions will necessarily control over the more general language of article I, section 4, even assuming the latter to be otherwise applicable, which, as will be hereafter shown, it definitely is not. See 50 Am. Jur. 371, section 367, setting forth the rule that specific provisions of a document control as against more general ones, which, without the specific, would be included in the general.

Certainly, the reference to "time" and "place" in article I, section 4, has no relevancy here.

With respect to "manner," this word generally has reference to the procedure or the way of doing a thing, and does not define who is qualified to do it.

Under the rule of interpretation known as ejusdem generis, the meaning of "manner" is restricted by "times" and "places." 50 Am. Jur. 244, sec. 249. As stated in *Cutler* v. *Kouns*, 110 U.S. 720, 728, 28 L. Ed. 305 (1884):

The rule of interpretation correctly stated is, that where particular words of a statute are followed by general, the general words are restricted in meaning to objects of like kind with those specified.

The proponents of these proposals are also urging us to accept the premise that the 14th and 15th amendments to the Constitution grant authority for this legislation. Let us examine the appropriate provisions of these two amendments.

Section 5 of the 14th amendment, and section 2 of the 15th amendment, authorize Congress to enforce those amendments by appropriate legislation.

Under these amendments, Congress is limited to legislating against State action discriminatory in nature. *Civil Rights* cases, 109 U.S. 3, 13, 27 L. Ed. 835 (1883); *Lackey* v. *United States*, 107 F. 114 (c.c. Ky. 1901), cert. den., 181 U.S. 621; *United States* v. *Cruikshank*, 92 U.S. 542, 23 L. Ed. 588, 592 (1876). In this respect, it is important to recall that Congress power under the 14th and 15th amendments is in a sense more restricted than its power to legislate as to the "manner" of Federal elections under article I, section 4. Under the latter, if the subject matter is legitimately concerned with the "manner" or conduct of the election process itself, Congress can legislate even as against private individuals, *United States* v. *Classic*, 313 U.S. 299, 315, 85 L. Ed. 1368 (1941), and such legislation is not limited to proscribing discrimination, *United States* v. *Munford*, 16 F. 223 (c.c. Va. 1883); *United States* v. *Foote*, 42 F. Supp. 717 (D.C. Del. 1942). Under the 14th amendment, however, Congress can legislate only so as to prevent discrimination, and under the 15th amendment, only as against discrimination based upon race or previous condition of servitude, *United States* v. *Reese*, 92 U.S. 214, 23 L. Ed. 563 (1876).

Applying these principles, it necessarily follows that any effort by Congress to outlaw literacy tests cannot be predicated upon either of these two amendments.

I further submit that even if Congress possessed the power to legislate in this field such legislation is completely unnecessary and unwise.

As was demonstrated in the case of *Davis* v. *Schnell*, 81 F. Supp. 872 (D.C. Ala., 1949), a literacy test which is so vague on its face as to invite discrimination will be declared unconstitutional under the self-executing features of the 14th amendment's due process clause, and Federal legislation can add nothing to what the law already provides.

Similarly, if a literacy test is administered unfairly, such conduct can be enjoined under existing law.

Such follows from 42 U.S.C.A. 1971, in its present form. The aggrieved citizen does not even have to employ attorneys and bring his own case. The Attorney General will bring it for him at the expense of the United States, 42 U.S.C.A. 1971(c), as amended, 71 Stat. 637 (1957). If a "pattern or practice" of discrimination is shown, the Federal courts are authorized to appoint voting referees to supervise registration and voting, thereby making administrative discrimination impossible.

As it presently reads, section 1971 is sufficient to deal with all conduct which Congress is authorized or should be authorized by the Constitution to regulate, at least in the present context.

Mr. President, since my appearance before the Judiciary Committee, there have been many other court decisions upholding the constitutional right of the States to proscribe voter qualifications.

First, in *Baker* v. *Carr*, 369 U.S. 186, 243, 7 L. Ed. 2d, 663 (1962), the Tennessee Reapportionment case, Mr. Justice Douglas stated in a concurring opinion:

That the States may specify the qualifications for voters is implicit in article I, section 2, clause 1, which provides that the House of Representatives shall be chosen by the people and that the electors (voters) in each State shall have the qualifications requisite for electors (voters) of the most numerous branch of the State legislature. The same provision, contained in the 17th amendment, governs the election of Senators.

In *Gray* v. *Sanders*, 372 U.S. 368, 9 L. Ed. 2d, 821, 829 (1963), which is the Georgia County Unit case, the majority opinion declares:

States can within limits specify the qualifications of voters both in State and Federal elections; the Constitution indeed makes voters' qualifications rest on State law even in Federal elections. Article I, section 2.

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

Mr. TALMADGE. I am delighted to yield to the Senator from Alabama.

Mr. HILL. The Senator is making such an able statement and such a compelling argument that I hesitate to interrupt him.

Mr. TALMADGE. I am honored indeed by the remarks of the able Senator.

Mr. HILL. Is it not of interest that the provision for direct election of U.S. Senators was adopted in 1913, and that the Congress and the people—because the people had to adopt the amendment—adopted what had been written in the Constitution in article I, section 2? Since it took place some years after the 13th and 14th amendments had been adopted, did it not show that it was the intent of the Congress, which submitted the 17th amendment, as well as the intent of the people, who ratified it and put it into the Constitution, that the fixing of qualifications should remain, and still does remain, in the States?

Mr. TALMADGE. The Senator is correct. That pattern has been consistently followed since the adoption of the Constitution in 1787. It was reaffirmed in the adoption of the 17th amendment in 1913, as the Senator has pointed out. The pattern has remained the same. It is stated in plain English language in three different places in the Constitution. Nothing can be clearer in our Constitution than the requirement that the qualifications of voters, whether the election be State or Federal, shall be determined by State authorities, on the State level.

Mr. HILL. Yet is it not true that title I of the pending bill, H.R. 7152, would fly into the teeth of and would be destructive of those provisions of the Constitution of the United States?

Mr. TALMADGE. The Senator is entirely correct. It is sought in the bill to establish a sixth-grade education as a rebuttable presumption of the qualifications of electors.

Mr. HILL. And under the Constitution of the United States there is absolutely no power or authority, nor even the semblance of power or authority anywhere, for Congress to pass any such

title as that, because the Constitution provides that the power to fix the qualifications of voters is entirely in the States. Is that not true?

Mr. TALMADGE. The distinguished Senator is entirely correct. The Congress has no more power or authority to legislate in that field than it would have to legislate in the field of marriage, or divorce, or the fixing of alimony. Congress would have more right to get into the field of domestic relations, because I do not know of any provision of the Constitution that prohibits it except the 10th amendment; whereas three distinct provisions of the Constitution prescribe that the qualifications of voters shall be regulated by State authority.

Mr. HILL. Is it not true that the provision that Senators, in order to become Members of the body, are to take an oath to uphold the Constitution, was adopted with the very purpose in mind that they would uphold the Constitution, that they would not attempt to pass legislation contrary to and destructive of the Constitution of the United States?

Mr. TALMADGE. The able Senator is entirely correct. I do not think a Senator could vote for this particular provision of the bill without offending his conscience, because he would be violating his oath to uphold and defend the Constitution of the United States.

I thank my friend for his illustration in clarifying that provision of the Constitution.

I continue the quotation from *Gray* v. *Sanders*, 372 U.S. 368:

> As we held in *Lassiter* v. *Northampton County Election Board*, 360 U.S. 45 ——, a State may if it chooses require voters to pass literacy tests, provided of course that literacy is not used as a cloak to discriminate against one class or group.

The case of *State of Alabama* v. *Rogers*, 187 F. Supp. 848, 854 (D.C. Ala. 1960) was an action by the Attorney General under the 1960 Civil Rights Act to compel production of voting records. The State filed cross complaint, attacking the constitutionality of the act. The Court stated:

> Although the particular qualifications one must possess to exercise this right to vote are left to the States—as long as that exercise is within the constitutional framework— the power to protect voters who are qualified is confided to the Congress of the United States.

In *United States* v. *Fox*, 211 F. Supp. 25, 30 (D.C. La. 1962), Louisiana had, in 1962, amended its laws so as to dispense with the provisions requiring an applicant to interpret provisions of the Constitution, in favor of a law whereby six questions with three optional answers on each card, for the applicant to circle the correct answer, are submitted to each applicant. To pass, he must answer four questions correctly. There are 10 such cards or sets of questions from which the applicant draws 1, face down. Suit was instituted against the registrars of Plaquemines Parish, La., alleging discrimination in registration of Negroes. At the outset, the Court declared:

> The law is clear that "the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised absent of course the discrimination which the Constitution condemns. * * *
>
> In *Guinn* v. *United States*, 238 U.S. 347, the Supreme Court upheld the right of the States to apply a literacy test to all voters irrespective of race and color, saying, "No time need be spent on the question of the validity of the literacy test considered alone as we have seen its establishment was but the exercise by the State of a lawful power vested in it, not subject to our supervision, and indeed, its validity is admitted."

The proposals considered in prior Congresses relative to literacy requirements simply declared that anyone with a sixth grade education would be entitled to vote. The pending proposal would amend 42 U.S.C.A. 1971(c), authorizing the Attorney General to institute voting suits, by adding thereto a clause which declares:

> If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia or Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election.

In other words, the provision would be changed in form from one declaring as a clear-cut rule of substantive law that a sixth-grade education constitutes sufficient qualification to vote generally, to an evidentiary presumption applicable only to cases in court.

It is also to be noted that the provision is not phrased in terms of a true or "prima facie" presumption, that is one which merely raises a presumption or inference which shifts the burden of proof and stands until overcome by contrary evidence adduced by the other side. Therefore, it necessarily follows that the current literacy provision, although differing in form, is not different in substance, and hence is equally unconstitutional as prior versions.

Also, Mr. President, the fact that one has completed a sixth grade education logically may give rise to the inference that he can read and write, but it hardly supports an assumption that he possesses qualifications as to the knowledge of governmental affairs required by literacy laws such as those of Georgia and other like States.

Mr. President, in my judgment, the greatest and most important responsibility of citizenship is to defend our country in time of war. I believe the second greatest and most responsible part of citizenship is the fact of casting a ballot, to choose our public servants from the President of the United States on down. To put a premium on illiteracy or ignorance in choosing our public servants to govern ourselves on the local level, the State level, or the Federal level, is certainly not conducive to the furtherance of our Nation in the critical era in which we live.

The pending proposal also provides that when suit is brought by the United States or Attorney General, it is the duty of the chief judge "immediately to designate a judge in such district to hear and determine the case."

In other words, if the Government is a party to the suit, the usual, resident judge does not get the case, but the Government is entitled to have one specially assigned—undoubtedly one who is ambitious and must necessarily realize that the Justice Department by custom has a large hand in promotions and judicial appointments in the Federal system—even to the extent of compiling statistics on Federal judges to see how frequently they favor the Government in cases coming before them.

This is contrary to existing law, 28 U.S.C.A. 137, which declares that the business of a district shall be divided according to "rules and orders of the court," and gives the chief judge authority over the subject only to the extent not covered thereby.

Mr. President, the sole purpose of the provisions of this bill is to permit the Attorney General to go judge-shopping, to pick out a judge who will be amenable to his will, compliant with his petitions, and who will render decisions in accordance with the Attorney General's preconceived notions of what those decisions should be.

Mr. HILL. Mr. President, will the Senator from Georgia yield at that point?

Mr. TALMADGE. I am delighted to yield to the Senator from Alabama.

Mr. HILL. The Senator has stated it so thoroughly that so far as I have been able to learn, there is absolutely no precedent for this kind of action. None can be found in any other statutes which have been passed from the very beginning; is that not correct?

Mr. TALMADGE. The Senator is correct.

Mr. President, let us now turn to a discussion of the so-called public accommodations section, which is one of the most obnoxious proposals in the bill: Mr. President, the basic issue is this:

An owner's business is recognized by all English-speaking nations as a species of a "right" known as property. It is not a mere privilege. On the other hand, there is no true "right" of any desiring person to demand that he be accepted as a customer. This at best is a "privilege." Therefore, what the pending proposal seeks to do is to sacrifice the acknowledged "right" of one in favor of a mere privilege demanded by another.

Let us further pursue the principle that property is a right in *Spann* v. *City of Dallas*, III Tex. 350, 235, S.W. 513, 19 ALR 1387 (1921), it was said:

> To secure their property was one of the great ends for which men entered into society. The right to acquire and own property, and to deal with it and use it as the owner chooses so long as the use harms nobody, is a natural right. It does not owe its origin to constitutions. It existed before them. It is a part of the citizen's natural liberty—an expression of his freedom—guaranteed as inviolate by every American bill of rights.
>
> It is not a right, therefore, over which the police power is paramount. Like every other fundamental liberty, it is a right to which the police power is subordinate.
>
> It is a right which takes into account the equal rights of others; for it is qualified by the obligation that the use of the property

shall not be to the prejudice of others. But if, subject alone to that qualification, the citizen is not free to use his lands and his goods as he chooses, it is difficult to perceive wherein his right of property has any existence.

The ancient and established maxims of Anglo-Saxon law which protect these fundamental rights in the use, enjoyment, and disposal of private property, are but the outgrowth of the long and arduous experience of mankind. They embody a painful, tragic history—the record of the struggle against tyranny, the overseership of prefects, and the overlordship of kings and nobles, when nothing so well bespoke the serfdom of the subject as his incapability to own property. They proclaim the freedom of men from those odious despotisms, their liberty to earn and possess their own, to deal with it, to use it and dispose of it, not at the behest of a master, but in the manner that befits free men.

Laws are seldom wiser than the experience of mankind.

These great maxims, which are but the reflection of that experience, may be better trusted to safeguard the interests of mankind than experimental doctrines whose inevitable end will be the subversion of all private rights.

Moreover, the Court declared:

Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of these elements of property to that extent destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right. Therefore a law which forbids the use of a certain kind of property strips it of an essential attribute and in actual result proscribes its ownership.

The police power is a grant of authority from the people to their governmental agents for the protection of the health, the safety, the comfort, and the welfare of the public. In its nature it is broad and comprehensive. It is a necessary and salutary power; since without it society would be at the mercy of individual interest, and there would exist neither public order nor security. While this is true, it is only a power. It is not a right. The powers of government, under our system, are nowhere absolute. They are but grants of authority from the people, and are limited to their true purposes. The fundamental rights of the people are inherent and have not been yielded to governmental control. They are not the subjects of governmental authority. They are the subjects of individual authority. Constitutional powers can never transcend constitutional rights. The police power is subject to the limitations imposed by the Constitution upon every power of government; and it will not be suffered to invade or impair the fundamental liberties of the citizen those natural rights which are the chief concern of the Constitution and for whose protection it was ordained by the people. All grants of power are to be interpreted in the light of the maxims of Magna Carta and the common law as transmuted into the Bill of Rights; and those things which those maxims forbid cannot be regarded as within any grant of authority made by the people to their agents.

That the protection of property rights was one of the principal reasons for formation of the Union is clearly shown by James Madison's dissertation on what has become to be known as the "economic interpretation" of politics—to be distinguished from Karl Marx's "Economic Determinism," which holds everything—morals, religion, ethics, and so forth—to be but the reflection of the prevailing economic order—and is unquestionably the most famous of all the Federalist writings.

ORDER OF BUSINESS

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

Mr. TALMADGE. I am glad to yield to the Senator from Oregon.

Mr. MORSE. Mr. President, earlier this evening I announced that in the course of the evening I would make a speech on McNamara's war and that I would ask for a quorum call.

If the Senator from Georgia has no objection, I ask unanimous consent that the Senator from Georgia may yield to me for a quorum call, so that after the quorum call is had I may speak on McNamara's war, without the Senator losing his right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. PROUTY. Mr. President, I object until I have had an opportunity to consult the leadership on this side.

Mr. MORSE. I should like to do it now, rather than at 2 a.m.

Mr. TALMADGE. I understand the Senator from Vermont has objected; is that correct?

The PRESIDING OFFICER. The Senator is correct.

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

Mr. TALMADGE. I yield.

Mr. HILL. The Senator is making such a magnificent speech and presenting such compelling arguments, that I almost hesitate to interrupt him. Is it not correct to say that the right of the use of property, and the liberties of the people, about which the Senator speaks so eloquently, are the foundation stones and the basis of our American free enterprise system?

Mr. TALMADGE. That is exactly correct. That is the basis for our free enterprise system. As the Senator well knows, being the able scholar and student of history that he is, if we destroy the right to own and control and utilize one's property under our free enterprise system, every other human right falls with it.

People own no property in the Soviet Union or in Communist China. With the loss of property right, every other right is lost also, and people are completely subordinated to the will of the State.

If we destroy the inherent right to use property in our country, I am convinced, as surely as night follows day, that the loss of every other liberty will soon follow.

Mr. HILL. It is the basic right of property and the liberties of the people upon which the American people have built the richest and most powerful and greatest civilization ever known.

Mr. TALMADGE. And the freest.

Mr. HILL. The freest and the happiest.

Mr. TALMADGE. Yes.

Mr. HILL. No people in the world's history have enjoyed the happiness that the American people enjoy. Is that correct?

Mr. TALMADGE. Yes. We enjoy a degree of human liberty that is enjoyed nowhere else on the face of the earth today.

Mr. HILL. It is the fulfillment of the dream of Thomas Jefferson, when he declared in his Declaration of Independence: Life, liberty, and the pursuit of happiness. Is that not correct?

Mr. TALMADGE. The Senator is correct. We are told by some of the advocates of this police power legislation—it is really a bill to regulate the American people—that it will aid minority groups in the United States. As the Senator well knows, one minority group in the United States, the Negroes, own more automobiles than all the people in the Soviet Union combined.

Mr. HILL. One can go to any southern city, like Atlanta, and find many of them prosperous and even affluent.

Mr. TALMADGE. Many Negroes in Atlanta are millionaires. They own banks and insurance companies, and practice professions. They own newspapers. One can go for great distances in the residential sections in the Negro areas of Atlanta, Ga., and elsewhere in my State, and in Alabama, where Negroes live in $40,000 to $50,000 and $60,000 homes. They have achieved this under our system of freedom and free enterprise.

Mr. HILL. The big, fundamental, difference between our free system and the Marxist system, which is the Communist system, is the very thing the Senator has been talking about, which is the right of the use of property and the liberties of the people.

Mr. TALMADGE. The Senator is entirely correct. I thank him for his helpful contribution.

In No. 10 of "The Federalist," Madison declared:

The diversity in the faculties of man, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and view of the respective proprietors, ensues a division of the society into different interests and parties.

Compare this with John Locke's statement that:

The great and chief end, therefore, of men uniting into commonwealths and putting themselves under government, is the preservation of their property. "Second Treatise on Civil Government," chapter IX.

An interesting account of the various political theories which were represented by the various factions which drafted the Constitution, and how the conservative, predominantly English in outlook forces, prevailed over the French agalitarian democrats, is recorded in Vernon L. Parrington's "Main Currents in American Thought," book 3, "Liberalism and the Constitution." I recommend it to the Senate.

Now let us discuss public accommodations as a privilege in *Green* v. *Saunders* (168 Md. 421, 178 A. 109 (1935)), the

Court upheld an injunction against picketing and boycotting by Negroes of a store located in the Negro section of Baltimore because of the owner's refusal to employ all Negro clerks.

Quoting from "Cooley on Torts," it was said:

> It is a part of every man's legal right—that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result or whim, caprice, prejudice, or malice (p. 112).

In *State* v. *Clyburn* (247 N.C. 455, 101 S.E. 2d 295, 299 (1958)), it was said:

> The right of an operator of a private enterprise to select the clientele he will serve and to make such selection based on color, if he so desires, has been repeatedly recognized by the appellate courts of this Nation.

This case upholds the conviction of Negroes for refusing to move from the white section of a Durham ice cream parlor and rejects 14th amendment arguments, and holds immaterial the fact that a license for the business was required.

In *Randolph* v. *Commonwealth* (202 Va. 661, 119, S.E. 2d 817, 820 (1961)), 34 Negroes were arrested under a Virginia statute making it a crime to refuse to leave the premises of another after having been requested to do so. The Court rejects the argument that State action was involved:

> It is well settled that, although the general public have an implied license to enter a retail store, the proprietor is at liberty to revoke this license at any time as to any individual, and to eject such individual from the store if he refuses to leave when requested to do so.

Nor does the fact that a warrant was obtained inject "State action" into the picture, for the purpose of the judicial process is not to enforce a rule or regulation of the proprietor of the restaurant. Its purpose is to protect the rights of the proprietor who is in lawful possession of the premises and to punish the trespasser, irrespective of his race or color—citing 47 Va. L.R. 105, 119. Further, the Court declared:

> It would, indeed, be an anomalous situation to say that the proprietor of a privately owned and operated business may lawfully use reasonable force to eject a trespasser from his premises and yet not involve judicial process to protect his rights.

In *Madden* v. *Queens Jockey Club, Inc.*, 296 N.Y. 249, 72 N.E. 2d 697 (1947), cert. den., 332 U.S. 761, the plaintiff was barred from defendants' racetrack and from making bets there on the erroneous assumption that he was one of Frank Costello's bookmakers. The Court refuses a declaratory judgment holding plaintiff entitled as a citizen and taxpayer to patronize the racetrack. While a common law duty exists upon an innkeeper to serve all who sought service, such obligation does not rest upon owners of private businesses in the absence of statute. The fact that the track is licensed by the State does not constitute it a State agency subject to equal protection. Nor is the authority granted the track in the nature of a franchise; it is a license only, designed for revenue raising and regulation, not the conferring of some privilege which otherwise does not belong to the holder.

In *Louisiana* v. *Goldfinch*, 241 La. 958, 132 So. 2d 860 (1961), defendants were arrested and convicted under the Louisiana "criminal mischief" statute for refusing to leave the white lunch counter in McCrory's store in New Orleans, after request of the owner. It was said:

> The effect of the contentions of defendants is to urge us to disregard and ignore certain rights of owners and taxpayers in the enjoyment of their property, unaffected by any public interest, in order that they might impose upon the proprietor their own concept of the proper use of his property unsupported by any right under the law or Constitution to do so. We cannot forsake the rights of some citizens and establish rights for others not already granted by law to the prejudice of the other (pp. 865–866).

On appeal, the case was reversed by the U.S. Supreme Court sub nom. *Lombard* v. *Louisiana*, 10 L. Ed. 2d 338 (1963), but on a finding that city officials had in effect directed the store policies, thereby injecting "State action" into the case.

The early case considered to have established the doctrine that an owner can refuse to serve anyone he so wishes, even where the would-be customer has purchased a "ticket" otherwise entitling him to admission, is *Wood* v. *Leadbitter*, 13 M. & W. 838, 153 Eng. Rep. 351 (1845).

In this case, the Earl of Eglintoun, steward of the Doncaster races, has sold tickets entitling the holder thereof to attend the races located on the Earl's close, and plaintiff had purchased one of these tickets. On seeing plaintiff at the races, the Earl ordered that he leave, and upon refusal, plaintiff was forcibly ejected. Trespass was brought for assault and false imprisonment. The trial court had instructed the jury that Lord Eglintoun could validly revoke his consent, without refunding the money paid for the ticket, following which the jury returned a verdict for the defendant. The Court of Exchequer upholds this decision, relying first on the proposition that a deed is an indispendable requisite to pass an interest in real estate. What was involved here was a license, which is revocable whether granted for or without a consideration.

In *Terminal Taxicab Co.* v. *Kutz*, 241 U.S. 252, 256, 60 L. Ed. 984 (1916), in holding that so much of a taxicab company's operation as involved in furnishing automobiles to individual orders by telephone could not be subjected to regulation by the District of Columbia Utilities Commission, it was said:

> It is true that all business and, for the matter of that, every life in all its details, has a public aspect, some bearing upon the welfare of the community in which it is passed. But, however, it may have been in earlier days as to the common callings, it is assumed in our time that an invitation to the public to buy does not necessarily entail an obligation to sell. It is assumed that an ordinary shopkeeper may refuse his wares arbitrarily to a customer whom he dislikes, and although that consideration is not conclusive, it is assumed that such a calling is not public as the word is used.

An analogy likely to be relied upon is the common law duty of innkeepers to accept all comers. The argument can be made that this demonstrates a long-standing recognition of the power of the state to abridge property rights in favor of a pressing public interest.

However, when the basis for this common-law duty is examined, it clearly is not applicable to other fields, and under present conditions, the considerations originally giving rise to it no longer exist. In a note, "An Innkeeper's Right To Discriminate," 15 U. Fla. L.R. 109 (1962), the author says that the common law rule requiring an innkeeper to receive all comers is the idea that his business is so "affected with a public interest that it should be treated as a public enterprise."

> The travel and communications systems in rural England at the time of the law of inns was in the making required that the weary traveler be able to find food and shelter for himself and his animals at convenient places beside the highway. Cities were few and far between, highways were poor, and means of transportation were slow. The traveler's needs were immediate, and the scarcity of inns made it impossible for him to pick and choose. For these reasons, it has been suggested that the innkeeper had a natural monopoly; it was necessary, therefore, to treat innkeeping as a public enterprise.

But, as we were admonished in the Brown case, "We cannot turn the clock back to 1896," it follows that the laws governing inns in a rural England of 100 years ago are no longer applicable in this day when transportation is more rapid, the country is more thickly settled, and facilities are more numerous. And, of course, the rule has always been limited to inns at most.

I also point out that the case which has been referred to over and over about the application of the common law to English inns is not applicable to the bill now pending before the Senate. The Congress of the United States has no power to legislate in any field except where the Constitution of the United States specifically authorizes and delegates that power; and certainly there is not in our present Constitution any provision which would authorize the Congress of the United States to convert private property to public property without adequate notice and publication and due process of law.

In *Avent* v. *North Carolina*, 253 N.C. 580, 118 S.E. 2d 47 (1961), revised, per curiam, 10 L. Ed. 24 420 (1963), seven defendants—five Negroes and two white persons—were arrested and indicted for refusing to leave the Kress lunch counter upon request of the manager. The State supreme court holds that in the absence of a statute, the owner of a privately owned restaurant has a right to select the clientele he will serve, and to make such selection based on race, color, or white people in company with Negroes. He is not an innkeeper—page 51. The Court rejects the argument that defendants were exercising freedom of speech, and that State action was present because of the fact that the State licenses restaurants.

This case was later reversed by the Supreme Court but it was because of the

presence of a Durham ordinance requiring segregation.

The public accommodations provision is not sustained by the Constitution. The Federal Government is one of enumerated powers only, the Federal Constitution being a grant of power, and not a limitation of powers as is the case with State constitutions. See 10th amendment to the Federal Constitution; 11 Am. Jur. 619, section 18; and as stated in *Schechter* v. *United States,* 295 U.S. 495, 528, 79 L. Ed. 1570 (1935):

> The Constitution established a National Government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the National Government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary. Such assertions of extraconstitutional authority were anticipated and precluded by the explicit terms of the 10th amendment, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Therefore, the pending proposal must be supportable in some express grant of power found in the Constitution, or by some power necessarily implied from the express grant of other powers.

The proposal purports to invoke as a basis for the bill, inter alia, the 14th and 15th amendments, the commerce clause, and the necessary and proper clause.

These sources will now be examined.

The 15th amendment by its clear terms is limited to voting, and nothing need be added in this respect.

As to the 14th, it is difficult to determine whether the authors of the proposal are relying on it or not. In view of the repeated reference to interstate commerce, it would appear that only the commerce clause is being involved. In his appearance before the Commerce Committee last July, Attorney General Kennedy stated that the bill relies primarily on the commerce clause. He then referred to the problems of sustaining the bill under the 14th amendment because of the "State action" principle, but concluded by a vaguely couched assertion that the 14th amendment was being relied on at least insofar as the bill would "sweep away" State laws and local ordinances.

Eighty years ago the Supreme Court established the bedrock principle in the famous *Civil Rights Cases,* 109 U.S. 3 (1883), that the 14th amendment does not empower Congress to adopt legislation outlawing discrimination in hotels, inns, theaters, and other accommodations. In 1875, Congress had passed an act entitled "An act to protect all citizens in their civil and legal rights," 18 Stat. 335, and which declared that all citizens are entitled to the "full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement." Both civil and criminal penalties were imposed for violations. Indictments were brought under this act against four defendants, charging variously, discrimination against Negroes with respect to hotels, inns, and a theater. A civil action to recover a penalty had also been instituted by a Negro against a railroad for refusing to seat his wife in the white section. In all these cases an attack upon the constitutionality of the law was made, and on reaching the Supreme Court, the cases were consolidated and decided together. The Court held the act of 1875 unconstitutional, declaring that Congress' power under the 14th amendment was limited to State action.

Mr. President, today that decision remains the law of the land. It has been affirmed and reaffirmed—and never overruled—by the Supreme Court of the United States. We hear a great deal about the law of the land from the advocates of this proposed legislation, when it meets with their approval; and time after time we are importuned by some of these people to "support the law of the land."

But, Mr. President, this decision, too, is the law of the land. The Supreme Court has interpreted the Constitution, and this decision has not been overruled. Yet we in the Senate are asked to pass the same sort of statute that was specifically stricken down and declared unconstitutional by the decision of 1883.

Mr. President, in order that the readers of the CONGRESSIONAL RECORD and every Member of the U.S. Senate may have an opportunity to read in detail this all-important decision of the U.S. Supreme Court, I ask unanimous consent that it may be inserted at this point in the RECORD.

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

CIVIL RIGHTS CASES: CIVIL RIGHTS, CONSTITUTION, DISTRICT OF COLUMBIA, INNS, PLACES OF AMUSEMENT, PUBLIC CONVEYANCES, SLAVERY, TERRITORIES

1. The first and second sections of the Civil Rights Act passed March 1, 1875, are unconstitutional enactments as applied to the several States, not being authorized either by the 13th or 14th amendments of the Constitution.

2. The 14th amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

3. The 13th amendment relates only to slavery and involuntary servitude (which it abolishes); and although, by its reflex action, it establishes universal freedom in the United States, and Congress may probably pass laws directly enforcing its provisions; yet such legislative power extends only to the subject of slavery and its incidents; and the denial of equal accommodations in inns, public conveyances, and places of public amusement (which is forbidden by the sections in question), imposes no badge of slavery or involuntary servitude upon the party, but at most, infringes rights which are protected from State aggression by the 14th amendment.

4. Whether the accommodations and privileges sought to be protected by the first and second sections of the Civil Rights Act, are, or are not, rights constitutionally demandable; and if they are, in what form they are to be protected, is not now decided.

5. Nor is it decided whether the law as it stands is operative in the Territories and District of Columbia: the decision only relating to its validity as applied to the States.

6. Nor is it decided whether Congress, under the commercial power, may or may not pass a law securing to all persons equal accommodations on lines of public conveyance between two or more States.

These cases were all founded on the first and second sections of the act of Congress, known as the Civil Rights Act, passed March 1, 1875, entitled "An act to protect all citizens in their civil and legal rights," 18 Stat. 335. Two of the cases, those against Stanley and Nichols, were indictments for denying to persons of color the accommodations and privileges of an inn or hotel; two of them, those against Ryan and Singleton, were one on information, the other an indictment, for denying to individuals the privileges and accommodation of a theater, the information against Ryan being for refusing a colored person a seat in the dress circle of Maguire's Theatre in San Francisco; and the indictment against Singleton was for denying to another person, whose color was not stated, the full enjoyment of the accommodations of the theater known as the Grand Opera House in New York, "said denial not being made for any reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

The case of Robinson and wife against the Memphis & Charleston RR. Co., was an action brought in the Circuit Court of the United States for the Western District of Tennessee, to recover the penalty of $500 given by the second section of the act; and the gravamen was the refusal by the conductor of the railroad company to allow the wife to ride in the ladies' car, for the reason, as stated in one of the counts, that she was a person of African descent. The jury rendered a verdict for the defendants in this case upon the merits, under a charge of the court to which a bill of exceptions was taken by the plaintiffs. The case was tried on the assumption by both parties of the validity of the act of Congress; and the principal point made by the exceptions was, that the judge allowed evidence to go to the jury tending to show that the conductor had reason to suspect that the plaintiff, the wife, was an improper person, because she was in company with a young man whom he supposed to be a white man, and on that account inferred that there was some improper connection between them; and the judge charged the jury, in substance, that if this was the conductor's bona fide reason for excluding the woman from the car, they might take it into consideration on the question of the liability of the company. The case was brought here by writ or error at the suit of the plaintiffs. The cases of Stanley, Nichols, and Singleton came up on certificates of division of opinion between the judges below as to the constitutionality of the first and second sections of the act referred to; and the case of Ryan, on a writ of error to the judgment of the Circuit Court for the District of California sustaining a demurrer to the information.

The Stanley, Ryan, Nichols, and Singleton cases were submitted together by the Solicitor General at the last term of court, on the 7th day of November 1882. There were no appearances and no briefs filed for the defendants.

The Robinson case was submitted on the briefs at the last term, on the 29th day of March 1883.

MR. SOLICITOR GENERAL PHILLIPS FOR THE UNITED STATES

After considering some objections to the forms of proceedings in the different cases,

the counsel reviewed the following decisions of the court upon the 13th and 14th amendments to the Constitution and on points cognate thereto, viz: *The Slaughter House Cases*, 16 Wall. 36; *Bradwell* v. *The State*, 16 Wall. 130; *Bartemeyer* v. *Iowa*, 18 Wall. 129; *Minor* v. *Happersett*, 21 Wall. 162; *Walker* v. *Sauvinet*, 92 U.S. 90; *United States* v. *Reese*, 92 U.S. 214; *Kennard* v. *Louisiana*, 92 U.S. 480; *United States* v. *Cruikshank*, 92 U.S. 542; *Munn* v. *Illinois*, 94 U.S. 113; *Chicago B. & O. RR. Co.* v. *Iowa*, 94 U.S. 155; *Blyew* v. *United States*, 13 Wall. 581; *Railroad Co.* v. *Brown* 17 Wall. 445; *Hall* v. *DeCuir*, 95 U.S. 485; *Strauder* v. *West Virginia*, 100 U.S. 303; *Ex parte Virginia*, 100 U.S. 339; *Missouri* v. *Lewis*, 101 U.S. 22; *Neal* v. *Delaware*, 103 U.S. 370.

Upon the whole these cases decide that,

1. The 13th amendment forbids all sorts of involuntary personal servitude except penal, as to all sorts of men, the word servitude taking some color from the historical fact that the United States were then engaged in dealing with African slavery, as well as from the signification of the 14th and 15th amendments, which must be construed as advancing constitutional rights previously existing.

2. The 14th amendment expresses prohibitions (and consequently implies corresponding positive immunities), limiting State action only, including in such action, however, action by all State agencies, executive, legislative, and judicial, of whatever degree.

3. The 14th amendment warrants legislation by Congress punishing violations of the immunities thereby secured when committed by agents of States in discharge of ministerial functions.

The right violated by Nichols, which is of the same class as that violated by Stanley and by Hamilton, is the right of locomotion, which Blackstone makes an element of personal liberty. Blackstone's Commentaries, book 1, chapter 1.

In violating this right, Nichols did not act in an exclusively private capacity, but in one devoted to a public use, and so affected with a public, i.e., a State interest. This phrase will be recognized as taken from the *Elevator* cases in 94 U.S., already cited.

Restraint upon the right of locomotion was a well-known feature of the slavery abolished by the 13th amendment. A first requisite of the right to appropriate the use of another man was to become the master of his natural power of motion, and, by a mayhem therein of the common law to require the whole community to be on the alert to restrain that power. That this is not exaggeration is shown by the language of the court in *Eaton* v. *Vaughan*, 9 Missouri, 734.

Granting that by involuntary servitude, as prohibited in the 13th amendment, is intended some institution, viz, custom, etc., of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is "appropriate legislation" against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi-public occupations, to create an institution.

Therefore, the above act of 1875, in prohibiting persons from violating the rights of other persons to the full and equal enjoyment of the accommodations of inns and public conveyances, for any reason turning merely upon the race or color of the latter, partakes of the specific character of certain contemporaneous solemn and effective action by the United States to which it was a sequel—and is constitutional.

MR. WILLIAM M. RANDOLPH FOR ROBINSON AND WIFE, PLAINTIFFS IN ERROR

Where the Constitution guarantees a right, Congress is empowered to pass the legislation appropriate to give effect to that right. *Prigg* v. *Pennsylvania*, 16 Peters 539; *Ableman* v. *Booth*, 21 How. 506; *United States* v. *Reese*, 92 U.S. 214.

Whether Mr. Robinson's rights were created by the Constitution, or only guaranteed by it, in either event the act of Congress, so far as it protects them, is within the Constitution. *Pensacola Telegraph Co.* v. *Western Union Tel. Co.*, 96 U.S. 1; *The Passenger Cases*, 7 Howard, 283; *Crandall* v. *Nevada*, 6 Wall. 35.

In *Munn* v. *Illinois*, 94 U.S. 113, the following propositions were affirmed:

"Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property.

"It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc.

"When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use."

Undoubtedly, if Congress could legislate on the subject at all, its legislation by the act of March 1, 1875, was within the principles thus announced.

The penalty denounced by the statute is incurred by denying to any citizen "the full enjoyment of any of the accommodations, advantages, facilities, or privileges" enumerated in the first section, and it is wholly immaterial whether the citizen whose rights are denied him belongs to one race or class or another, or is of one complexion or another. And again, the penalty follows every denial of the full enjoyment of any of the accommodations, advantages, facilities or privileges, except and unless the denial was "for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

MR. WILLIAM Y. C. HUMES AND MR. DAVID POSTEN FOR THE MEMPHIS & CHARLESTON RAILROAD CO., DEFENDANTS IN ERROR

Mr. Justice Bradley delivered the opinion of the Court. After stating the facts in the above language he continued:

"It is obvious that the primary and important question in all the cases is the constitutionality of the law: for if the law is unconstitutional none of the prosecutions can stand."

The sections of the law referred to provide as follows:

"SECTION 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

"SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offence forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year:

"*Provided*, That all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this provision shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further*, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively."

Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part.

The essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who have been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves. Its effect is to declare, that in all inns, public conveyances, and places of amusement, colored citizens, where formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens and vice versa. The second section makes it a penal offense in any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.

Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first, in the 14th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this Court; and we are bound to exercise it according to the best lights we have.

The first section of the 14th amendment (which is the one relied on), after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *United States* v. *Cruikshank*, 92 U.S. 542; *Virginia* v. *Rives*, 100 U.S. 313, and *Ex parte Virginia*, 100 U.S. 339.

An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected: and this power was exercised. The remedy which Congress actually provided was that contained in the 25th section of the Judiciary Act of 1789, 1 Stat. 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this Court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character. No attempt was made to draw into the United States courts the litigation of contracts generally; and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3, 1875, ch. 137, 18 Stat. 470, giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that, or any other law, it must appear as well by allegation, as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason, that the constitutional prohibition is against State laws impairing the obligation of contracts.

And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applied equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this) why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that powers not delegated to the United States, are reserved to the States respectively or to the people.

We have not overlooked the fact that the fourth section of the act now under consideration has been held by this Court to be constitutional. That section declares "that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000." In *Ex parte Virginia*, 100 U.S. 339, it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualification for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws: namely, those which make race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification, or not, the State, through its officer, enforced such a rule: and it is against such State action, through its officers and agents, that the last clause of the section is directed. This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and second sections of the same act which we are now considering.

These sections, in the objectionable features before referred to, are different also from the law ordinarily called the civil rights bill, originally passed April 9, 1866, 14 Stat. 27, chapter 31, and reenacted with some mod-

ifications in sections 16, 17, 18, of the Enforcement Act, passed May 31, 1870, 16 Stat. 140, chapter 114. That law, as reenacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind, and none other, any law, statute, ordinance, regulation or custom to the contrary notwithstanding, proceeds to enact, that any person who, under color of any law, statute, ordinance, regulation or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract, and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified.

In the Revised Statutes, it is true, a very important clause, to wit, the words "any law, statute, ordinance, regulation or custom to the contrary notwithstanding," which gave the declaratory section its point and effect, are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws, by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory, thus preserving the corrective character of the legislation. (Rev. St. 1977, 1978, 1979, 5510.) The civil rights bill here referred to is analogous in its character to what a law would have been under the original Constitution, declaring that the validity of contracts should not be impaired, and that if any person bound by a contract should refuse to comply with it, under color or pretense that it had been rendered void or invalid by a State law, he should be liable to an action upon it in the courts of the United States, with the addition of a penalty for setting up such an unjust and unconstitutional defense.

In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed.

Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights, for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of a Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *United States* v. *Harris*, 106 U.S. 629), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject, is not now the question. What we have to decide is, whether such plenary power has been conferred upon Congress by the 14th amendment; and, in our judgment, it has not.

We have discussed the question presented by the law on the assumption that a right to enjoy equal accommodation and privileges in all inns, public conveyances, and places of public amusement, is one of the essential rights of the citizen which no State can abridge or interfere with. Whether it is such a right, or not, is a different question which, in the view we have taken of the validity of the law on the ground already stated, it is not necessary to examine.

We have also discussed the validity of the law in reference to cases arising in the States only; and not in reference to cases arising in the Territories or the District of Columbia, which are subject to the plenary legislation of Congress in every branch of a municipal regulation. Whether the law would be a valid one as applied to the Territories and the District is not a question for consideration in the cases before us: they all being cases arising within the limits of States. And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view.

But the power of Congress to adopt direct and primary, as distinguished from corrective legislation, on the subject in hand, is sought, in the second place, from the 13th amendment, which abolished slavery. This amendment declares "that neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any subject to their jurisdiction;" and it gives Congress power to enforce the amendment by appropriate legislation.

This amendment, as well as the 14th, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

It is true, that slavery cannot exist without law, any more than property in lands and goods can exist without law; and, therefore, the 13th amendment may be regarded as nullifying all State laws which establish or uphold slavery. But it has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed, that the power vested in Congress to enforce the article by appropriate legislation, clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States: and upon this assumption it is claimed, that this is sufficient authority for declaring by law that all persons shall have equal accommodations and privileges in all inns, public conveyances, and places of amusement; the argument being, that the denial of such equal accommodations and privileges is, in itself, a subjection to a species of servitude within the meaning of the amendment. Conceding the major proposition to be true, that Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery with all its badges and incidents, is the minor proposition also true, that the denial to any person of admission to the accommodations and privileges of an inn, a public conveyance, or a theater, does subject that person to any form of servitude, or tend to fasten upon him any badge of

slavery? If it does not, then power to pass the law is not found in the 13th amendment.

In a very able and learned presentation of the cognate question as to the extent of the rights, privileges and immunities of citizens which cannot rightfully be abridged by State laws under the 14th amendment, made in a former case, a long list of burdens and disabilities of a servile character, incident to feudal vassalage in France, and which were abolished by the decrees of the National Assembly, was presented for the purpose of showing that all inequalities and observances exacted by one man from another were servitudes, or badges of slavery, which a great nation, in its effort to establish universal liberty, made haste to wipe out and destroy. But these were servitudes imposed by the old law, or by long custom, which had the force of law, and exacted by one man from another without the latter's consent. Should any such servitudes be imposed by a State law, there can be no doubt that the law would be repugnant to the 14th, no less than to the 13th amendment; nor any greater doubt that Congress has adequate power to forbid any such servitude from being exacted.

But is there any similarity between such servitudes and a denial by the owner of an inn, a public conveyance, or a theater, of its accommodations and privileges to an individual, even though the denial be founded on the race or color of that individual? Where does any slavery or servitude, or badge of either, arise from such an act of denial? Whether it might not be a denial of a right which, if sanctioned by the State law, would be obnoxious to the prohibitions of the 14th amendment, is another question. But what has it to do with the question of slavery?

It may be that by the black code (as it was called), in the times when slavery prevailed, the proprietors of inns and public conveyances were forbidden to receive persons of the African race, because it might assist slaves to escape from the control of their masters. This was merely a means of preventing such escapes, and was no part of the servitude itself. A law of that kind could not have any such object now, however justly it might be deemed an invasion of the party's legal right as a citizen, and amenable to the prohibitions of the 14th amendment.

The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. Compulsory service of the slave for the benefit of the master, restraint of his movements except by the master's will, disability to hold property, to make contracts, to have a standing in court, to be a witness against a white person, and such like burdens and incapacities, were the inseparable incidents of the institution. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offenses. Congress, as we have seen, by the Civil Rights Bill of 1866, passed in view of the 13th amendment, before the 14th was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery, constituting its substance and visible form; and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell and convey property, as is enjoyed by white citizens. Whether this legislation was fully authorized by the 13th amendment alone, without the support which it afterward received from the 14th amendment, after the adoption of which it was reenacted with some additions, it is not necessary to inquire. It is referred to for the purpose of showing that at that time (in 1866) Congress did not assume, under the authority given by the 13th amendment, to adjust what may be called the social rights of men and races in the community; but only to declare and vindicate those fundamental rights which appertain to the essence of citizenship, and the enjoyment or deprivation of which constitutes the essential distinction between freedom and slavery.

We must not forget that the province and scope of the 13th and 14th amendments are different; the former simply abolished slavery; the latter prohibited the States from abridging the privileges or immunities of citizens of the United States; from depriving them of life, liberty, or property without due process of law, and from denying to any the equal protection of the laws. The amendments are different, and the powers of Congress under them are different. What Congress has power to do under one, it may not have power to do under the other. Under the 13th amendment, it has only to do with slavery and its incidents. Under the 14th amendment, it has power to counteract and render nugatory all State laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty, or property without due process of law, or to deny to any of them the equal protection of the laws. Under the 13th amendment, the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not; under the 14th, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against State regulations or proceedings.

The only question under the present head, therefore, is, whether the refusal to any persons of the accommodations of an inn, or a public conveyance, or a place of public amusement, by an individual, and without any sanction or support from any State law or regulation, does inflict upon such persons any manner of servitude or form of slavery, as those terms are understood in this country? Many wrongs may be obnoxious to the prohibitions of the 14th amendment which are not, in any just sense, incidents or elements of slavery. Such, for example, would be taking of private property without due process of law, or allowing persons who have committed certain crimes (horse stealing, for example) to be seized and hung by the posse comitatus without regular trial, or denying to any person, or class of persons, the right to pursue any peaceful avocations allowed to others. What is called class legislation would belong to this category, and would be obnoxious to the prohibitions of the 14th amendment, but would not necessarily be so to the 13th, when not involving the idea of any subjection of one man to another. The 13th amendment has respect, not to distinctions of race, or class, or color, but to slavery. The 14th amendment extends its protection to the races and classes, and prohibits any State legislation which has the effect of denying to any race or class, or to any individual, the equal protection of the laws.

Now, conceding, for the sake of the argument, that the admission to an inn, a public conveyance, or a place of public amusement, on equal terms with all other citizens, is the right of every man and all classes of men, is it any more than one of those rights which the States by the 14th amendment are forbidden to deny to any person? And is the Constitution violated until the denial of the right has some State sanction or authority? Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant, or only as inflicting an ordinary civil injury, properly cognizable by the laws of the State, and presumably subject to redress by those laws until the contrary appears?

After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State; or if those laws are adverse to his rights and do not protect him, his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of State laws, or State action, prohibited by the 14th amendment. It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business.

Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities to furnish proper accommodations to all unobjectionable persons who in good faith apply for them. If the laws themselves make any unjust discrimination, amenable to the prohibitions of the 14th amendment, Congress has full power to afford a remedy under that amendment and in accordance with it.

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty, and property the same as white citizens; yet no one, at that time, thought it was any invasion of his personal status as a freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances, and places of amusement.

Mere discriminations on account of race or color were not regarded as badges of slavery. If, since that time, the enjoyment of equal rights in all these respects has become established by constitutional enactment, it is not by force of the 13th amendment (which merely abolishes slavery), but by force of the 13th and 15th amendments.

On the whole we are of opinion, that no countenance of authority for the passage of the law in question can be found in either the 13th or 14th Amendment of the Constitution; and no other ground of authority for its pasage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned.

This conclusion disposes of the cases now under consideration. In the cases of the *United States* v. *Michael Ryan*, and of *Richard A. Robinson and Wife* v. *The Memphis & Charleston Railroad Co.*, the judgments must be affirmed. In the other cases, the answer to be given will be that the first and second sections of the act of Congress of March 1, 1875, entitled, "An act to protect all citizens in their civil and legal rights," are unconstitutional and void, and that judgment should be rendered upon the several indictments in those cases accordingly.

And it is so ordered.

Mr. TALMADGE. Mr. President, much later, in *Shelly* v. *Kramer*, 334 U.S. 1 (1943), it was said:

Since the decision of this Court in the *Civil Rights Cases*, 109 U.S. 3, 27 L. Ed. 835,

3 S. Ct. 18 (1883), the principle has become firmly embedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful" (92 L. Ed. 1180).

Only 2 years ago, the Court in *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 722, 6 L. Ed. 2d 45 (1961), declared:

It is clear, as it always has been since the Civil Rights cases that "individual invasion of individual rights is not the subject matter of the amendment," and that private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations had been found to have become involved in it.

In *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4th 1959), in dismissing a suit brought by a Negro attorney in the Internal Revenue Department under the Civil Rights Act of 1875 against Howard Johnson's Restaurant for refusing plaintiff service because of his race, it was said:

The plaintiff concedes that no statute of Virginia requires the exclusion of Negroes from public restaurants and hence it would seem that he does not rely upon the provisions of the 14th amendment which prohibit the States from making or enforcing any law abridging the privileges and immunities of citizens of the United States or denying to any person the equal protection of the law. He points, however, to statutes of the State which require the segregation of the races in the facilities furnished by carriers and by persons engaged in the operation of places of public assemblage, he emphasizes the long established custom of excluding Negroes from public restaurants and he contends that the acquiescence of the State in these practices amounts to discriminatory State action which falls within the condemnation of the Constitution. The essence of the argument is that the State licenses restaurants to serve the public and thereby is burdened with the positive duty to prohibit unjust discrimination in the use and enjoyment of the facilities.

This argument fails to observe the important distinction between activities that are required by the State and those which are carried out by voluntary choice and without compulsion by the people of the State in accordance with their own desires and social practices. Unless these actions are performed in obedience to some positive provision of State law, they do not furnish a basis for the pending complaint. The license laws of Virginia do not fill the void. Section 35–26 of the code of Virginia, 1950, makes it unlawful for any person to operate a restaurant in the State without an unrevoked permit from the commissioner, who is the chief executive officer of the State board of health. The statute is obviously designed to protect the health of the community, but it does not authorize State officials to control the management of the business or to dictate what persons shall be served. The customs of the people of a State do not constitute State action within the prohibition of the 14th amendment.

The "necessary and proper" clause, article I, section 8, clause 18, is not an independent grant of power. It was recently held so by the Supreme Court in *Kinsella* v. *United States ex rel. Singleton*, 361 U.S. 234, 4 L. Ed. 2d 268 (1960).

In this case, the question at issue is whether the dependent wife of a peacetime soldier who accompanied him overseas can be tried by a court-martial under section 2(11) of the Uniform Code of Military Justice, without regard to article 3, and amendments 5 and 6 of the Federal Constitution. The Court holds first, that the statute cannot be upheld under the grant of power contained in article I, section 8, clause 14, "to make rules for the Government and regulation of the land and naval forces." To the Government's argument that the statute is sustainable under article I, section 8, clause 18, the "necessary and proper" clause, it was said:

If the exercise of the power is valid it is because it is granted in clause 14, not because of the necessary and proper clause. The latter clause is not itself a grant of power, but a caveat that the Congress possesses all the means necessary to carry out the specifically granted "foregoing powers" of section 8 "and all other powers vested by this Constitution."

The commerce clause undoubtedly constitutes the principal basis of the administration's public accommodations proposals.

With the present Supreme Court, it has been predicted that the bill would be upheld on this ground, under several cases referred to. However, there are other cases, which if followed, equally would lead to the conclusion that it is not sustainable under the commerce clause.

I shall now discuss cases which do not support the commerce clause position of the administration.

In *Gibbons* v. *Ogden*, 9 Wheat. 1, 193, 6 L. Ed. 23, 69 (1824), Chief Justice Marshall declared:

It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. Such a power would be inconvenient, and is certainly unnecessary.

The case of *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 30, 81 L. Ed. 893 (1937), is a landmark case in that it extended the commerce power to include "production," and represented a distinct departure from a contrary result reached only 1 year earlier in *Carter* v. *Carter Coal Co.*, 298 U.S. 238, 301, 80 L. Ed. 1160 (1936)—a departure brought about by virtue of Chief Justice Hughes' sudden shift from the conservative to the liberal faction of the Court, apparently in an effort to influence the outcome of the Roosevelt "court-packing" plan which was before Congress at this time. However, notwithstanding that this case is the forerunner of all the subsequent New Deal cases extending the commerce clause power to unheard-of areas, the majority opinion declares:

The authority of the Federal Government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself establishes, between commerce among the several States and the internal concerns of a State. That distinction between what is national and what is local in the activities of commerce is vital to the maintenance of our Federal system.

The two cases which most strongly support the proposition that the commerce clause does not support this proposal are *Schechter* v. *United States*, 295 U.S. 495, 79 L. Ed. 1570 (1935), and *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4th 1959).

The Schechter case is popularly referred to as the "Sick Chicken case." It is the case which invalidated the provisions of the National Industrial Recovery Act authorizing "codes of fair competition" to be established for depression-ridden industries, an effort generally conceded to be the nearest thing to Mussolini's corporate-state brand of fascism ever attempted in this country.

This case is the leading case on delegation of legislative power in American constitutional law, but frequently overlooked is the fact that the codes promulgated under the National Industrial Recovery Act for the chicken industry were also stricken down by this decision as transcending the limits of the commerce clause power.

In the Schechter case, convictions under the Live Poultry Code promulgated under the National Industrial Recovery Act were challenged on the ground that the act, first, unconstitutionally delegated legislative power, second, undertook regulation of interstate commerce, and, third, violated due process.

The provisions in question relate to the wages of persons employed in defendant's slaughtering houses in Brooklyn, N.Y.

The Court unanimously holds, inter alia, that the act is not sustainable under the commerce clause. In reaching this conclusion, the Court first determines that the transactions in question were not themselves in interstate commerce, namely:

When defendants had made their purchases, whether at the West Washington Market in New York City or at the railroad terminals serving the city, or elsewhere, the poultry was trucked to their slaughterhouses in Brooklyn for local disposition. The interstate transactions in relation to that poultry then ended. Defendants held the poultry at their slaughterhouse markets for slaughter and local sale to retail dealers and butchers, who in turn sold directly to consumers. Neither the slaughtering nor the sales by defendants were transactions in interstate commerce.

The undisputed facts thus afford no warrant for the argument that the poultry handled by defendants at their slaughterhouse markets was in a "current" or "flow" of interstate commerce and was thus subject to congressional regulation. The mere fact that there may be a constant flow of commodities into a State does not mean that the flow continues after the property has arrived and has become commingled with the mass of property within the State and is there held solely for local disposition and use. So far as the poultry herein questioned is concerned, the flow in interstate commerce had ceased. The poultry had come to a permanent rest within the State. It was not held, used, or sold by defendants in relation to any further transactions in interstate commerce and was not destined for transportation to other States. Hence, decisions which deal with a stream of interstate commerce—where goods come to rest within a State temporarily and are later to go forward in interstate commerce—and with the regulations of transactions involved in that practical continuity of movement, are not applicable here (pp. 542–543).

Second, the Court concluded that the transactions had only an indirect affect upon interstate commerce, and hence could not be sustained under the principle which holds that even interstate activities affecting commerce are subject to regulation, namely:

In determining how far the Federal Government may go in controlling interstate transactions upon the ground that they "affect" interstate commerce, there is a necessary and well-established distinction between direct and indirect effects. The precise line can be drawn only as individual cases arise, but the distinction is clear in principle. Direct effects are illustrated by the railroad cases we have cited, as, for example the effect of failure to use prescribed safety appliances on railroads which are the highways of both interstate and intrastate commerce, injury to an employee engaged in interstate transportation by the negligence of an employer engaged in an intrastate movement, the fixing of rates for intrastate transportation which unjustly discriminate against interstate commerce. But where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of State power.

I digress to say that, under the commerce clause, it would be determined who must be shaved or who must have his hair cut in a barbershop, or who must be received in a restaurant or a boardinghouse. That same commerce power by the Federal Government could be used to prescribe what meals must be served in a restaurant, what prices must be charged in a restaurant, what wages must be paid in a restaurant, what employees must be hired in a restaurant. I do not believe the people of the United States of America desire, and I do not believe Congress desires, to invoke the commerce police power of the Government of the United States of America into every intimate area of private conduct.

To continue the quotation:

If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance of the Federal Government. Indeed, on such a theory, even the development of the State's commercial facilities would be subject to Federal control (p. 546).

In a concurring opinion, Justice Cardozo, speaking for himself and Mr. Justice Stone, with respect to the commerce clause, declared:

I find no authority in that grant for the regulation of wages and hours of labor in the intrastate transactions that make up the defendants' business. As to this feature of the case little can be added to the opinion of the Court. There is a view of causation that would obliterate the distinction between what is national and what is local in the activities of commerce. Motion at the outer rim is communicated perceptibly, though minutely, to recording instruments at the center. A society such as ours "is an elastic medium which transmits all tremors through its territory; the only question is of their size" (per Learned Hand, J., in the Court below). The law is not indifferent to considerations of degree. Activities local in their immediacy do not become interstate and national because of distant repercussions.

What is near and what is distant may at times be uncertain (*Cf. Board of Trade* v. *Olsen*, 262 U.S. 1, 67 L. Ed. 839, 43 S. Ct. 470).

There is no penumbra of uncertainty obscuring judgment here. To find immediacy or directness here is to find it almost everywhere. If centripetal forces are to be isolated to the exclusion of the forces that oppose and counteract them, there will be an end to our Federal system (p. 554).

Applying the principles of the Schechter case, it follows that when an establishment buys goods and places them for sale, they are no longer being held "in" interstate commerce, although they previously may have moved therein. Secondly, it likewise follows that the "effect" which such a localized sale may have on interstate commerce is at most indirect. Consequently, it follows that such sales do not come within the commerce power, either under the principle that they are "in" interstate commerce, or that they "affect" interstate commerce.

A case more directly in point, however, is the Williams against Howard Johnson's restaurant case, supra. In this case, a Negro attorney in the Internal Revenue Department brought suit in Federal Court against a Howard Johnson restuarant located on an interstate highway, based upon the restaurant's refusing him service because of his race. Reliance was placed both on the Civil Rights Act of 1875 and the commerce clause. The Court of Appeals rejected both contentions, pointing out that the 1875 act had been held unconstitutional in the civil rights cases, supra, and as to the commerce clause argument, it was said:

The plaintiff makes the additional contention based on the allegations that the defendant restaurant is engaged in interstate commerce because it is located beside an interstate highway and serves interstate travelers. He suggests that a Federal policy has been developed in numerous decisions which requires the elimination of racial restrictions on transportation in interstate commerce and the admission of Negroes to railroad cars and sleeping cars, and dining cars without discrimination as to color; and he argues that the commerce clause of the Constitution (art. I, sec. 8, cl. 3), which empowers Congress to regulate commerce among the States, is self-executing so that even without a prohibitory statute no person engaged in interstate commerce may place undue restrictions upon it.

The cases upon which the plaintiff relies in each instance disclosed discriminatory action against persons of the colored race by carriers engaged in the transportation of passengers in interstate commerce. In some instances the carrier's action was taken in accordance with its own regulations, which were declared illegal as a violation of paragraph 1, section 3, of the Interstate Commerce Act, 49 U.S.C.A. 3(1), which forbids a carrier to subject any person to undue or unreasonable prejudice or disadvantage in any respect, as in *Mitchell* v. *United States*, 313 U.S. 80, 61 S. Ct. 873, 85 L. Ed. 1201, and *Henderson* v. *United States*, 339 U.S. 816, 70 S. Ct. 843, 94 L. Ed. 1302. In other instances, the carrier's action was taken in accordance with a State statute or State custom requiring the segregation of the races by public carriers and was declared unlawful as creating an undue burden on interstate commerce in violation of the commerce clause of the Constitution, as in *Morgan* v. *Com. of Virginia*, 328 U.S. 373, 66 S. Ct. 1050, 90 L. Ed. 1317; *Williams* v. *California Coach Co.*, D.C., Va., 111 F. Supp. 329 affirmed 4 Cir., 224 F. 2d 752; and *Chance* v. *Lambeth*, 4 Cir., 186 F. 2d 879.

In every instance the conduct condemned was that of an organization directly engaged in interstate commerce and the line of authority would be persuasive in the determination of the present controversy if it could be said that the defendant restaurant was so engaged. We think, however, that the cases cited are not applicable because we do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

Our conclusion is, therefore, that the judgment of the District Court must be affirmed (268 Fed. 2d 845).

This principle was later restated and applied in the case of *Slack* v. *Atlantic White Tower System, Inc.*, 181 F. Supp. 124 (D.C. Md. 1960), affirmed, 284, F. 2d 746 (C.A. 4th 1960).

That such matters as involved here are local rather than interstate in nature was established by the Supreme Court in *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100, 113, 73 Supreme Court 1007 (1953), involving a prosecution against a restaurant in the District of Columbia for refusing to serve a Negro. The charge was laid under an act of the Legislative Assembly of the District. While the assembly had subsequently been abolished, the Supreme Court held that the acts in question were preserved under a saving clause enacted by Congress relating to "police regulations" and matters concerning "municipal affairs only." It was said:

The laws which require equal service to all who eat in restaurants in the District are as local in character as laws regulating public health, schools, streets, and parks (73 S. Ct. 1014).

It is also important to note that here, the pending proposal is not limited to interstate transactions.

The particular establishment need only be engaged generally in the sale of a product which has moved in interstate commerce. In other words, suppose an establishment handles goods which do move in interstate commerce at one time or another, but also deals in goods which are produced on a wholly intrastate basis. Under this proposal, a sale of those wholly intrastate goods would be subject to the act simply because other goods also sold by the establishment did move in interstate commerce.

Such an assertion of power is untenable. This is not to overlook the doctrine, previously referred to, concerning Congress' power to regulate aspects of intrastate commerce which substantially affect interstate commerce. The leading case is the Shreveport grain case, *Houston, E. & W. Texas Ry. Co.* v. *United States*, 234 U.S. 342, 351, 58 L. Ed. 1341 (1914), in which the ICC had issued an order requiring the railroads to remove discrimination as between

interstate rates between Shreveport, La., and points eastward in Texas, on the one hand, and rates between Dallas, Tex., and other points easterly in Texas, on the other. The railroads brought suit to set aside this order, contending that it exceeded the Commission's power under the commerce clause, as it in effect sought to require reduction of interstate rates, otherwise found to be reasonable by the Commission, to a level of intrastate rates, it being conceded that the Commission's order could be complied with either by lowering the interstate rates, or by raising the intrastate rates. The Court rejects this argument, declaring:

> The fact that carriers are instruments of intrastate commerce, as well as of interstate commerce, does not derogate from the complete and paramount authority of Congress over the latter, or preclude the Federal power from being exerted to prevent the intrastate operations of such carriers from being made a means of injury to that which has been confided to Federal care. Wherever the interstate and intrastate transactions of carriers are so related that the government of one involves the control of the other, it is Congress, and not the State, that is entitled to prescribe the final and dominant rule, for otherwise Congress would be denied the exercise of its constitutional authority, and the State, not the Nation, would be supreme in the national field (p. 351).
>
> This is not to say that Congress possesses the authority to regulate the internal commerce of a State, as such, but that it does possess the power to foster and protect interstate commerce, and to take all measures necessary or appropriate to that end, although intrastate transactions of interstate carriers may thereby be controlled (p. 353).

Even here, however, it should be noted that the Federal regulation was directed, only at the interstate rates, and only indirectly affected intrastate rates in that the intrastate rates were fixed as the ceiling for the interstate rates, or the carrier could at his own option increase the intrastate rates in order to equal the interstate rates.

Another line of cases which should be distinguished in this connection is the commingling cases, that is, where interstate and intrastate commerce are so commingled that regulation of the former necessarily requires regulation of the latter. The leading case is *Southern Ry. Co.* v. *United States*, 222 U.S. 20, 56 L. Ed. 72 (1911), where suit was brought by the Government to recover a penalty under the safety-appliance acts of Congress against the Southern Railroad, based upon its operation of five cars with defective couplers, three of the cars being operated in intrastate commerce. The Court holds first, that the intention of Congress in adopting the statute was to prevent the use of unsafe cars on a railroad constituting a highway of interstate commerce, and second, that such intent constitutionally can be given effect, because the safety of interstate traffic necessarily will be affected by cars used in intrastate commerce for the reason that the cars are frequently commingled together, aside from the fact that even two completely separate trains moving on the same line bear a relationship to each other in that the disabling of one may likely disrupt the other.

No such difficulty is presented here. For example, there is no reason why a motel should be required to accommodate a traveler going from Macon to Atlanta simply because he also is required to accommodate one traveling from Chicago to Atlanta.

In *United States* v. *Dewitt*, 9 Wall 41, 45, 19 L. Ed. 593 (1870), the defendant was indicted under the Internal Revenue Act of 1867 for having offered for sale illuminating oils of petroleum, flammable at less than 110° F. The sale was made wholly within Detroit, Mich., and the Government sought to sustain the act under the commerce clause, on the reasoning that the sale of this oil necessarily would affect the sale of other oil moving in interstate commerce as to which Federal excises were imposed.

The Court rejects this contention, declaring that "within State limits, it—the commerce cause—can have no constitutional operation."

Another case of interest is *Thurlow* v. *Massachusetts*—the license cases—57 How. 504, 12 L. Ed. 256 (1847). This decision actually involves three cases, originating in the State courts of Massachusetts, Rhode Island, and New Hampshire, in each of which the defendants were indicted and convicted under respective State laws for having sold spirituous liquors without having first obtained a State license. In each case, the convictions were challenged as being in violation of the commerce clause. In the Massachusetts and Rhode Island cases, the liquors sold had been imported from foreign countries under an act of Congress. The Supreme Court upholds the convictions in all three cases, each Justice writing a separate opinion. Chief Justice Taney upholds the Massachusetts and Rhode Island cases on the "original package" doctrine of Brown against Maryland, the spirits in these two cases having been sold in smaller quantities than the original cask in which imported and held in the hands of the importer, the interstate commerce thereupon ceased, and what took place thereafter was intrastate in nature. In the New Hampshire case, however, the sale was made in the cask in which the spirits were imported, the defendant having bought it in a cask in Boston, carried it to Dover, and sold it there in the cask in which it was purchased. The Chief Justice upholds this case on the reasoning that this, unlike Brown versus Maryland, involved commerce between and not with foreign nations, and as to the former, where Congress has not acted.

As to the former two cases, it was said:

> It is equally clear, that the power of Congress over this subject does not extend further than the regulation of commerce with foreign nations and among the several States; and that beyond these limits the States have never surrendered their power over trade and commerce, and may still exercise it, free from any controlling power on the part of the General Government. Every State, therefore, may regulate its own internal traffic, according to its own judgment and upon its own views of the interest and well-being of its citizens (p. 574).

Mr. President, I have discussed the legal and constitutional grounds to demonstrate beyond any doubt that title I and title II of the bill before the Senate are not authorized by the powers granted in the Constitution of the United States.

Title I clearly contravenes three provisions of the Constitution of the United States. It has been so held by every court, including the Supreme Court of the United States, and has been repeatedly reaffirmed.

Title II is beyond the scope of Congress to legislate. During Reconstruction days a similar statute was enacted, and was struck down by the Supreme Court of the United States in 1883. That decision has been repeatedly reaffirmed by every court since that time.

There are advocates of title II who contend that the present Supreme Court would overrule previous decisions of the Supreme Court. I do not know whether it would. No one can see into the mind of the Supreme Court. I know of instances when it has stretched beyond any recognition constitutional principles that had been upheld throughout the history of our country. However, the law as it is interpreted at the present time by the Supreme Court is clearly repugnant to title II of the bill pending before the Senate.

One last word in conclusion. If we are to stretch the commerce clause of the Constitution of the United States to regulate every hamburger place, hotdog stand, barbershop, beer parlor, and sandwich counter in the United States, we will expand the power of Federal authority over the daily conduct of our citizens in the most intimate area of their lives.

Our country would change, because Congress would start passing municipal laws to affect the smallest hamlets and cities in our land. The strong police power of the Federal Government would be invoked to regulate our people. Our country achieved its greatness, its liberty, its strength, and its freedom by adhering to the constitutional provisions relating to the relationship between Federal and State Governments.

Congress was to legislate only in the field of delegated powers enumerated by the Constitution. All other power was reserved to the States and the people who live on the local level and are familiar with the problems of the local government and know best how to solve them and get along with one another in their daily lives with a minimum of friction and a maximum of freedom.

If we abandon that principle, we shall be emulating all the other powers on the face of the earth that are our principal prospective enemies. In the dictatorships of the Communist countries, the Soviet Union and Red China, the lives of the people are regulated. The secret police may knock on the door at any hour of the day or night. We have been free of that in our country.

It will be a sad day if we inject the police power of the Federal Government to regulate Joe's hamburger stand, wherever it may be in the remotest hamlet. If the Federal Government can

regulate Joe's hamburger stand and tell Joe whom he must serve in his hamburger stand, that same power can regulate the price of Joe's hamburgers. The same power can prescribe the type of hamburger Joe must serve. The same power can tell Joe whom he must employ. The same power can regulate the hours when Joe must open and close his hamburger stand.

It will be a sad day in the history of our Republic if Congress adopts a municipal code for the regulation of 190 million Americans in the most intimate aspects of their private conduct. I hope Congress will not take such action.

Mr. President, I have not completed my speech. The distinguished junior Senator from Florida [Mr. SMATHERS] is present. He desires to make a speech. I do not desire to take any more of the valuable time that he may desire to use in addressing the Senate. I, therefore, reserve the latter part of my speech for another time, when I can speak further on this subject.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 145 Leg.]

Allott	Fong	Miller
Anderson	Gruening	Monroney
Bayh	Hart	Morse
Bible	Hartke	Moss
Boggs	Hill	Mundt
Burdick	Humphrey	Nelson
Cannon	Inouye	Neuberger
Case	Javits	Pastore
Church	Jordan, Idaho	Pell
Clark	Kennedy	Prouty
Cooper	Kuchel	Ribicoff
Cotton	Magnuson	Scott
Curtis	McGee	Smathers
Dirksen	McGovern	Symington
Dodd	McIntyre	Talmadge
Dominick	McNamara	Williams, N.J.
Douglas	Metcalf	Williams, Del.

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). A quorum is not present.

Mr. MCINTYRE. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. DODD, Mr. GRUENING, Mr. HART, and Mr. Moss entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. SMATHERS. Mr. President, I yield to the Senator from Illinois [Mr. DOUGLAS], provided that in doing so I shall not lose my right to the floor.

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

SIXTEENTH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. DOUGLAS. Mr. President, today the State of Israel marks its 16th anniversary, and I believe it appropriate to call attention to the occasion and to the remarkable accomplishments of those 16 years.

Since its inception in 1948, the modern State of Israel has developed as a dynamic democracy in the Middle East despite continual military threats and the strain of hostile encirclement. In the face of external danger, freedom has not been jeopardized nor constitutional government postponed in the name of national solidarity, as has been sadly true in so many young nations. Rather, the State of Israel has endured as a model of democratic society with an enlightened government.

In 16 years, there have been more than military challenges to Israel's success. The tired land had to be made arable. Since the people were of various national origins, cultural and language differences were manifold. The young, unsettled country had to cope with a continuous influx of refugees and all the accompanying problems of providing for the needs of the homeless and hungry.

The will to preserve and protect their hard-won homeland has inspired the best efforts of great minds in every field. While maintaining strong defenses, Israel has constructed beautiful cities and villages, has developed fertile land and new industry, has built a fine university, an accomplished symphony orchestra, and has encouraged her artists, some of whose works will be seen here next week at Adas-Israel Synagogue. The economy has flourished to such an extent that Israel is able to give assistance to other young nations. The record of these 16 years is a progressive record of a strong and capable people's will to blend their individual contributions into a well-developed nation which would take a secure and deserved place in the world's circle of free nations.

To the citizens of Israel and their friends in this and every other nation, I extend an admiring greeting today, and my most sincere wishes for a long and vital future.

AREA REDEVELOPMENT PROGRAM PROVIDING MANY BENEFITS TO THE NATION

Mr. DOUGLAS. Mr. President, the Area Redevelopment Act has provided many benefits to the Nation. On occasion, criticism has been made that it has not brought enough benefits, but few people deny its positive role in our country's economy.

As presently administered, the program is unable to take credit for the stimulus it gives to local communities and areas to organize their resources and talents in the struggle to overcome unemployment. Figures on projects approved, loans made, and jobs created by ARA are published and circulated, but little or nothing is ever mentioned, except on the local scene, of the great value the ARA program offers to communities and counties which have in the past never attempted to achieve an overall economic policy.

My attention was brought to a letter received by the ARA field coordinator in Illinois from a firm in Savanna, Ill.; namely, Wood Products, Inc. The letter speaks for itself in emphasizing the benefits brought to Carroll County by ARA, and it praises the news that Carroll County is about to be removed from the list of areas suffering from persistent and above average unemployment.

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

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

WOOD PRODUCTS, INC.,
Savanna, Ill., February 24, 1964.

A. ROGER HOOK,
Field Coordinator.

DEAR ROGER: I received your letter in regard to our county being designated for ARA programs in 6 months. We here in Carroll County are happy to learn that we have less than the national average of unemployment. Even though little assistance from ARA, in money, was received; we owe a great deal to the program, as it pointed our county out as a good place to find people for hire.

Our biggest factory came because of this, and the fact that we had a suitable empty building which somebody told them about.

You helped us to unite our seven communities into one, and this gave birth to the idea of Carroll County's one great community effort. We have the civic leaders of each community meeting together each month to plan the future development of Carroll County.

We are now getting a new furniture factory that you were instrumental in bringing us. It is locating in Mount Carroll, and we here at Savanna are glad to see it in Mount Carroll. It will be more centrally located, and will prove to Lanark and Shannon, on the east side, that we are really working for them also; which should make them become more enthused.

We are building bridges between the communities of Carroll County instead of fences, as has always been in the past.

My personal opinion is that ARA is another milestone to safeguard the future of America. We must learn to live in a new age of undreamed of prosperity. We must have confidence in the future and never let a great depression happen again as in the 1930's. With high wages and machinery doing the work, our Nation could overnight fall into a depression if enough people would lose confidence.

If we know that the Government is geared to safeguard against any major depression, then the man with the money is not so apt to hold on to it for that day when it will buy a lot more than it will today.

The law of supply and demand built this Nation into the great giant that it is. Now we produce too much of most everything, and must learn to live in the prosperity that we have created. We need to add to the law of supply and demand:

What is a fair return for effort and investment? How to best distribute the fruits of our labor, to insure prosperity to all.

The attitude of the people is the best it has ever been, and we are united for progress. You can recommend Carroll County with confidence.

I, personally, want to thank you for your untiring effort to bring this about.

You and Nolan Jones will always find friends and warm fellowship here.

Sincerely,

WALTER HELLE.

MCNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, will the Senator from Florida yield to me, with the understanding that it will in no way

affect his right to the floor, and that this intervention will not count as a second speech for the Senator from Florida when he resumes?

Mr. SMATHERS. Mr. President, I am glad to yield to the Senator from Oregon, with that understanding.

I should like to make it clear that eventually I hope to have an opportunity to complete this one speech of mine, which I have now tried on 4 nights to make and to complete, but have not been able to do so. I am delighted to yield to the distinguished Senator from Oregon [Mr. MORSE], with the understanding stated.

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

Mr. MORSE. Mr. President, I thank the Senator from Florida [Mr. SMATHERS], and also the Senator from Minnesota [Mr. HUMPHREY], before he leaves the Chamber, as the Senator in charge of the bill, for his cooperative spirit. I have sought since 4 o'clock this afternoon to cooperate with my leadership. The plan was to have a quorum call before I spoke tonight on McNamara's war in South Vietnam. I announced early this evening that that was what I would do.

I made a suggestion as to how this speech could be gotten out of the way rather early, but Senators as sincere as I am decided that it would be better to wait.

The Senator from Minnesota and I have had what might be called a negotiating session, and we shall cooperate tomorrow in regard to quorum calls. On the basis of that assurance from the Senator from Minnesota, I shall not insist on an additional quorum call tonight, but I have a few things to say about McNamara's war.

Mr. President, the course of McNamara's war in South Vietnam is proving highly disturbing to many of us who have heard a steady diet of opinions from the Pentagon, and echoed by the State Department, that air strikes into North Vietnam may be attempted in order to disrupt alleged supply depots and supply and communication lines into South Vietnam.

Today, the United States is furnishing all the air power for South Vietnam. It is nearly all tactical; that is, it is designed to support ground forces. The planes are manned by Americans, with a South Vietnamese taken along to preserve the fiction that we are acting only as their "advisers." The material I placed in the RECORD a few days ago from the publication Aviation enumerated the helicopters, bombers, fighters, and other supporting aircraft we have in Vietnam.

Yet the Vietcong apparently has no air support at all. If air power and air strikes are all they are cracked up to be, how is it that the Vietcong are doing so well without any?

Moreover, the proposals for expanding the war into North Vietnam would seem to offer even less hope for success. Air strikes for this purpose in World War II did nothing to keep the Japanese from invading southern China from this same general area. What reason is there to believe, from our previous experience, that air attacks alone can disrupt these lines enough to do any good? Of one thing I am sure: if American air strikes in North Vietnam are undertaken, they will necessitate a followup of American ground personnel. Our air power has not turned the tide in our favor in South Vietnam; its use in North Vietnam will be nothing more than an excuse for throwing in ground troops.

I am greatly concerned about that. I am greatly concerned about all the trial balloons that are being put up by the State Department and the Pentagon about escalating the war into North Vietnam. The Aviation article which I discussed the other day and put into the RECORD pointed out the extent to which we are already escalating the war beyond the borders of South Vietnam. The other day I described how we were caught in Cambodia when an American plane was shot down and an American pilot was killed, along with the Vietnamese who he had taken along with him, after being caught redhanded, dropping fire bombs, which burned a village in Cambodia and killed 16 people.

If the Pentagon and State Department believe that this act made friends for us anywhere in the world, to say nothing of Cambodia, they could not be more wrong.

The sad and ugly fact is that the United States is represented as an aggressor in Cambodia.

I do not see how we can carry on these acts of aggression outside South Vietnam and not sooner or later end with a charge being made against us in the United Nations.

I now have in preparation, and hope to have completed by the middle of next week, an analysis of the international law issues which are involved in U.S. activities in South Vietnam, starting with an analysis of the Geneva Accords in 1954, which we did not sign, and to which we are not a party. When we acted only as observers, although somewhat as talking observers, at the time the Geneva Accords were signed, Bedell Smith announced in behalf of the United States that although we were not a party to the accords, we would treat them as setting forth commitments of international law.

I shall discuss next week, on the basis of such research as I am trying to complete, the international law position into which that pact put us.

I am certain that it did not give us any right to conduct a civil war action in South Vietnam. It is alleged—and I believe correctly—that the Geneva accords have been violated.

I believe that the Geneva accords have been violated by North Vietnam, at least, and probably also by Red China. I am not certain that they have not been violated by Laos, and possibly by South Vietnam itself. Those are questions of fact, and not questions of law. The questions of law are perfectly clear. The violation of the Geneva accords gave the United States no legal right under any known principle of international law to conduct unilateral military action in South Vietnam.

I know that the State Department is trying to tell the American people that we have a right to be there because Diem asked us to come in. Who is Diem? He was the dictator puppet whom the United States set up in South Vietnam. We do not like to face the fact that we create puppets, too.

We have no more right in South Vietnam than Russia has in East Germany. What is the Russians' alibi for being in East Germany? It is that the East German Government asked them to come in. When are we going to get away from this kind of subterfuge?

As a prelude to my speech next week—because I believe the general principle ought to be brought up for discussion—I say that our allegation that the Geneva Accords are being violated—and I believe they are—placed upon us the clear responsibility and obligation, if we sought action, to lay the charge before the United Nations. That is our international law obligation. We signed that charter; and under that charter we have the international law duty to seek peaceful procedures for the settlement of issues and disputes that threaten the peace of any area of the world.

What a great opportunity we had to put it up to the violators of the Geneva Accords by asking the United Nations to proceed to carry out its obligations to put an end to the killing in South Vietnam.

So I again lay down tonight the premise, from the standpoint of international law, that the United States will be found wanting in connection with its program in South Vietnam. We would make it worse by escalating that war.

Senators have talked with me in the cloakroom and have said, "Wayne, we cannot speculate about this. We cannot deal with hypotheticals. We do not know what might happen if we should escalate the war."

They could not be more right. Because we do not know what might happen, we had better take a long look before we decide to escalate it.

No one can tell us what the consequences may be if we start bombing the supply depots in North Vietnam. The apologists in the Pentagon and the State Department for our action say that the Vietcong are obtaining their supplies and ammunition from North Vietnam. They certainly are. Some of them are probably coming from Red China. But where are the South Vietnamese obtaining their supplies? From the United States.

So it is the old situation of the kettle calling the teapot black, or vice versa. The United States, North Vietnam, Red China and Russia—if she is doing so—should not be supplying anyone with weapons of war in the civil war in South Vietnam.

Now is the time for us to take a look at the legal problems that are involved, and make up our minds whether we shall resort to peaceful procedures of law for settling international disputes only when we think it meets our convenience, or whether we shall do so as a consistent policy, and thereby place ourselves in a position in which other nations can charge us, as they are now charging us, with hypocrisy in connection with our

professions about seeking to settle disputes by resort to the rule of law instead of the jungle law of force that is being used in South Vietnam.

We had better consider again what the SEATO organization is. After the Rusk hearings in Manila in the past few days it has become a complete "paper tiger." For the first time, I believe, I shall not vote in the Committee on Foreign Relations this year for a single dollar for SEATO. SEATO ought to be recognized now as a complete failure, because the SEATO countries have walked out on their obligations under the treaty.

It was a very interesting memorandum that came out of Manila, lauded by the Secretary of State of the United States. Analyze that memorandum. It is not worth the paper it is written on. Of course, the SEATO nations—seven of them; France abstained—expressed themselves again as perfectly willing to have the United States continue its action in South Vietnam.

Do not forget that, in a sense, South Vietnam came into being at the urging of the United States; but the vehicle that was used was the SEATO treaty, and South Vietnam is not a signatory to the SEATO treaty. The vehicle was the SEATO treaty. The signatories to the treaty executed a protocol agreement, and in that protocol agreement they agreed that the territory of South Vietnam was an area of mutual concern and interest to all the signatories.

Who are the signatories? They are New Zealand, Australia, Pakistan, Thailand, the Philippines, Great Britain, and France. And who are in South Vietnam, dying? American boys along with South Vietnamese. But not Australians, New Zealanders, Pakistanis, Thai, Filipinos, British, or French. Some treaty. It is not worth the paper it is written on.

The memorandum that Rusk brought out of Manila is worthless, because that memorandum does not mean that those countries will go into South Vietnam. That memorandum represented no official act of the SEATO meeting whereby the SEATO nations decided to go into South Vietnam. What they said, in effect, was that they are still concerned about it. They said that if further action in the future became necessary, they stood ready to consider that, too.

The most unfortunate and inexcusable position they took was that they had not been invited in. Only the United States had been invited in. Let us consider how the United States happened to be invited in. The French maintained a dictator there—Bao Dai. After the French were whipped, we decided we could not do business with him. So we went over to another tyrant, a totalitarian dictator named Diem. He was our boy. We tried to build him up for several years, and he was constantly being threatened with an overthrow and a coup. Finally he was killed.

In the latter part of Diem's regime—we are still too close to it to get all the historic facts—there seemed to be a cooling off on the part of the U.S. Government toward Diem. We gave him many phrases but not too much support. Then the trouble with the Buddhist priests developed. No one seemed to know exactly what the facts were. Finally Diem was killed.

So we proceeded to pick our next puppet. He is the little tinhorn military tyrant whom we are now supporting in South Vietnam and who, as I said a couple weeks ago, called the senior Senator from Oregon a traitor. I do not know why I am supposed to be a traitor. If he means that I am a traitor because I do not support that tinhorn military tyrant, he can use his own word to meet his own definition. But when I stand on the floor of the Senate and speak out in favor of ending McNamara's war in South Vietnam, I will not trade my patriotism for the patriotism of anyone who does not want to share my point of view; and Senators who do not share my point of view, who are just as patriotic as I am, do not help advance this argument by engaging in that kind of discussion. However, as the Senator from Minnesota [Mr. HUMPHREY] stated in debate the other day, when some 10 Senators and Members of the House attended a meeting of the Security Council recently, the President made it perfectly clear, in some very kind expressions he made concerning the position of the senior Senator from Oregon, that there was no basis for any such charge of treason as the military tyrant in South Vietnam had hurled at the senior Senator from Oregon.

But we have proceeded to support that puppet, and I am at a complete loss to find any international law basis for the support, because there is no basis in international law for going into South Vietnam in a unilateral action to support him. Giving political support to the governmental organization in South Vietnam increased the obligation and duty of the United States to take the issue to the United Nations.

I would have Senators speculate a bit about a great fear of mine; and I do not scare easily. If the die is cast, and the escalation leads to the holocaust, no Member of the Senate will be more insistent than I that we go all the way. I do not think we shall have any choice then. But speculate with me for a moment. Suppose we escalate into North Vietnam. North Vietnam has her allies, and among them does not happen to be the United States. What do Senators think the rest of the world will say if the United States takes military action by way of escalation into North Vietnam that will cause Red China or even Red Russia to come to the assistance of North Vietnam? Do Senators really want to put tens of thousands of American boys on the mainland of China? I do not.

If ever we have to fight Red China or Red Russia, I want the United States to select the battleground, and not have them, in effect, pick it for us. Military experts will tell us that North Vietnam should not be the battleground. That would mean that we would have to start using nuclear weapons. Speculation, is it? We had better think of the possibilities involved in the use of nuclear weapons in North Vietnam or anywhere else in Asia.

One can say to his heart's content, "I do not think they will respond." But, Mr. President, who knows?

But on what moral grounds do we stand if we even think of taking that risk? Have we really discarded all our moral concepts in regard to the matter of war? Have we Americans really reached the point where we will say, "Regardless of the consequences, we will take the risk," and give no thought to the moral position we would be in when the history of this period was recorded?

I have said before, and I repeat tonight, that if we cannot justify our action on moral grounds, we should immediately take our boys out of South Vietnam; and if there are no moral grounds for the presence of American boys in South Vietnam, obviously it is impossible to justify escalation of that war with North Vietnam into one in which the North Vietnamese would be attacked with nuclear weapons. Such a course would amount to immorality.

Mr. President, read what I recently read into the CONGRESSIONAL RECORD from Aviation magazine; read not only what is set forth in the lines of that article, but also read between the lines. And consider the stories coming from the Pentagon—stories that come from the Secretary of Defense and from the Secretary of State—statements that no final determination has been made as to whether we shall carry that war into North Vietnam.

What is that but a trial balloon? I have not been in the Senate for nearly 20 years without being able to identify a trial balloon when one goes up.

It is time to call a halt. Furthermore, we have some obligation to the American boys who are in South Vietnam. The present type of operation there does not give them the protection they are entitled to receive from their Government. That is one of the shocking aspects of this situation.

That is why a high American official—as I reported the other day—came to see me, last week, and said to me, "Senator, I must talk with you in confidence. You and I disagree on many things; but I want to say that I am in favor of our going in there and finishing that fight, and I am in favor of finishing it with an all-out operation." He also said to me, "Senator, you are right. We should go there, and we should finish the job, rather than have our boys be sitting ducks while they are there. What protection do they have when they are in helicopters or in light planes?" He also said to me, "Senator, you are right when you oppose their being killed."

Do Senators think I like to charge, on the floor of the Senate, that unjustified killing of American boys is occurring in South Vietnam? Of course I do not like to charge it; but it is true. Many of the American boys being called to South Vietnam are being killed unjustifiably in McNamara's war. If we are to put American boys into the combat lines, they will be soldiers engaged in combat, even though they may be described as "advisers"—a description which is nonsense. It is even worse than nonsense; it is deceit to say that the thou-

sands of American boys in South Vietnam are there to serve only as advisers to the South Vietnamese.

When our people ask, "Where were they when they were killed?" the answer is that they are being killed while they are in the front lines. That is perfectly awful and terrible. I cannot understand why the American people have let that situation continue as long as they have.

However, tonight I am satisfied as to what would happen if the American people could vote on this issue—if we could separate all the other issues from this one, and could let the American people vote on this one issue, after only 2 weeks or 4 weeks of discussion of the facts in connection with this issue; and if the Pravda press of the United States—let me say to the editors who are meeting tonight at a banquet here in Washington, D.C.—would really start giving the American people the facts about McNamara's war in South Vietnam, and would stop the coverup job the press is doing. Do Senators know what I think would be done, Mr. President? I believe the American people would vote in a ratio of 5 to 1 to have our forces get out of South Vietnam at once.

So, Mr. President, with public opinion of that sort, I believe that we should end McNamara's war now, and should take this issue to the United Nations.

I never thought I would live so long as to hear so many Americans talk about American facesaving. I always thought that was an oriental psychological characteristic. I did not know it was Anglo-Saxon.

Mr. President, analyze that point for a moment. Can we permit American boys to be killed in South Vietnam without providing them with the protection that the military men with whom I have been talking say they are not getting, and attempt to excuse that situation by asking, "What would happen to America's face?"

Mr. President, tonight I ask this question: What will happen to America's record when the historians finish writing the account of this colossal blunder by America? Twenty-five or fifty years from now, what will historians write about that situation, if at that time we have any country left?

I do not know what we can do to get the people of the United States and their Government officials to stop, look, and listen in respect to this situation. We should try to exhaust every procedure available to us for an attempted settlement of this dispute, without carrying on a civil war in South Vietnam.

I do not recall when in a long time I have been so very much depressed and saddened as I was when I read the account by the Secretary of State, out of Manila.

How pleased he says he is. How grateful our Government pretends to be. They obtained a seven vote to an abstention on a piece of paper which means absolutely nothing. If it means anything, it says to the United States, "Sick on. Sick on."

New Zealand, Australia, Pakistan, Thailand, the Philippines, and Great Britain are standing on the sidelines, running no danger of killing their boys. Passing a resolution which, in effect, says to the United States, "Sick on." That is pretty sad.

Mr. President, all some of us can do is to continue to raise our voices in protest, taking all the displeasure of the superpatriots, and of all of those who do not want to take the time to do a little hard thinking and analyze the rights, or alleged rights, that the United States has in this picture.

I pay my respects again tonight to the Senator from Louisiana [Mr. ELLENDER], and the Senator from Alaska [Mr. GRUENING], for their courage in standing up in opposition to a policy which in my judgment cannot be justified.

Yesterday, this great Senator from Alaska, analyzing the casualty lists of American boys in South Vietnam, showing how the curve is going up, presented information—and Senators will find it in the RECORD on their desks today—showing that even if we maintained the present rate, we could count on the killing of 91 American boys every month in South Vietnam, if we maintain the present tempo of the operations.

I wish some of the superpatriots would offer to substitute themselves one by one for the boys in South Vietnam. If they think this is such a sound operation, let them offer to go over and take their places, and see how many volunteers there would be. It is an old story. People are willing to support killing if someone else does the dying.

I am going home now. I shall sleep a little better because I feel that I have done my duty. But I pray to my God that there may be an upsurge of opinion in the country that will make clear to the Government that McNamara's war in Vietnam should stop. Do not mistake me. I am no "overnighter." We cannot pull out of there overnight. But we can change the format of our presence. And we can offer, until the United Nations is willing to send in a United Nations police force to maintain order—and that may require many thousands—to do what we can to help police the situation until order can be maintained, until a trusteeship can be established.

That is an entirely different operation from a combat operation. It is an entirely different operation from an operation of carrying a war into the delta area of South Vietnam.

I believe that if enough millions of Americans would offer the same prayer night after night, it would be answered. God works in mysterious ways. I do not believe there would be so much mystery about this working. If the people of the churches of America—and I am disappointed in some respects with regard to what they have been doing, or not doing, in connection with this unjustifiable war—if the clergymen of America, if the millions of Americans who really believe in morality, manifested their desire that this killing stop, and that American boys be allowed to leave, it would not be long before the American Government would take note.

That is what I mean when I say that God works in mysterious ways. I believe that any time the American public really wants to stand up and support sound moral principles, government will follow through by the adoption of those principles.

For the benefit of newspaper editors in banquet assembled tonight, I say, "Will you take a look at the facts? Will you study the facts about McNamara's war in South Vietnam? Will you call upon your experts to supply you with information as to the international law basis, if any, of United States' participation in a shooting war in South Vietnam? And after you marshal the facts, will you carry out the great obligation that is yours under the guarantee of a free press granted to you by our Constitutional Fathers, and start giving the facts to the American people?"

I am satisfied that once the American people start getting the facts, they will start praying; and once they start praying, God will operate in His mysterious ways, with the result that this Government will change its course of action in South Vietnam.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SMATHERS. Mr. President, I should like at the outset to state that this will be my fourth endeavor to deliver my first speech on the matter of civil rights. Unfortunately for me, I seem to catch the night shifts. I look about me here at the men who command certain posts, at the Parliamentarian, the official reporters, and others; and it seems to me tonight that we are in a production that may last longer than "My Fair Lady." But I have not been able to finish my speech, though it is merely 80 pages long, because every time I get started on it, Senators who do not agree with me—and apparently there are many—wish to question me with respect to what I am saying. We soon find ourselves highly involved in colloquies, which I think are most helpful for developing preciseness with respect to the pending bill, and certainly with respect to the development of the fact that there is much about the bill that even the proponents do not understand.

However, as we have engaged in prolonged colloquies that seem to run from minutes to minutes, and then finally from hours to hours, the result is that I have not yet completed my first speech.

I was interested today to observe in the Washington Post an article by a man to whom I referred a couple of weeks ago, and to whom I still refer, as one of the most respected columnists who ever

wrote an article. I refer to Mr. Walter Lippmann. In my advanced years, I am happy to say that I have been reading him, with great benefit to myself, since 1935, when I was a student at the University of Florida, and his articles were published then in the Florida Times-Union in Jacksonville.

I have always been impressed with everything Walter Lippmann has written. I have not always agreed with everything he has written, but I have never seen anyone who I thought wrote more consistently, more logically, or more persuasively.

This morning, in his column, which is entitled "The Abuse of the Filibuster," Mr. Lippmann wrote as follows:

There is indeed reason to worry about what may be developing in the relations between whites and Negroes. There are strong indications that there is an undercurrent of white resentment about the access of Negroes to housing and jobs in the North. This feeling came to the surface in the vote for Governor Wallace in the Wisconsin primary. There are parallel indications of desperation and extremism among the Negroes, as in the proposal to stall the traffic at the World's Fair and to increase the New York water shortage by turning on the faucets to waste water.

These are manifestations of irreconcilability: by the whites of a refusal to redress the grievances of Negroes by legislation and by the Negroes of a desperation that is politically suicidal. The whites who voted for Governor Wallace were opposed to legal remedies for the grievances of the Negroes. The Brooklyn Negroes who are organizing the traffic jam are willing to affront the whole population because they have lost all faith that anything will be done for them by reason and good will.

It is clear that the internal peace of the Nation is threatened, and that the fearful possibility of race riots cannot be ignored. What then, in all seriousness, is the right course? Is it, as not only Governor Wallace but even Senator RUSSELL is advocating, to close the door against laws designed to redress the grievances? Is this the wise course—leaving aside the question of whether it is the course of justice and compassion? To close the door, saying that the Negro protest is the work of agitators and Communists, is to say that there can be no legal redress, that the two races must rub against each other without any legal criterion of right and wrong, of what is permissible and what is not. To advocate closing the door is to be for anarchy.

Surely it is the paramount duty of civilized Americans to make order prevail in the racial conflict by establishing the supremacy of law. It is true that harmony cannot be established by laws alone. But it is irrelevant. Peace can be made to prevail by faith in the guarantees of the Constitution and of the laws made under the Constitution.

If the preservation of order through the due processes of law is the course we must take, then we have to consider the filibuster in the Senate. This is an effort to prevent the Federal Government from reducing the racial conflict by the legal redress of certain of the more conspicuous grievances of the Negro. Can such a filibuster be justified? No more, it seems to me, than would a filibuster in time of war. For the legal government must always have the sovereign power to secure the peace of the Nation. If it hasn't that power, it isn't a government.

The filibuster is properly a device for delaying and preventing a passionate majority from overriding a defenseless minority. It cannot be justified morally as a device for preventing a majority from attempting to redress grievances which have been outlawed under the Constitution for nearly a hundred years. Such a filibuster is not obedience to the Constitution and the laws. It is nullification.

What the country must have is a beginning in the lawful redress of the ancient grievances of Negroes. The essential thing is to make a serious beginning even if the legislation is not perfect, even if—as is certain—it will need a lot of perfecting as it is tried out in practice. A filibuster which delays legislation for months to come, or even stops it entirely, will not only promote disorders, will not only subvert faith in the supremacy of law, but will most surely lead eventually to the destruction of the filibuster altogether.

That would be a pity. Our American liberties would lose one of their greatest safeguards if a temporary 51 percent majority could prevail immediately and at any time. But if the filibuster is abused, as it will be if Congress is denied the right to legislate on civil rights, there will build up an irresistible demand for the abolition of all filibusters.

To me that is a very interesting article, in light of the fact that several years ago Mr. Lippmann wrote, with respect to filibusters, what appeared to me at that time, and what appeared to me on rereading to be a defense of them.

Mr. Lippmann, in the book, entitled "The Essential Walter Lippmann," a compendium of many of his articles, always seemed to me to defend the filibuster. He defended the filibuster even when it was used with respect to civil rights legislation. He defended the filibuster even at a time when the grievances of Negro citizens were much worse and much more real than they are today. He defended the filibuster at a time when the Negro citizen was not provided with any educational opportunity comparable to what is today provided him.

I find that Mr. Lippmann defended the right of the filibuster—and I shall read some of his articles in a moment—at a time when the grievance of the Negro was real, and not imagined, as I think in many instances it is today. On those occasions Mr. Lippmann defended the filibuster. I now read one of his statements.

For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by the vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device—

And who knows that better than those of us who are at the present time involved in this unlimited debate?—

to prevent large and determined communities from being coerced.

The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

Another article which Mr. Lippmann wrote—I do not know the exact date, but it was obviously several years ago—reads:

Behind this more or less technical justification of the filibuster there is a much more substantial justification. Democracy, as we have always understood it in America, has never meant the unrestricted rule of the majority. Our whole constitutional system is based on a conscious and deliberate rejection of that principle, and the instance, in place of it, upon the principle that it is not the bare current majority but the great ultimate majority, the majority which is formed after there has been plenty of time for debate, which is sovereign in this democracy.

Thus, there is no guarantee in the Constitution—of freedom of conscience, of the press, or even of the prohibition of human slavery—which a great majority of the voters cannot repeal. The final power is in the people and they can, if they decide, amend the Constitution in order to establish a complete despotism. But they cannot do it as the German Reichstag did 5 years ago when by majority vote it consented to commit suicide. American liberty is ever so much more strongly entrenched, and the majority of the moment cannot vote away the democratic system or the constitutional rights of the individual.

That can be done in America only if there is an overwhelming majority and then only after the minority has had time to make a thorough appeal to the conscience of the people.

Mr. President, that is what we are endeavoring to do at this particular time. We are trying to point out to the American people what is wrong with the bill, and why it is that this is a moral issue and not a legal issue.

In 1957, we were told by the great leaders of both political parties that if we passed a 1957 Civil Rights Act—and we passed it—that would satisfy the grievances of colored citizens and of minority groups; yet, after we passed the act of 1957 apparently it did not satisfy the grievances, aspirations, or ambitions of certain minority groups.

Congress enacted another bill in 1960, and we were told then that if we passed that particular bill and put it on the statute books, to give the Federal Government the authority to try in effect, to change people's viewpoints about one another, that would be the final and ultimate goal; that once we had arrived at passage of the 1960 bill, all the problems would be settled.

But here we are in 1964, being asked by the very same people who said in 1957 that all we needed to do was to pass one bill, and in 1960 that all we needed to do was to pass one bill, to pass another bill.

If this bill is passed—and I hope it will not be—I have no doubt the same group will be back in 1966 asking for another bill, because it will not satisfy their aspirations or eliminate their grievances, or eliminate discrimination, or stop segregation. We cannot stop discrimination or segregation by the passage of laws.

The best evidence of that is in the States which have the most laws with respect to segregation, namely, the State of New York and the State of Illinois. Even the Civil Rights Commission of 1959 reported that the most highly segregated areas in the world are in the city of New

York and the city of Chicago—and they have the most laws against it.

We can put new laws on the books in 1964 and in 1966, but we will not accomplish that which it is sought to accomplish. We can never accomplish it until the time comes when citizens, through education and economic opportunity, irrespective of color, nationality, race, or religion, have earned the right to be respected and accepted by other groups of citizens. When that day comes, there will be no more problems, and we shall need no additional laws.

So I say to Mr. Lippmann, as has been said to others, that there are 60 pages of finely printed laws on the statute books today, with respect to eliminating discrimination and segregation, when we take all the State laws and add them to all the Federal laws. We can put another 600 pages on the statute books, and we will not satisfy those who demand new laws.

The reason is that this is a moral question, a personal question, a human question. It must be solved in ways other than by putting additional laws on the statute books.

It is interesting that Mr. Lippmann, for whom we all have the greatest respect, has defended filibusters and the right of filibusters and said that at no time should a filibuster be eliminated, because "great decisions on issues that men regard as vital [should] not be taken by the vote of the majority until the consent of the minority has been obtained." This bill is designed to coerce a great number of people. It is really aimed, in many respects, at the people of the South, who bear in great measure the largest share of the problem; who, over the past 20 years, have made remarkable progress toward meeting the problem; and who know a great deal more about the problem than do some of those who say that they wish to help the colored citizens, and wish to answer their grievances. If they wish to answer their grievances, what they should do is to help, raise the level of their education and help them to obtain better jobs.

When we look at the facts, at the unemployment rolls, 8 out of 10 of those unemployed—not in the South but in the North and in the Nation—are Negro citizens. I do not observe any of those who urge new legislation, such as the two Senators from New York, going down the line to the Federal Employment Service and saying, "Why not put these citizens of a minority group ahead of the citizens who are now working?" The reason for the unemployment statistics is lack of education and lack of training. The unemployed are marginal workers; and when any crisis arises they are the first to be laid off.

They are the ones who are most easily let out of their jobs without detriment to the business. What we need to do for that citizen, in order to keep him employed is to get the economy moving at such a rate that more jobs will be available, to create a need for that man's labor. He can then labor and earn a livelihood and develop dignity which comes from being able properly to support his family and send his children to school, knowing that they are receiving an excellent education and enjoying an opportunity to earn for themselves the right to have a job and the right to be respected in the community because they are useful and productive citizens.

I say to Mr. Lippmann, whom I greatly admire and respect, that I do not really believe the article which appeared in today's Washington Post conforms very well with five articles which he wrote several years ago, and which I placed in the RECORD, defending the right of the filibuster and explaining why it was a necessary device in a democratic society.

I ask unanimous consent to insert in the RECORD at this point an article entitled "An Unhappy Secret," written by the distinguished columnist Joseph Alsop and published in the Washington Post of April 15, 1964.

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

[From the Washington Post, Apr. 15, 1964]

AN UNHAPPY SECRET

(By Joseph Alsop)

An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and disarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.

The infiltration is spotty, as yet. But it is a very serious matter, none the less, that the charges of Communist influence, which have been hurled for so long by anti-civil-rights racists, should now be acquiring some color of truth.

The Southern Christian Leadership Conference, headed by the Reverend Martin Luther King; the Students Nonviolent Coordinating Committee, more usually called Snick; and the Congress on Racial Equality, more usually called CORE, are all affected in greater or lesser degree.

These, it should be noted, are all relatively new-fledged outfits. The older, more experienced organizations of Negro civil rights fighters, the National Association for the Advancement of Colored People, and the Urban League, are quite untouched.

Both the Urban League and the NAACP learned their lesson the hard way in the late thirties and early forties—the period which was also the high-water mark of Communist infiltration in the labor movement. Like the CIO, both these civil rights organizations expelled the Communist infiltrators after a hard struggle but with total success.

Very recently, the NAACP staged a repeat performance with Robert Williams, who had been active in the North Carolina branch. This is the man who went to Cuba after his comeuppance from the NAACP, there to become a Castro propagandist.

Of the infiltrated organizations, CORE has the least serious problem. A few Communists are reported in some of the local branches, but none are known to be in CORE at the national level.

In the case of Snick, the name, Students Nonviolent Coordinating Committee, is in itself deceptive; for the Snick leader, John Lewis, though not a Communist, quite frankly believes in quasi-insurrectionary tactics. Thus no great difference has been made in Snick's tactics, because known Communists have also begun to play a certain role in Snick.

The subject of the real headshaking is the Reverend Martin Luther King. His influence is very great. His original dedication to nonviolence can hardly be doubted. Yet he has accepted and is almost certainly still accepting Communist collaboration and even Communist advice.

In 1962–63, the issue of the Communists role in the King organization was raised because of Hunter Pitts O'Dell, commonly called Jack O'Dell. This man, a known Communist, held posts in the Southern Christian Leadership Council, first in the South and then in the New York office, until the late spring of 1963. King finally dropped him when he was warned by U.S. Government officials that O'Dell was the genuine Communist article.

Official warnings have again been given to King about another, even more important associate who is known to be a key figure in the covert apparatus of the Communist Party. After the warnings, King broke off his open connections with this man, but a secondhand connection nonetheless continues. Without much doubt, this is simply a mark of the Reverend King's political innocence, but it is disturbing all the same. The King organization and King himself are clearly the prime Communist targets.

Such, then, are the facts. What ought to be made of the facts is the almost precise opposite of the kind of thing the anti-civil rights racists will say about them. For, despite these facts, the Negro civil rights movement is most emphatically not "run by Communists" nor "inspired by Communists."

Instead, the newer and more inexperienced Negro civil rights organizations have, at length, proved vulnerable to Communist infiltration. But they have been vulnerable because the grievance for which they seek redress is so shocking, and therefore so emotionally obsessive.

Every man must bear the responsibility for his own acts. Yet in this case, a heavy burden of responsibility, a vast share of the guilt, must also be charged to the white majority, which has created the grievance by injustice to the Negro minority.

The facts cited indeed constitute a strong argument for the earliest possible passage of a strong civil rights bill, and for other measures, too, that are needed to redress the Negro grievance. These facts are further proof that time is rapidly running out. Justice must be swiftly done; or gross injustice, complacently persisted in, will breed an incurable cancer in the bottom of American society.

Mr. SMATHERS. Mr. Alsop is a totally responsible and able journalist. I do not always agree with the conclusions he arrives at, and I am sure he agrees with very few that I arrive at. Nevertheless, I know that he always does a conscientious and able job.

I shall read portions of the article:

An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and disarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.

The infiltration is spotty, as yet. But it is a very serious matter, nonetheless, that the charges of Communist influence, which have been hurled for so long by anticivil rights racists, should now be acquiring some color of truth.

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These, it should be noted, are all relatively new-fledged outfits. The older, more experienced organizations of Negro civil rights fighters, the National Association for the Advancement of Colored People and the Urban League, are quite untouched.

Both the Urban League and the NAACP learned their lesson the hard way in the late 1930's and early 1940's—the period which was also the high-water mark of Communist infiltration in the labor movement. Like the CIO, both these civil rights organizations expelled the Communist infiltrators, after a hard struggle but with total success.

I shall not read further from the article, as it has been printed in the RECORD. However, I point out that it names a couple of well-known Communists, who apparently have assumed a position of leadership in some of the so-called militant civil rights organizations.

This is something that should be looked into further; and for that reason I wrote a letter today to the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, in which I asked that he make available to me and to other Members of the Senate additional facts with respect to the article, and give us any clarification that he can give us on this matter.

We play into the hands of the opposition when we go to extremes, whether it be those of us who are opposed to the civil rights measure, or those who are in favor of the civil rights measure. The law of the city, the law of the country, the law of the State, or the law of the Federal Government must be obeyed, whether I or anyone else agree with it or not. In some instances, I do not like to agree with it.

I do not think it is proper; I do not think it is right; and I believe it would bring the type of anarchy that Mr. Lippmann refers to if any groups should encourage their members to violate local, State, or Federal laws merely because they do not like the way the law is affecting them by its applications at a particular time. This is teaching disrespect of law. This is what the Communists would like to have done.

I am sure that, as Mr. Alsop has pointed out, this is why the Communists have sought to infiltrate some of the new, militant civil rights organizations, leading, unfortunately, citizens who are in such groups, and who, I believe, are not Communists or Communist-inclined, and who do not willingly or knowingly associate with Communists.

If there are—and Mr. Alsop says there are—Communists assuming positions of leadership in some of these organizations, the members of such organizations should know about it, and Members of the Senate who are supporting civil rights legislation should know about it. If they are getting support from certain quarters I think it is right and proper that they know what kind of support they are receiving. They should know whether it is genuine support of American citizens who are aggrieved, or fictitious support, being fomented by Communists who are obviously merely trying to bring about division and anarchy, if possible, in the United States.

The proponents of the public accommodations proposal now before us have recognized the impossibility of finding the necessary connection with State action with respect to many of the actions sought to be prohibited, and have fallen back upon the commerce clause as constitutional justification. The history of the commerce clause, however, shows that such an attempted exercise of the power granted the Federal Government by this clause is completely foreign to its spirit and intent.

A reading of the source materials on the drafting of the Constitution shows that the principal reason for the commerce clause was what Alexander Hamilton called the "interfering and unneighborly regulations of some States." Hamilton's observations in this connection are found in "The Federalist," No. 22.

Before I read Hamilton's statement, I should like to make one further observation. I cannot help believing that as I make these remarks this evening it is only right and proper that Senators who are in the Chamber who might disagree with me in some respects should stand up and make known the particular areas in which they believe I am in error. If they do not, it is only right and proper for me to conclude that they undoubtedly agree with what I am saying.

Hamilton said:

The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others, and it is to be feared that examples of this nature, if not restrained by a national control, would be multiplied and extended till they became not less serious sources of animosity and discord than injurious impediments to the intercourse between the different parts of the confederacy.

In a somewhat similar vein, Madison observed in the Federalist, No. 42, 214–5:

The defect of power in the existing confederacy to regulate the commerce between its several members is in the number of those which have been clearly pointed out by experience. To the proofs and remarks which former papers have brought into view on this subject, it may be added that, without this supplemental provision, the great and essential power of regulating foreign commerce, would have been incomplete and ineffectual. A very material object of this power was the relief of the States which import and export through other States from the improper contributions levied on them by the latter.

Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter and the consumers of the former. We may be assured by past experience that such a practice would be introduced by future contrivances; and both by that and a common knowledge of human affairs, that it would nourish unceasing animosities and not improbably terminate in serious interruptions of the public tranquillity.

Commenting upon these and other quotations from the framers of the Constitution, Mr. A. S. Abel, in his article, "The Commerce Clause in the Constitutional Convention and in Contemporary Comment," published in the March 1941 issue of the Minnesota Law Review, said:

All the extant contemporary evidence thus tends to confirm Pinckney's and Madison's recollection that the power as to commerce between the States was in the main a "negative and preventive" provision. It was a shield against State exactions and no two-edged sword for positive Federal attack.

Madison, in a letter to J. C. Cabell dated February 13, 1829, said:

For a like reason, I made no reference to the "power to regulate commerce among the several States." I always foresaw that difficulties might be started in relation to that power which could not be fully explained without recurring to views of it, which, however just, might give birth to specious though unsound objections. Being in the same terms with the power over foreign commerce, the same extent, if taken literally would belong to it. Yet it is very certain that it grew out of the abuse of the power by the importing States in taxing the nonimporting, and was intended as a negative and preventive provision against injustice among the States themselves, rather than as a power to be used for the positive purposes of the general Government, in which alone, however, the remedial power could be lodged.

(At this point Mr. WILLIAMS of New Jersey took the chair.)

Mr. SMATHERS. Mr. President, Mr. Madison, who is frequently called the father of our Constitution, said, with respect to the commerce clause, that it was never intended that the Federal Government should use it in order to regulate activities within a State. As he said, the reason he made no further reference to it was that it was intended as a negative and preventive provision against injustice among the States themselves, rather than as a power to be used for the positive purposes of the General Government.

Yet we find the proponents of the bill seeking to have the bill provide what Mr. Madison specifically said was not the intention of the authors of the Constitution. The proponents of the bill seek to give the General Government power which it was never intended that the General Government should have. They are seeking to give to the General Government, in order to answer the imagined and alleged grievances on the part of certain citizens, a power that it was never intended that the Federal Government should have.

The intent of the commerce clause is to regulate commerce and its free flow among the States. It was not intended that it should provide a lever by which Congress and the Federal Government could freely intrude upon the freedoms and actions of individual citizens within the States.

In a subsequent letter dated 1832, to Professor Davis, Madison further stated:

New York, Pennsylvania, Rhode Island, and Virginia, previous to the establishment of the present Constitution, had opportunities of taxing the consumption of their neighbors, and the exasperating effect on them formed a conspicuous chapter in the history of the period.

Reading these and other statements by the Founding Fathers, one receives the impression that they would have been amazed if they could have looked into the present and listened in on the arguments now being made that the commerce clause gives the Federal Government power to regulate race relations; that is to say, relations between individuals which they would have considered completely within the police powers of the several States and completely beyond the powers delegated to the Federal Government.

The Founding Fathers were not unmindful of the race problem which was even then afflicting the new Nation. They took cognizance of it in inserting the provision permitting the importation of slaves for 20 years and preventing it thereafter. They were also forced to consider it in determining the numerical weight to give slaves in apportioning direct Federal taxes among the States. But it never seemed to occur to them that it had any pertinence whatever to the commerce clause.

Abraham Lincoln expressed the prevailing view of approximately 100 years ago that interpersonal relations of this type were outside the scope of powers theretofore delegated to the Federal Government. During his Fourth Joint Debate, at Charleston, with Senator Douglas, on September 8, 1858, he said:

> I do not understand that there is any place where an alteration of the social and political relations of the Negro and white man can be made except in the State legislature—not in the Congress of the United States.

Thus it appears that not only would the Founding Fathers have been amazed at this interpretation of the commerce power, but that Abraham Lincoln and many of his contemporaries also would have been astounded.

Approximately 25 years after Lincoln uttered these words, Mr. Justice Bradley, speaking for the majority of the Supreme Court in the civil rights cases, said:

> Has Congress constitutional power to make such a law?

He answered his own question by saying:

> Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments.

The amendments to which he referred, of course, are the 13th, 14th, and 15th amendments.

The late Justice Felix Frankfurter wrote an interesting book entitled "The Commerce Clause Under Marshall, Taney, and Waite." On page 30, he pointed out that at times the Supreme Court may have considered the purpose of legislation in determining its constitutionality. Where there is a commercial purpose, such as regulating wages, or the marketing of agricultural commodities, or the purity or quality of food and drugs transported across State lines for sale in States distant from the State of origin, a strong case can be made for Federal power under the commerce clause. But where, as in this bill, the purpose is not commercial, but instead is to regulate interpersonal relationships, it is much more difficult to find the necessary connecting link with the commerce clause.

Mr. President, I have spoken briefly regarding some of the underlying basic philosophy regarding this proposed act in an attempt to point up the insecure and insubstantial foundation upon which it is based. I should now like to direct the attention of the Senate to some of the more detailed aspects of this proposed legislation.

Section 201(b) defines a "place of public accommodation" as being one by which discrimination or segregation by it is supported by State action. The term "State action" is a rather nebulous phrase; but section 201(d) of the bill purports to define it. It defines the phrase "supported by State action" as being a situation where discrimination or segregation by an establishment is: first, carried on under color of any law, statute, ordinance or regulation or; second, is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or third, is required by action of a State or political subdivision thereof.

Section 202, in declaring just what discrimination persons should be free of, sets forth everything in section 201(d), except the part of the definition, "supported by State action" just referred to—that is to say, "discrimination or segregation carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof." In fact, section 202 does not limit freedom from discrimination to places of public accommodation at all, but states that all persons shall be entitled to be free at any establishment or place from discrimination or segregation of any kind on the grounds of race, color, religion, or national origin, if such discrimination or segregation is, or purports to be, required by any law, statute, ordinance, regulation, rule or order of a State or agency or political subdivision thereof.

Mr. President, I am reminded that in addition to the many other defects of the pending bill, it does not contain a definition of the word "discrimination." What one person might regard as constituting "discrimination," might not be at all the view of another. I am not exactly sure what is meant by the use of the word "discrimination." So if the bill should ever become law, I believe there would have to be in it a precise definition of the word "discrimination."

There are certain obvious cases of discrimination about which all of us know, although I do not think they could be cured by means of this bill. But difficulty would arise in the so-called gray areas—cases in which a person imagines he is being discriminated against, whereas in truth and in fact he is not.

It would be impossible for a person who believed he was being discriminated against to look into the heart or mind of the storeowner or restaurant operator or motel owner concerned, and determine that man's intent when he said, "We have no room here for you."

But, Mr. President, under the provisions of the bill, the burden to prove that discrimination was not in his mind would suddenly be shifted to the manager of the restaurant, for example. On the other hand, it might well be that he would like to be able to serve all those who applied to him for service in his restaurant, but that there really was not room for them. But if the person who felt aggrieved had only imagined that he was being discriminated against, he could call in the might and power of the Attorney General of the United States and all his staff; and they could descend upon that restaurant owner—all on the ground that the complainant had alleged that a certain feeling had existed in the mind or heart of that restaurant owner or operator.

Such a situation would produce chaos and uncertainty greater than any ever before seen in our Nation, in connection with the operation of many businesses.

Since section 201(a) purports to give freedom from discrimination in places of "public accommodation" there would seem to be no need for section 202, unless the scope is broader. Perhaps, this would even require places of less than 5 rooms and not catering to transients to offer their accommodations to anyone who applied. Perhaps, it would apply even to a widow having but one room to rent in her home, and living in a section of a city predominantly populated by persons of a particular race, color, religion, or national origin. She would probably feel compelled, under custom and usage, to select a tenant compatible with the general population of the area. This, of course, would be a matter of personal choice with her; and it should be. However, this action would undoubtedly be "enforced by officials of the State or political subdivision," if called upon as a protection of the widow's personal rights. It requires little imagination to envision that the zeal of the administrators of this section, would carry them to the extent of saying that this, then, was discrimination or segregation required by a rule or order of a State, or agency or political subdivision thereof, and that, thus, the poor widow had violated section 202, which purports to eliminate discrimination from "any establishment or place", without regard to whether it is a place of public accommodation.

The Federal Government cannot, and it must not, Mr. President, be allowed to penetrate this deeply into governing individual conduct. What is liberty but the right to choose, to select one course of action as opposed to another; or from among several. Discrimination is, thus, the very heart and lifeblood of liberty. And individual liberty is the very rock upon which this great Nation was founded.

Once the cold, clammy, heavy hand of Federal control is placed upon the shoulder of the individual citizen, to direct him and require him to go in a predetermined direction; once this heavy hand is used to stifle the small voice of individual decision, then liberty will have vanished, and, with it, the sheen and luster with which this mighty Nation has been embellished during the entire course of its glorious history.

Mr. President, I do not advocate discrimination against any man. I abhor inequality.

Mr. President, I do not support legal segregation, because it cannot be supported under present law. But this Nation cannot afford to lose its very breath of life—which is, after all, individual choice and individual discretion, which some might call discrimination, but which, after all, adds up to individual liberty.

The extent to which this legislation is designed to slip the heavy hand of the Federal Government insidiously into the control of personal relationships is perhaps best revealed by close reading of section 204(c).

At first blush this section would seem at least to encourage the Attorney General of the United States to rely upon State or local officials in any claimed violation of rights involving discrimination or segregation. Upon closer scrutiny, however, it appears that this subsection is perhaps mere window dressing to mask the real intent of the proposed statute that the Attorney General of the United States become more deeply involved than ever in the settlement of personal conflicts, those things which by and large have always been understood under our system of jurisprudence to be within the orbit of the States' authority.

Section 204(c) provides that in the case of any complaint received by the Attorney General alleging a violation or threatened violation of section 203 in a place where State or local laws or regulations forbid the act or practice involved, the Attorney General shall notify the appropriate State or local officials and, upon request, afford them a reasonable time to act under such State laws or regulations before he institutes an action. The rights given under section 203 are that no person shall be deprived of any right or privilege secured by section 201 or 202.

Under section 201, the right granted is to be entitled to enjoyment of goods, services, facilities, privileges, advantages, and accommodations without discrimination or segregation at any place of public accommodation. To be a place of public accommodation under this section, however, the establishment, or its operations, must affect interstate commerce or discrimination, or segregation by it must be supported by State action. The right granted under section 202 is that the person shall be entitled to be free at any establishment or place from discrimination or segregation if such discrimination or segregation is required by State law or regulations, or by rule, order, regulation, and so forth, of any agency or political subdivision of the State.

Thus, since it is virtually inconceivable that there would be a State law both requiring discrimination or segregation, and also forbidding such action, the only action that could be referred by the Attorney General to a State or State agency under section 204(c) would be one involving a place of public accommodation whose operation actually affected interstate commerce, and where, at the same time, there was a State law forbidding any act of segregation or discrimination in that particular type of place of public accommodation. Since the Constitution of the United States expressly conferred upon the Congress the power of legislation over interstate commerce, it seems extremely unlikely that any State would take it upon itself to legislate specifically with respect to such operations if they really affect interstate commerce, although, of course, there might be in any given case a State law forbidding discrimination or segregation generally.

Perhaps, the greater number of instances in which rights might possibly arise under section 201 or 202 would be either cases in which the discrimination or segregation was brought about by State law or those in which the public accommodation really affected interstate commerce and the State law was silent on the question of segregation or discrimination. In either of these cases, there would appear to be no obligation of referral to State authority under section 204(c). This would undoubtedly mean that the Attorney General would be encouraged in every case to take action directly rather than attempting to have the matter settled on a local plane. In fact, the act itself, in section 204(e), invites this by allowing any referral to local authority to be completely bypassed upon the mere filing of a certificate by the Attorney General that the delay caused by referral would adversely affect the interests of the United States, or that referral in the particular case would prove ineffective. No finding or determination by the Court is required.

But the real ignominy of section 204(c) is that the Attorney General is restrained from taking action on a purely local interpersonal affair only if the State or local officials request him to grant them a reasonable time to act under State or local laws or regulations. The section thus presumes a right in the Attorney General to act in purely local affairs—a right historically reserved to the chief law officer of each sovereign State.

Since section 204(c) speaks of State or local laws or regulations that "forbid" the acts or practices involving segregation or discrimination, it is not hard to imagine some overzealous administrator attempting to construe the mere absence of a State or local law forbiding discrimination and segregation as "State action" supporting discrimination or segregation spoken of in section 201(b) as being necessary to the definition of "a place of public accommodation." This may seem a strained interpretation and something of a bootstrap operation, but to one whose appetite for power had been whetted by the passage of such sweeping legislation as is proposed in this act, I am sure that it would appear to be merely routine.

However, as I have said before, Mr. President, and will say again, the places of public accommodation mentioned in this act are not subject to regulation by the Congress under the power granted it to regulate interstate commerce. This is, of course, one of the major basic flaws in the entire act itself.

This proposed act has been described as the greatest grasp for power witnessed in many years. I believe that this is an apt description. And, if it is, then there can hardly be a more vivid example of such a grasp than the provisions of title II.

Mr. President, I yield the floor.

DENIAL OF TAX BENEFITS TO TRANSPORTATION INDUSTRY

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to make a 3-minute statement, and that it shall not count as an additional speech by me on the civil rights bill.

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

Mr. LONG of Louisiana. Mr. President, I have had an opportunity to read the remarks of Representative CLARK W. THOMPSON delivered yesterday on the floor of the House.

Representative THOMPSON addressed himself to the problem of the transportation industry, and particularly the denial of tax benefits for the industries regulated by certain Federal regulatory agencies.

I commend Representative THOMPSON for his statement on this subject, pointing out certain flagrant abuses and bringing them to the attention of Congress. Senate debate on the recently enacted tax bill leaves no doubt that the agencies' failure to follow the clear legislative intent, and their denial of benefits of the investment tax credit, liberalized depreciation and consolidated tax returns to industries under their jurisdiction, are resulting in detriment to the entire economy of the country, and that the Congress has properly asserted its supremacy over the agencies.

I further state that it appears clear that unless they do permit the transportation carriers to have the benefit of certain tax benefits which Congress has voted for them, it will undoubtedly result in discrimination among the various industries.

I undertook to point that out, when I was Senator in charge of the tax bill which was recently enacted. It always seems to me—and it still seems to me—that as between the various carriers—the rail carriers, the pipeline carriers, the airline carriers, the truck carriers and others—they should be included, and they should be treated by the same uniform policy of tax consideration.

I believe it was a fine thing for Representative Thompson to bring this matter to the attention of the House of Representatives yesterday.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF EXPORT-IMPORT BANK OF WASHINGTON

A letter from the President, Export-Import Bank of Washington, Washington, D.C., transmitting, pursuant to law, a report of

that Bank, for the 6-month period ended December 31, 1963 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON ILLEGAL CONTRACT PAYMENT PROVISIONS AND OTHER DEFICIENT CONTRACTING PRACTICES EMPLOYED BY THE U.S. TRAVEL SERVICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on illegal contract payment provisions and other deficient contracting practices employed by the U.S. Travel Service, Department of Commerce, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON VIRGIN ISLANDS CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Virgin Islands Corporation, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON FAILURE TO CURTAIL OPERATION AT GOVERNMENT EXPENSE OF MILITARY COMMISSARY STORES IN CONTINENTAL UNITED STATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the failure to curtail operation at Government expense of military commissary stores in the continental United States where adequate commercial facilities are available, Department of Defense, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

ELECTION OF GOVERNOR OF GUAM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the popular election of the Governor of Guam, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

POPULAR ELECTION OF GOVERNOR OF VIRGIN ISLANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the popular election of the Governor of the Virgin Islands, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

DISPOSITION OF FUNDS ARISING FROM JUDGMENTS IN FAVOR OF THE MIAMI INDIANS OF INDIANA AND OKLAHOMA

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of the funds arising from judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

CIVIL RIGHTS—RESOLUTION OF LEGISLATURE OF THE VIRGIN ISLANDS

The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the Legislature of the Virgin Islands of the United States, praying for the enactment of the civil rights bill, which was ordered to lie on the table, and, under the rule, ordered to be printed in the RECORD, as follows:

RESOLUTION PETITIONING THE SENATE OF THE UNITED STATES TO PASS THE CIVIL RIGHTS BILL

Whereas the Senate of the United States has before it for consideration a bill to guarantee the civil rights of all American citizens; and

Whereas the people of the Virgin Islands and the people in the United States whom the civil rights bill affect have common aims and aspirations; and

Whereas it is the sense of the Legislature of the Virgin Islands that now is the time to secure to all American citizens the rights guaranteed by the Constitution of the United States; and

Whereas the Virgin Islands of the United States is a shining example of an area under the American flag where divergent groups have been able to live in racial harmony without disorders of any nature: Now, therefore, be it

Resolved by the Legislature of the Virgin Islands:

1. That the Senate of the United States is petitioned to pass the civil rights bill.

2. That a copy of this resolution be forwarded to the President pro tempore of the Senate of the United States.

Thus passed by the Legislature of the Virgin Islands on March 12, 1964.

Witness our hands and the seal of the Legislature of the Virgin Islands this 12th day of March A.D. 1964.

EARLE B. OTTLEY,
President.

DAVID PURITZ,
Legislative Secretary.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated April 8, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. KEATING:

S. 2741. A bill for the relief of Palmerina Caira and her minor children; and

S. 2742. A bill for the relief of Mrs. Styliani Papathanasiou; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2743. A bill authorizing the sale at public auctions of standard silver dollars now held in the Treasury; to the Committee on Banking and Currency.

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

By Mr. TOWER (for himself and Mr. GOLDWATER):

S. 2744. A bill to amend the National Labor Relations Act; to the Committee on Labor and Public Welfare.

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

By Mr. KEATING (for himself and Mr. JAVITS):

S.J. Res. 169. Joint resolution to establish a Commission to develop and execute plans for the joint celebration with Canada of the 150th anniversary of the Treaty of Ghent; to the Committee on Foreign Relations.

(See the remarks of Mr. KEATING when he introduced the above joint resolution which appear under a separate heading.)

RESOLUTIONS

CONTINUATION OF SENATE YOUTH PROGRAM

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 311) providing for the continuation of the Senate youth program, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT A REVISED EDITION OF SENATE DOCUMENT NO. 92 OF THE 87TH CONGRESS, ENTITLED "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 312) authorizing the printing as a Senate document of a revised edition of Senate Document No. 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities," which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT COMPILATION ENTITLED "ELECTION LAW GUIDEBOOK"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 313) authorizing the printing of the "Election Law Guidebook" as a Senate document, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT THE 66TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 314) authorizing the printing of the 66th Annual Report of the National Society of the Daughters of the American Revolution as a Senate document was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

MARGARET I. CORKREAN

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 315) to pay a gratuity to Margaret I. Corkrean, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

SUSAN L. MOSS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 316) to pay a gratuity to Susan L. Moss, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr .JORDAN of North Carolina, which appears under a separate heading.)

MARY E. WALTON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 317) to pay a gratuity to Mary E. Walton, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

AWARD OF SERVICE PINS OR EMBLEMS TO MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. DIRKSEN (for himself and Mr. MANSFIELD) submitted a resolution (S. Res. 318) providing for the awarding of service pins or emblems to Members, officers, and employees of the Senate, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

SALE AT PUBLIC AUCTION OF CERTAIN STANDARD SILVER DOLLARS

Mr. BENNETT. Mr. President, I introduce for appropriate reference a bill which would authorize the sale at public auctions of standard silver dollars now held by the U.S. Treasury.

As is well known by Members of this body, the recent run on silver dollars held by the Treasury resulted in suspension of sales of silver dollars.

The remaining stock amounting to about $2.9 million is made up primarily of dollars minted during the period of 1878 to 1891 in Carson City Nev. Because of their scarcity, coin collectors are willing to pay far more for these dollars than their monetary value.

On April 7, the Senator from Nevada [Mr. CANNON] introduced a bill that would make it possible for the Treasury to auction these dollars, thereby assuring that the Treasury would benefit from the value which has been created through its preservation of the coins. I requested that I be included as a cosponsor of the Cannon bill because I am in accord with its purpose and language; however, after discussing the problem again with the Treasury, I feel that the situation requires some more specific legislative guidelines in addition to the general authorization contained in the bill of which I am a cosponsor. For that reason I am introducing a companion bill which would provide limits on the number of silver dollars that can be purchased by any one buyer. This provision is included to avoid inequitable distribution of the coins. The bill provides that only 10 percent of the coins may be auctioned each year. It also requires the Treasury to make available an inventory of remaining dollars by year and place minted.

As long as the Treasury refrains from selling the silver dollars, the situation is not critical. However, some reasonable program should be outlined now so that windfall gains do not accrue to a single person or group, to the detriment of other interested parties. These two bills, which are in no way conflicting, are a move in that direction.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2743) authorizing the sale at public auctions of standard silver dollars now held in the Treasury, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF THE TAFT-HARTLEY ACT

Mr. TOWER. Mr. President, I send to the desk a bill to amend the Taft-Hartley Act designed to correct a most disturbing development that has arisen from certain recent decisions of the NLRB.

I am sure that when the National Labor Relations Act was adopted no one had any idea that an employer had to continue risking his capital and his personal efforts in a business if, for any reason, he chose to give up that business. If we do live under a genuine free enterprise system, then certainly the most fundamental right of an employer is, or should be, that he is free to quit. This principle has been weakened lately by a series of cases, now on the way to the Supreme Court, in which the Labor Board and some unions are apparently taking the position that a man cannot subcontract to others a part of his business activities such as, for example, delivery and transportation, if he prefers that course to suffering the headaches of doing business with Jimmy Hoffa.

But, Mr. President, what alarms me even more, is that the Supreme Court has recently been asked by a union to prohibit a company from going completely and permanently out of business because, despite perfectly legitimate economic reasons for liquidating, the union claims that there was also present a collateral desire not to do business with a troublesome union.

I am not surprised that a union should attempt in this manner to extend the grip which the National Labor Relations Board has over the freedom of enterprise in this country. What does concern me is that the Solicitor General's office, purporting to represent the national administration, has joined in asking the Supreme Court to consider the union application. If any such doctrine should be adopted by the Supreme Court—and I am reasonably confident that many of us are no longer surprised at anything the present Court does—the National Labor Relations Board would become the ultimate arbiter of whether a man faced with an unprofitable business can be forced to stay in business until his capital and resources are exhausted and he himself goes bankrupt.

Mr. President, it must be remembered that very few cases involving the right of the National Labor Relations Board to interfere with the management of business arise unless a union is involved. We can take what the courts call judicial notice that in a case where a conflict with a union arises before the Labor Board over an employer's decision to go out of business, the union will always maintain that an antiunion bias underlies the economic factors. In such a case, the Board in effect, requires the employer to prove that he did not have an antiunion motive. If the employer, exercising his constitutional right of free speech, has been critical of unions, how can he prove to the Labor Board that his decision was not motivated by a bias against unions?

To accept the position urged before the Supreme Court by the union and the Department of Justice is simply to make the National Labor Relations Board the ultimate judge of an employer's right to go out of business. I feel that we should join in limiting the excessive power of the National Labor Relations Board by supporting my proposal.

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

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2744) to amend the National Labor Relations Act, introduced by Mr. TOWER (for himself and Mr. GOLDWATER), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

THE 150TH ANNIVERSARY OF TREATY OF GHENT

Mr. KEATING. Mr. President, on behalf of myself and Senator JAVITS, I introduce for appropriate reference a joint resolution to establish a commission to commemorate the 150th anniversary of the Treaty of Ghent. This treaty, concluded with Canada in 1814, marked the start of 150 years of peaceful coexistence, as it were, between the United States and its northern neighbor. Our peaceful boundary, unguarded for generations is an outstanding tribute to the ability of the two nations to resolve their differences with mutual good will.

This Commission, which would draw up plans for a joint United States-Canadian celebration of the signing of

the treaty, is a significant means to further cementing and commemorating 150 years of peace and good relations between Canada and the United States.

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

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 169) to establish a commission to develop and execute plans for the joint celebration with Canada of the 150th anniversary of the Treaty of Ghent, introduced by Mr. KEATING (for himself and Mr. JAVITS), was received, read twice by its title, referred to the Committee on Foreign Relations, and order to be printed in the RECORD, as follows:

Whereas the War of 1812 ended in 1814 with the signing of the Treaty of Ghent;

Whereas the United States and Canada have been at peace since the signing of that Treaty;

Whereas the unarmed border between the United States and Canada is a monumental achievement in man's struggle for peace with justice; and

Whereas proper joint celebration by the United States and Canada of the one hundred and fiftieth anniversary of the signing of the Treaty of Ghent would further strengthen the peaceful bonds between them and be an inspiration to all peace-loving nations: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Treaty of Ghent Sesquicentennial Celebration Commission (hereinafter referred to as the "Commission") which shall be composed of thirteen members as follows:

(1) Three members who shall be members of the Senate, to be appointed by the President of the Senate;

(2) Three members who shall be members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

(3) Seven members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as chairman. The members of the Commission shall receive no salary.

SEC. 2. The function of the Commission shall be to develop and to execute suitable plans for the joint celebration with Canada at Niagara Falls, New York, and Niagara Falls, Ontario, Canada, in the first two weeks of August 1964, of the one hundred and fiftieth anniversary of the signing of the Treaty of Ghent. In carrying out this function, the Commission is authorized to (1) cooperate with States and municipalities and their agencies and instrumentalities and with patriotic and historical societies and institutions of learning, (2) call upon other Federal departments and agencies for their advice and assistance, and (3) cooperate with and assist any organization, commission, or agency established by Canada to carry out the same function as the Commission.

SEC. 3. (a) The Commission may—

(1) employ such employees as may be necessary to carry out its functions; and

(2) procure supplies, services, and property, make contracts, and exercise incidental powers, to such extent as it finds it necessary to enable it to carry out efficiently and in the public interest the purposes of this joint resolution.

(b) All expenses of the Commission shall be paid from donated funds.

SEC. 4. (a) Not later than December 31, 1964, the Commission shall make a final report to the Congress of its activities, including an accounting of funds received and expended. The Commission may make such interim reports as it may deem appropriate. Upon the submission of its final report, the Commission shall cease to exist.

(b) Any property of the Commission (other than money) remaining upon termination of the celebration shall be disposed of under the Federal Property and Administrative Services Act as surplus property. Any funds so remaining shall be covered into the Treasury of the United States.

AWARD OF SERVICE PINS OR EMBLEMS TO MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. DIRKSEN. Mr. President, in the executive branch it has not only been the custom but they have had the authority to award service pins or emblems to employees in the executive branch.

We have never done so in the legislative branch.

I believe it is high time that we recognized the service of not only Senators, but employees of the Senate and the officers of the Senate as well.

So, on behalf of myself and the distinguished majority leader [Mr. MANSFIELD], I submit a resolution to that effect, and I ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 318) providing for the awarding of service pins or emblems to Members, officers, and employees of the Senate, submitted by Mr. DIRKSEN (for himself and Mr. MANSFIELD), was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Rules and Administration is hereby authorized to provide for the awarding of service pins or emblems to Members, officers, and employees of the Senate, and to promulgate regulations governing the awarding of such pins or emblems. Such pins or emblems shall be of a type appropriate to be attached to the lapel of the wearer, shall be of such appropriate material and design, and shall contain such characters, symbols, or other matter, as the Committee shall select.

SEC. 2. The Secretary of the Senate, under direction of the Committee and in accordance with regulations promulgated by the Committee, shall procure such pins or emblems and award them to Members, officers, and employees of the Senate who are entitled thereto.

SEC. 3. The expenses incurred in procuring such pins or emblems shall be paid from the contingent fund of the Senate on vouchers signed by the Chairman of the Committee.

CIVIL RIGHTS ACT OF 1963—AMENDMENTS

Mr. ROBERTSON submitted three amendments (Nos. 498, 499, and 500), intended to be proposed by him, to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. DIRKSEN submitted 10 amendments (Nos. 501, 502, 503, 504, 505, 506, 507, 508, 509, and 510), intended to be proposed by him to House bill 7152, supra, which were ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATION OF DR. MARY I. BUNTING

Mr. PASTORE. Mr. President, on behalf of the Senate members of the Joint Committee on Atomic Energy, I give notice that a hearing has been scheduled for Friday, April 24, 1964, at 9 a.m., in the Joint Committee's open hearing room, S–407 of the Capitol, to consider the nomination of Dr. Mary I. Bunting, of Massachusetts, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1965, of Dr. Robert E. Wilson. Dr. Wilson resigned from the Atomic Energy Commission on February 1, 1964.

I submit for the RECORD a biographical summary that accompanied the nomination of Dr. Bunting.

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

DR. MARY I. BUNTING

Mrs. Bunting, who is president of Radcliffe College in Cambridge, Mass., was born at Brooklyn, N.Y., on July 10, 1910. She received her AB degree from Vassar in 1930 and in 1933 received her Ph. D. in the fields of microbiology and biochemistry from the University of Wisconsin. Mrs. Bunting taught at Bennington College from 1936 to 1937 and at Gaucher College from 1937 to 1938. Mrs. Bunting did research work at Yale from 1938 to 1940 in the fields of microbiology and biochemistry. From 1946 to 1947 she taught at Wellesley College and from 1950 to 1955 worked on a research program at Yale University in the field of microbial genetics. This latter research was done under the sponsorship of the Atomic Energy Commission. Mrs. Bunting was dean of Douglas College at New Brunswick, N.J. from 1955 until 1960 when she became president of Radcliffe College.

Mrs. Bunting was married to the late Dr. Henry Bunting who died in 1954. She is the mother of four children—one girl and three boys.

NOTICE OF HEARINGS ON NOMINATIONS OF SIDNEY L. CHRISTIE, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE, NORTHERN AND SOUTHERN DISTRICTS OF WEST VIRGINIA, AND RAY McNICHOLS, OF IDAHO, TO BE U.S. DISTRICT JUDGE, DISTRICT OF IDAHO

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, April 23, 1964, at 9 a.m., in room

2228, New Senate Office Building, on the following nominations:

Sidney L. Christie, of West Virginia, to be U.S. district judge, northern and southern districts of West Virginia, vice Harry E. Watkins, deceased.

Ray McNichols, of Idaho, to be U.S. district judge, district of Idaho, vice Chase A. Clark, retiring.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Nebraska [Mr. HRUSKA].

CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND LOCAL UNITS OF GOVERNMENT—ADDITIONAL COSPONSORS OF BILL

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the names of Senators ALLOTT, CURTIS, FONG, MUNDT, SIMPSON, and MORSE be added as cosponsors of the bill (S. 2114) to provide for periodic congressional review of Federal grants-in-aid to States and to local units of government.

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

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SCOTT:

The Free Enterprise Awards Association's award to Dr. Leonard F. Herzog, of Pennsylvania.

By Mr. RANDOLPH:

Article on the death of Maj. Gen. Melvin J. Maas, in the Washington Post, April 14, 1964; letter from Senator RANDOLPH to Mrs. Melvin J. Maas.

RECESS TO 10 A.M. TOMORROW

Mr. McINTYRE. Mr. President, unless there be further business to come before the Senate, under the order previously entered, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to; and (at 10 o'clock and 20 minutes p.m.) the Senate, under the order previously entered, took a recess until tomorrow, Friday, April 17, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 16 (legislative day of March 30), 1964:

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Burns, Richard F., O58121.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenant

Aaronsohn, Jonathan B., O93547.
Abraham, Bruce R., O93548.
Adams, John R., 3d, O93109.
Adams, Joseph G., O93550.
Agnew, Ramon B., O94158.
Aikman, Peter R., O94358.
Alexander, Terry L., O93551.
Alligood, Ray L., Jr., O98034.
Allred, James R., O94359.
Altmeyer, James E., O93552.
Altorfer, William G., O92286.
Anderson, Carl R., O93348.
Anderson, Eugene L., O92287.
Anderson, Steven B., O92289.
Andrew, Edward L., O92290.
Angstadt, Richard W., O93553.
Anjier, Louis J., Jr., O92291.
Anselm, Donald C., O93554.
Archambeau, Jason R., O92293.
Armstrong, Alan P., O93555.
Armstrong, Charles H., O93556.
Armstrong, Roy L., Jr., O93557.
Arnold, John P., O92295.
Arthur, James F., Jr., O93110.
Ashapa, Myron R., O92296.
Atkinson, John McC., O94360.
Aucoin, James S., O92298.
Avery, John, Jr., O94361.
Babbitt, Leroy A., Jr., O93558.
Bacon, Carlton E., O93559.
Bailey, Fred E., O94362.
Baim, David H., O94667.
Bains, William J., O92301.
Baird, Thomas H., O93560.
Baker, William P., O92305.
Bakkeby, William M., Jr., O93351.
Balda, Jerome F., O92306.
Baldwin, Byron S., O93561.
Bangasser, Frederic D. H., O92307.
Bankson, Peter R., O92308.
Barbour, Donald A., O93562.
Barclay, Douglas H., O99291.
Barineau, John N., 3d, O93563.
Barnes, Bruce A., O92310.
Barney, Daniel G., O93564.
Barnhardt, William E., O92311.
Bartlett, Charles M., O92313.
Bass, Louis R., O94668.
Batdorf, Richard L., O93352.
Battle, Brendan J., O93565.
Bavis, Robert J., 3d, O93353.
Bayless, Harry K., 3d, O93566.
Beal, Patrick G., O93354.
Beckett, Ronald L., O93567.
Becking, Ernest A., O93355.
Behrenhausen, Richard A., Jr., O93568.
Belknap, Willard S., O93569.
Bell, Edward F., Jr., O96944.
Bellamy, Anthony R., O93117.
Bender, Lynn A., O93570.
Bennett, Andrew F., Jr., O93571.
Benz, Herbert T. G., Jr., O93572.
Benzinger, Peter L., O93573.
Berenz, John W., O93118.
Berinato, John J., O93574.
Berman, Jay M., O92324.
Bernard, Robert K., O93575.
Bernardi, Roger L., O92325.
Berra, Louis C., Jr., O93576.
Bevans, Nathan E., O92327.
Beyer, Lawrence M., O92328.
Biddington, David E., O93577.
Bilund, James A., O93119.
Binkewicz, Joseph B., O92332.
Binzer, Solomon V., O98334.
Bird, Samuel R., O92334.
Bissell, Norman M., O94364.
Bitgood, John J., O92335.
Blair, Larry A., O93121.
Blanda, Frank T., O93578.
Blanke, Richard C., O94365.
Blesse, James S., O93579.
Blount, Howard P., Jr., O93124.
Boeve, Lucas, 3d, O93580.
Boehman, Richard J., Jr., O92338.
Boiardi, John J., O92339.
Bon, Virgil D., O93125.
Bonko, Donald R., O93581.
Bonville, George P., O92340.
Born, William J. T. M., O93582.
Borowsky, Kurt T., O92341.
Bosarge, Frederick C., O93126.
Bossart, Walter R., O94367.
Bostdorf, John McC., O93127.
Bowe, Matthew A., Jr., O92342.
Bowles, Norborn S., O92343.
Bowman, Wade A., O92346.
Boyce, Donald A., O98428.
Boylan, Peter J., Jr., O93583.
Bradford, William B., O93584.
Brady, Michael J., O93585.
Bragg, Stacy C., O93586.
Breen, John F., O92354.
Breithaupt, Charles C., Jr., O93363.
Brennan, Lawrence, O92356.
Brennan, Richard P., O92357.
Breslin, Michael G., O93587.
Bridgman, Cain A., O94167.
Brigham, Frederick C., O93130.
Brizee, Harold R., O93131.
Brost, Daryl F., O93133.
Brown, Edward A., 3d, O93588.
Brown, Harvey L., O93589.
Brown, James P., O92361.
Brown, Willard G., Jr., O92365.
Brummett, Henry U. B., O93134.
Bruner, Edward F., O93591.
Bublys, Romualdas, O94169.
Buck, Robert F. X., O92368.
Buckland, Lauren O., O93368.
Buckner, Richard A., O93592.
Budge, Larry D., O93593.
Bullene, Roger, O93594.
Bulley, Brian, O94513.
Burchell, Gail P., O93595.
Burgess, Peter D., O93596.
Burke, Charles P., Jr., O92373.
Burns, Charles P., O93597.
Burns, Jerald C., O94514.
Burns, Robert A., O93598.
Burnside, William F., O92374.
Busdiecker, Roy F., Jr., O93599.
Butler, Irvin S., Jr., O99171.
Butterworth, Larry R., O93600.
Cain, Robert S., Jr., O93601.
Cairns, Robert B., O93602.
Callander, Robert D., O94172.
Campbell, Dale G., Jr., O93603.
Campbell, John L., O93604.
Campbell, Larry D., O94372.
Campbell, Verne D., O93138.
Canarina, Arnold R., O97568.
Cantrell, Charles L., O94173.
Carboni, John N., O93139.
Cargile, James P., Jr., O93605.
Carlson, Gunnar C., Jr., O93606.
Carlton, Forrest R., 2d, O93607.
Carpenter, John F., O94174.
Carroll, Patrick J., Jr., O93608.
Carroll, Thomas F., 3d, O93609.
Casani, Andrew B., O93610.
Castillo, Rosendo J., O94517.
Cavezza, Carmen J., O94373.
Ceccon, Claude R., O94177.
Cephas, Leonard M., O92388.
Cerasoli, Roger, O93611.
Cerreta, Francesco M., O92389.
Chamberlin, Charles S., Jr., O93374.
Chambers, Barton P., O93612.
Chandler, William S., O93613.
Chapman, Eveleth W., O93614.
Chauvin, Charles E., O92391.
Chelberg, Robert D., O93615.
Chen, William S., O89929.
Cherry, George M., Jr., O93616.
Chester, Michael Q., O94374.
Chism, J. W., O93617.
Chittick, James R., O92395.
Christopherson, David E., O94520.

Claassen, Walter E., Jr., O93618.
Clark, Herman J., O97643.
Clark, Thomas S., O93143.
Clarke, Gordon M., O93620.
Clarke, Richard D., O93621.
Clements, Gerard H., O93622.
Clough, Stanley M., O93623.
Cochran, Alexander S., Jr., O92401.
Coddington, Clinton H., O93624.
Coffey, Frederick R., O92402.
Colitti, Michael J., O92403.
Collins, Samuel L., O94180.
Compton, Martin A., 2d, O93625.
Conant, Richard C., O93626.
Conley, Willard C., O93627.
Connolly, James C., 2d, O93629.
Connors, James W., Jr., 93630.
Conway, Harold L., O93147.
Conway, Peter, O94182.
Cook, Bromley N., Jr., O93631.
Cook, Garry M., O93632.
Cook, Jay C., O93633.
Cooper, Gary R., O93149.
Corcoran, James R., O93634.
Cornelius, Russell M., O93636.
Cornelson, John C., O93637.
Corson, John R., O94376.
Coulter, Holland B., O93638.
Counts, Edward T., O93639.
Couvillion, Donald A., O93640.
Covington, Benjamin W., 3d, O93641.
Cowan, Bruce M., O93642.
Cowburn, Frederick C., O92409.
Coyle, Fred W., O93152.
Coyle, James M., O93643.
Coyne, Michael, O93644.
Crawley, Joe B., O99302.
Creeden, Cornelius T., 3d, O92411.
Crews, Ephraim W., Jr., O93645.
Crittenden, John H., O99303.
Cronhimer, John F., O92412.
Crowder, George L., O92415.
Crowther, James I., Jr., O93646.
Crumley, Dennis V., O92416.
Crumley, Michael H., O92417.
Cullum, Richard O., O93647.
Cunningham, Harold R., O94184.
Cunningham, Norman N., O93648.
Cunningham, Wells E., O92421.
Custer, Bert H., O93649.
Cuthbert, Thomas R., O93650.
Cuttell, Dee E., O93381.
Czuberki, Joseph A., O93651.
Dacas, Kenneth J., O94522.
Dahle, Joseph S., O93652.
Daignault, David W., O92422.
Dalgleish, Grant B., O93653.
Daniloff, Frederick D., O93654.
Danner, Malcolm A., O99304.
Davidson, Paul R., O92425.
Davis, Charles L., O92426.
Davis, David W., O98519.
Davis, James R., O93385.
Davis, Richard J., O93655.
Davis, Terrel E., O94523.
DeBiasio, Robert L., O92428.
DeVito, Francis J., O92432.
DeVries, Paul T., O93656.
Deuel, William T., O93660.
Dewar, John D., O93661.
DeWitt, Howard S., O93657.
Denney, Steve H., O93659.
Dial, William K., O92434.
DiCarlo, Daniel M., Jr., O93662.
Dickinson, Curtis LaV., O94380.
Dickson, Robert C., O93663.
Diehl, John L., O92438.
Dierking, Irwin S., Jr., O94381.
Dilkes, Fred A., O93158.
Dillard, Walter S., O93664.
Dittmar, Richard S., O94382.
Dluzyn, David A., O93665.
Doherty, Alfred C., Jr., O93666.
Doherty, Dennis E., O93667.
Doherty, James W., O93668.
Dolan, Edward, O93159.
Doleman, Edgar C., Jr., O92443.
Dombrownski, Philip G., O93669.
Domingo, Anselmo R., O92444.
Dorr, John M., O93670.
Dougherty, Michael J., O93160.
Dow, William A., O92447.
Downey, Arthur J., Jr., O93671.
Downey, Gordon K., Jr., O93672.
Downing, Harry E., O93673.
Dranchak, Ronald J., O92449.
Drinkard, Lawrence W., O93392.
Drum, Ted E., O99243.
Dunning, Robert M., O93674.
Dwinell, Richard E., O93394.
Dyer, Travis N., O93675.
Dzinich, Kurt S., O97804.
Dzwonkiewicz, Richard J., O92453.
Eaton, David G., O93676.
Eaton, Hal S., O92454.
Eaton, Roberto C., O92455.
Ebaugh, Christian M., O94525.
Eby, Clifford J., O92456.
Eckel, Robert R., O92457.
Eckman, Philip L., O94384.
Eden, William G., O93164.
Edwards, David C., O93165.
Egan, Francis C., O93677.
Eggleston, Michael A., O93678.
Eichorn, Peter K., O94190.
Eielson, John A., O93679.
Eiland, Michael D., O93680.
Ekman, Michael E., O93681.
Ellegood, Michael S., O99312.
Emanuel, Peter J., O94191.
Emmert, Richard W., O93396.
Enfield, Samuel W., O93682.
Erhardt, Franklin A., O93683.
Ericksen, Gordon T., O93684.
Erwin, Bobby D., O93305.
Esselstein, William D., O93685.
Etheredge, Thomas J., 3d., O92459
Evans, Alexander H., O93686.
Evetts, James K., Jr., O93688.
Eyler, Frank B., O93689.
Faison, James C., Jr., O92462.
Fanning, Richard H., O93690.
Ferguson, Paul S., O92471.
Fischer, John E., O93691.
Fishburne, Francis J., Jr., O93692.
Fitch, Kenneth L., O92473.
FitzPatrick, Thomas, O94385.
Flack, Gary L., O93693.
Flatley, Thomas M., O97551.
Fleisher, William B., O93169.
Fletcher, Tyrone P., O92477.
Fong, Richard A., O93405.
Ford, William R., O93694.
Foster, Edward S., Jr., O92480.
Foster, Harry G., 3d., O92481.
Fox, Edwin F., Jr., O94389.
Fox, George, O93695.
Frazier, Dean S., O93696.
Freeman, Samuel D., 3d, O93697.
Freitas, Donald L., O93409.
French, Larry T., O93410.
Fridie, Alvin B., O93411.
Fritz, Martell De V., O93698.
Frix, Robert S., O93699.
Frusciante, William J., Jr., O92484.
Gabriel, Henmar R., O93700.
Gaither, Harold C., Jr., O93701.
Gallagher, William J., Jr., O92489.
Ganderson, Martin L., O93702.
Gardner, Charles E., O93704.
Garens, Ralph W., Jr., O93705.
Garretson, Ralph B., Jr., O93706.
Gaylord, Henry C., Jr., O93173.
Geiger, Kenneth H., O93707.
Gibson, Francis L., O93708.
Gilbert, Nicholas C., O93709.
Gillespie, Dallas K., O93710.
Gillespie, Frank W., Jr., O93711.
Gilmore, Earl W., O93712.
Girouard, Ricard J., O97307.
Glass, Robert R., 2d, O93713.
Gleichenhaus, David P., O93714.
Glenn, Richard T., O92501.
Godin, Roger A., O92502.
Goldman, Paul J., O94391.
Goldstine, James A., O93715.
Goldtrap, John W., O93716.
Goode, Donald E., O93176.
Goodell, Eugene K., O93717.
Goodman, Lawrence E., O93416.
Goodwin, Lake G., O93178.
Gordon, Dale F., O93179.
Gordon, Thomas R., O93718.
Gors, Kenwood, J., O92507.
Gowin, Malcolm J., O93417.
Graham, Barry F., O92509.
Grannemann, Rodney F., O93719.
Grant, Clayton I., Jr., O93720.
Graves, Howard D., O93721.
Graycar, Edward W., O92511.
Grazulis, Louis A., O92512.
Grecco, John F., O97557.
Green, Charles S., Jr., O93722.
Green, Larry K., O99323.
Greene, Channing M., O93723.
Greenwood, Ronald L., O92513.
Greer, Donald R., O93181.
Gregory, Joel E., O92514.
Griffiths, William R., O93724.
Grigg, Neil S., O93725.
Groesbeck, Wesley A., O93182.
Gronich, Bruce J., O93726.
Guthrie, John D., O93728.
Haas, Charles N., O93729.
Habic, Frank J., 3d, O93730.
Haise, James R., O93731.
Hale, Robert J., O92517.
Hale, William M., O93732.
Hall, Bruce W., O93184.
Hallenbeck, Gilman J., O93733.
Halperin, Rafael S., O92518.
Halpin, Daniel W., O93734.
Halstead, Bruce B., O93735.
Hamilton, Robert B., O93736.
Hampton, Don H., O92519.
Hampton, Robert D., O93737.
Hannon, Harold M., O93738.
Hansard, Robert DeW., O93187.
Hansell, Charles R., O93739.
Hansen, Carl T., O93740.
Hansen, Robert L., O93424.
Hanson, Morris F., Jr., O93741.
Harbach, David V., O94392.
Harden, Monroe B., O93742.
Hardiman, Robert R., O93743.
Harmon, Charles E., O94393.
Harmon, James J., O93744.
Harn, Patrick J., O94530.
Harper, Jack R., O94394.
Harrell, Robert G., O93745.
Harrington, Marshall E., O93746.
Harris, Robert F., O93747.
Harrison, Richard A., Jr., O93191.
Hartford, George A., Jr., O93748.
Hartley, Benjamin W., O96647.
Harvey, Jan V., O93749.
Hastings, David A., O93750.
Hathaway, William E., O93751.
Haveman, Kenneth J., O92530.
Hawkins, Karl D., Jr., O92531.
Hay, Ronald J., O94813.
Hayes, James S., O93192.
Haynes, Frederick D., O92533.
Haywood, Everett L., O94531.
Heaton, Charles E., Jr., O92534.
Hehir, John J., Jr., O92535.
Heiberg, William L., O93752.
Heiman, Charles N., O93753.
Heimdahl, Peter D., O93754.
Helton, Michael R., O92536.
Henderson, George, O93755.
Henderson, Paul R., O93196.
Henderson, Thyrone L., O94199.
Herholz, Paul R., Jr., O96682.
Heron, Bruce G., O93756.
Herrick, Robert M., O93757.
Hervey, Robert F., O94532.
Herzog, Lawrence A., O92543.
Hester, David P., O99330.
Higginbotham, Heston W., 3d, O93760.
Higginbotham, Reginald P., O93198.
Hill, George R., O94395.
Hillier, Pringle P., O93761.
Himes, Howard D., O93762.
Hines, Ronald D., O93763.
Hinton, Richard J., O93431.
Hitzfelder, Jerome L., O92548.
Hobart, Charles W., O92549.
Hocking, John W., O94201.
Hodell, Charles B., O93764.

Hodge, James D., O92550.
Hodge, Walter W., O93765.
Hodges, Harold H., O93766.
Hoffmann, Ludwig C., 3d, O92552.
Holbrook, Mark S., O93200.
Holley, John C., O93201.
Holmberg, Bruce P., O93767.
Holter, John H., O92555.
Holton, Quinton, 2d, O93768.
Hooper, Donald M., O98017.
Hope, Terrill C., O94204.
Horan, Earl C., Jr., O93770.
Horvath, John M., O92558.
Houillon, Robert H., O92559.
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Wooten, R. J., O94024.
Wright, James P., O93339.
Wynn, Charles W., O94268.
Xenos, Michael J., O94026.
Yamachika, Roy T., O93010.
Yarborough, William G., Jr., O91826.
Yaugo, Edward O., O94564.
Yeager, Albert W., O93342.
Yorio, Ralph J., O93011.
Yost, Richard G., O93343.
Yost, William D., 3d, O94027.
Young, Robert B., O93015.
Younkin, William M., O94028.
Yule, Richard G., Jr., O94029.
Zailskas, Roger W., O94030.
Zaldo, Martin J., O94031.
Zerby, John G., Jr., O94433.
Zielinski, Robert F., Jr., O94032.
Zimmerman, John B., O94033.
Zingsheim, Gerald A., O94034.

To be first lieutenant, Medical Service Corps

Angiolelli, Ralph F., O95477.
Berchin, Richard J., O94737.
Blair, Robert A., O94162.
Bowles, Robert L., Jr., O92344.
Brown, Herman D., Jr., O95196.
Buckingham, Stuart R., O94170.
Camp, Charles H., O92380.
Carter, Jimmie B., Jr., O94516.
Conner, Johnny L., O93146.
Dawley, Donald D., Jr., O94379.
Garber, David L., O99318.
Gray, John W., O95328.
Grider, Robert J., O95329.
Hauer, Richard W., Jr., O92527.
Hayman, Robert H., O93427.
Heaton, Billy A., O94304.
Hill, Thomas W., O97544.
Hockenberry, Earle W., Jr., O93199.
Jenkins, David L., O92578.
Johnson, Reginald D. A., O92585.
Johnson, Walter F., 3d, 096765.
Kraisel, Leonard W., O93221.
Kuchta, Frank H., O92620.
Landon, Donald D., O93225.
Leahey, Raymond, O92638.
Linehan, John C., O92649.
Martin, Mathis G., O99523.
McGarry, Leo J., O92691.
Pugh, Paul M., O93276.
Ryan, Lawrence J., Jr., O92854.
Savage, Linnaeus B., O96414.
Sentell, Jack H., O94724.
Severson, Joel S., O99394.
Sorber, Charles A., O96345.
Talbot, Wilburn D., O94834.
Vermillion, James G., O99408.
Whitford, Howard N., O95405.

To be first lieutenant, Army Nurse Corps

Smalley, Ruth H., N3148.

The following named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

Hatch, Carl H., O29341.

The following named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288:

To be major

Wing, Rex D., O2033830.

To be captain

Adams, Thomas H., O2028820.
Aune, Douglas W., O1893736.
Briggs, Richard S., O5300147.
Ezekiel, Saul J., O5301517.
Jacobs, Bill P., O2206788.
Killoran, William E., O4074505.
Malloy, Charles A., Jr., O5301535.
Mayse, Harvey C., O2211861.
McKay, William H., O1931021.
McKinney, Seab W., Jr., O5301724.
Payne, James N., O1877498.
Walker, Ronald T., O1931040.
Wright, Theodore K., O4019770.

To be first lieutenant

Coats, William G., O5300828.
Crowson, William L., O2290176.
Griggs, Donald B., O5204386.
Haber, Sigmund J., O5005166.
Hasslinger, John B., O5509264.
Hathaway, Frank A., O4075761.
Hawthorne, Raymond S., O5206462.
Hollis, Neil B., O5410632.
Kirkland, Cleo D., O5704372.
Kozlowski, Edward P., O5008045.
Ladner, Donald A., O5401279.
Lang, William A., O5511670.
McCullough, Sharpe, Jr., O5409466.
Muschek, Robert W., O5211435.
Narath, Helmar, O5308595.
Weikle, Robert M., O5213195.
Williams, Frank K., O5409173.
Williamson, James R., O2295513.

To be second lieutenant

Christian, Donnie G., O5317020.
Crismon, Frederick W., O5408238.
Goulet, Donald J., O5008756.
Keys, James W., O5014462.
Kincaid, Richard D., O5311751.
Laski, Paul E., O5312443.
Marichal, Angel R., O5826469.
Moore, Jimmy R., O5316495.
Pond, Herbert D., O5413443.
Porter, Richard W., O5701824.
Whitley, James R., Jr., O5314697.

The following named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293 and 3294:

To be captain, chaplain

Mehring, Ralph A., O4023106.

To be captain, Dental Corps

Brasher, W. James, O5301442.

To be captain, Medical Corps

Diaz-Ball, Fernando L., O5212856.
Dorman, David W., Jr., O4051647.
Kalas, John P., O5202382.
Kott, Daniel F., O1937604.
McLaughlin, Chester S., Jr., O5219443.
Nemmers, David J., O5501389.
Otterson, Warren N., O4056004.
Pomerantz, George M., O4066657.

To be captain, Medical Service Corps

Bischoff, Neil E., O2282713.

To be first lieutenant, Army Nurse Corps

Sumner, Billie F., N5407366.

To be first lieutenant, Dental Corps

Beasley, Joe D., III, O5306916.

To be first lieutenant, Judge Advocate General's Corps

Auerbach, Ernest S., O2309828.
Tolman, Gareth W., O5403223.

To be first lieutenant, Medical Corps

Biles, Andrew R., Jr., O5408762.
Blumhardt, Ralph, O2309350.
D'Altorio, Ronald A., O5209318.
De LaPerriere, Armand A., O2313053.
Falchetta, Stephen L.
Finkel, Arnold, O2310171.
Gardner, William R., O2309425.
Groesbeck, Clarence J., O2309424.
Harris, Hugh G., O5509517.
Hobson, Robert W., II, O5212833.
Hodges, John M., O5312809.
Kearney, John J., O2313090.
Knepshield, James H., O5209321.
Lehman, Richard H., O5708463.
Linder, Charles W., O5306373.
McKee, Alan F., O5301387.
Ryder, Geoffrey C., O5005698.
Shaw, James T., O2313085.
Stasko, Thomas W., O2313080.
Thomas, David R., O2313208.
Webster, Phillip L., O5217121.

To be second lieutenant, Medical Service Corps

Wright, Robert E., O5514736.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288 and 3290:

Belin, George R., Jr.	Jordan, James W.
Bennett, James R.	Richards, Robert E.
Chisolm, Alvin J.	Ruiz, Melvin J.
Grote, Dennis A.	Silvidi, Alfred C.
Jacoby, Thomas G.	

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288.

Adkins, Hubert R.	Bailey, Harvey J.
Agansky, Gary W.	Baisden, Edward D.,
Ankrom, Charles B.	Jr.
Armstrong, Henry J.	Banta, Ronald T.
Arnold, Henry A., Jr.	Beale, Richard E., Jr.

Blagden, Robert B.
Bonine, Larry S.
Bowman, Barry R.
Branch, David D., Jr.
Branley, Michael J.
Briard, Fred K.
Brice, William T.
Brooks, James T., O5415238
Brown, John T., Jr.
Brunner, William H. M.
Bryant, James W., Jr.
Burch, Harold E.
Campbell, Donald L.
Canada, Grady S.
Carr, Thomas F.
Chapin, Edward D.
Clearwaters, Boyd L.
Cleek, Don E.
Collins, William F.
Cox, Walter T. III
Cross, Ranson F., Jr.
Dahl, Gary M.
Dahlen, Karl R.
Danielski, Loren R.
Dawes, Michael F.
Day, James R.
DeVito, Kenneth J.
Dexter, Craig M.
Dickey, James L., O5221091
Dole, William E., Jr.
Dorfman, William N.
Dozier, Watt W.
Duffie, Jerry R.
Dundy, Michael W.
Dunlap, David W.
Durand, Pedro J.
Durgin, Harry W.
Eanes, John T.
Ehrlich, Martin L.
Eschenwald, Adolfo
Finger, George H.
Fowler, Jesse L., Jr.
Fulton, James G.
Futernick, Allan J.
Gambrell, James B., Jr.
Gasdek, Barry D.
Gentle, John A.
Gibson, Clyde K.
Gledhill, Carl W.
Gordon, Donald J.
Gordon, Thomas G., Jr.
Goularte, Richard W.
Govan, Gregory G.
Gradwohl, Richard A.
Griswold, Clinton R., Jr.
Hall, Harry J.
Hammer, Martin A.
Hamner, Donald L.
Hampton, John J.
Harms, David H.
Harris, Charles E.
Heggie, Walter B., Jr.
Heine, Charles E.
Hensley, John H.
Herrington, Stuart A.
Hill, James A.
Hoag, Leonard J.
Hockett, David R.
Hoyer, Anthony X.
Hudak, Daniel K.
Ingram, Michael N.
Jackson, Robert L.
James, Kenneth A., Jr.
Johnson, Curtis S.
Johnson, Robert B.
Johnson, Thomas R.
Jones, Edward W., Jr.
Kacsmar, Francis N., Jr.
Keener, Allan W.
Kim, Dennis S. Q.
Koeplin, Wayne M.
Kraus, Robert G., Jr.
Kyle, Frederick A.
Laier, James E.
Landers, Willard O.
Langston, Ronald E.
Lazenby, Gerald A.
Leaptrott, William M.
Lee, John W.
Lewis, David P., Jr.
Link, John D.
Litvan, Leonard J., Jr.
Loflin, William P., O5321020
Lott, Thomas W.
Lynch, Thomas J.
MacNamee, Richard W.
Mahar, Harold W., Jr.
Mallberg, Dale D.
Martin, John J.
Marxen, Edward L.
Mathewson, Frank A., Jr.
Matos, Louis
Matthews, Gene F.
McCanham, Frank A.
McCarley, Kenneth W.
McKinney, Samuel D.
McQueen, Arthur H., Jr.
Meisinger, Richard N.
Mellon, Daniel R.
Miles, Richard G.
Miller, Leonard D.
Mitchell, Michael A.
Moran, Michael J.
Moravec, John G.
Morin, Maurice H. J.
Moss, Jessie, Jr.
Niford, Chester R., Jr.
Ohta, Edward J.
O'Neill, Joseph T.
Perkins, John C.
Petersen, Bradley H., Jr.
Pezzillo, Frank M., Jr.
Pish, Robert H.
Portner, Edward M., Jr.
Powell, William R.
Prawdzik, David A.
Prickett, Arthur L., III
Prior, Arthur F.
Quidgley, Ernesto
Ragauskas, Raymond R.
Rath, Frank H., Jr.
Reale, David T.
Reigelman, Milton M.
Revellese, William R.
Rintamaki, John M.
Rivera, Alfredo
Rivera, Jose M.
Robb, Nathaniel H., Jr.
Rodriguez, Jaime A.
Romero, Robert T.
Rovira, Martin J.
Salgado, Eduardo A.
Sanchez, Washington J., Jr.
Schoening, Klaus D. K.
Sells, Harold E.
Setikas, Algimantas N.
Settlemire, William D.
Skerker, Alan L.
Smalls, O'Neal
Smith, David H.
Soler, Carlos A.
Staas, Donald F.
Stair, Gary L.
Stalmann, Bernard E., Jr.
Styer, Norman W., Jr., O5222798
Sunderland, George R.
Tazik, Cyril M., Jr.
Timberlake, Vaughn K.
Torres, Juan H.
Treese, Edwin J.
Tucker, Jeffrey
Twining, David T.
Velez, David
Verdel, Thomas H., III
Walden, Robert D.
Wallace, Charles J.
Wendell, Willis, III.
Whiddon, Lester V., Jr.
White, Howard W., Jr.
Willis, Edward J., Jr.
Wilson, Julian A., Jr.
Winslow, Robert S., Jr.
Wissinger, Thomas R.
Woods, Alex., Jr.
Zapata, Juan A.

EXTENSIONS OF REMARKS

Dr. Leonard F. Herzog II Wins Free Enterprise Award

EXTENSION OF REMARKS
OF
HON. HUGH SCOTT
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Thursday, April 16, 1964

Mr. SCOTT. Mr. President, yesterday in New York City at the Waldorf-Astoria Hotel, the Free Enterprise Awards Association presented citations to 10 men who have proved that the American dream of rising to the height of a profession is still a reality, no matter how diverse the circumstances, or how formidable the task.

One of the recipients of these awards is a Pennsylvanian, Dr. Leonard F. Herzog II, founder and president of Nuclide Corp., a Pennsylvania-based firm.

Dr. Herzog, with the help of his associates, built Nuclide from a one-room laboratory to three buildings. The 125 scientists and technicians presently employed at Nuclide develop standard and custom built mass spectrometers, spectrographs, and other technical apparatus for the analysis of isotopes, gases, liquids, and solids. The firm's products can be used for such diverse purposes as lunar exploration and heart research. Known worldwide for its technological excellence, Nuclide recently received the President's "E" Award for its growing exports and its ability to compete successfully in this highly sophisticated market.

A sergeant in World War II, Dr. Herzog worked his way through undergraduate and graduate schools as a gasmeter reader and a reporter. He earned a bachelor's degree at the California Institute of Technology, an engineering degree at Oregon State and a Ph. D. at Massachusetts Institute of Technology.

Dr. Herzog, a recognized authority on cosmochemistry and instrumental analysis, is a part-time professor at Pennsylvania State College.

Dr. Herzog is a good example of the type of man that leads industry in Pennsylvania: he is purposeful, dynamic, efficient, and resourceful. To the commendations already given to him and his firm, I would like to add my own.

National Library Week

EXTENSION OF REMARKS
OF
HON. W. J. BRYAN DORN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. DORN. Mr. Speaker, a successful and determined offensive against ignorance, prejudice, and illiteracy is being waged by the libraries, librarians, and all of those dedicated to this great cause. Poverty is associated with a lack of learning and low income.

Mr. Speaker, I am glad the United States is paying homage this week to all of those throughout the Nation who make our library program one of the very best in the world. These devoted men and women at the local level are making a great contribution to our national culture. Our country is moving forward to its destiny as a nation of enlightenment, education, and understanding, largely because our libraries are leading in the campaign for learning and knowledge.

I salute our libraries and their devoted personnel during this National Library Week and wish for them every continued success. I am particularly proud, Mr. Speaker, of the superb achievements and devotion to duty and success of the men and women in my own State of South Carolina who have been associated in improving this great work.

Israel's 16th Anniversary

EXTENSION OF REMARKS
OF
HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. PEPPER. Mr. Speaker, 16 years ago today the ancient Jewish Commonwealth was reconstituted in Palestine as the State of Israel. For over 2,000 years the children of Israel wandered over the face of the earth, persecuted, harassed, and homeless. But it was not until the height of persecution was reached with the merciless slaughter of 6 million Jewish men, women, and children that the conscience of man was stirred.

After the full horror of Auschwitz, Dachau, and Bergen-Belsen became known, the community of nations—in partial restitution to the pitifully small surviving remnant—overwhelmingly voted for the establishment of a Jewish state in part of Palestine. On May 14, 1948, the State of Israel came into existence.

The purpose of the new state was openly proclaimed in its declaration of independence: "The State of Israel will be open for Jewish immigration and for the ingathering of the exiles." And by the hundreds of thousands the displaced persons flocked to their new homeland. The 700,000 Jews in Palestine soon grew to 1 million and then to 2 million persons. Immigrants from 5 continents and 100 countries were absorbed and molded into citizens of Israel.

We in the United States did much to accomplish this modern-day miracle. President Truman recognized the new state 10 short minutes after it was declared and every succeeding administration has clearly enunciated our friendship and support.

Our Government since 1951 has given or lent Israel nearly $1 billion in foreign aid. The American people have contributed generously of their efforts and finances.

Israel's accomplishments are thus a source of pride to us as well as to the Israelis.

Their strides toward economic self-sufficiency, their reconquest of the swamps and desert, and above all, the assistance they have given to the newer nations of Africa and Asia are achievements many older states would do well to emulate.

But one task remains incomplete, one goal unattained. Peace in the Middle East lies as much in our hands as it does in the hands of the countries of the region. If we speak out forceably and refuse to condone aggression, whether by threats or boycotts or blockades, if we assure Israel's strength, if we insist that the resources of the Middle East be constructively utilized for economic development; then Jerusalem, the City of Peace, will finally know peace.

Israel Celebrating 16th Anniversary Today

EXTENSION OF REMARKS
OF
HON. DANTE B. FASCELL
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. FASCELL. Mr. Speaker, we join Israel in celebrating the 16th anniversary of her independence on April 17. Since Israel was established, in May 1948, with a Jewish population of 650,000, more than a million newcomers have found a home there. Her story is a history of humanity and freedom from tyranny and persecution.

From the beginning her doors have been open to any Jew in need of a home. In doing this, Israel has become a symbol to the world in cherishing and honoring people, in showing respect for the individual to be free in his own home, in providing safety from oppression and hostility, and in showing man can work in union with others to overcome prejudices and provide a better life.

Since the day the independent State of Israel was established it has been a full member of the United Nations. She has one of the few governments which have maintained political stability since 1948. Changes have been brought about by the ballot box—not by violence.

After attaining a higher standard of living and overcoming economic problems at home, Israel has sent teachers and scholars throughout the entire world. Her technical assistance program is now reaching 87 states and territories on four continents.

Israel's technical cooperation program is unique because it emphasizes training. Students who come to Israel pass on what they have learned to others. When they leave, they start their own courses to meet immediate needs. The students study about cooperation in agriculture, in industry, and commerce; about hotel management, child welfare, communication, home economics, youth and community leadership, crime prevention, journalism, physical education, metalworking, carpentry, automobile mechanics, and public administration.

From Israel, other new governments gain confidence that they, too, can build a rapidly growing economy, produce a wide variety of crops and products, train its population to be workers, farmers, and good citizens—combining many cultures and traditions and accomplishing this miracle with voluntary cooperation, free from dictatorial coercion.

The most important lesson Israel teaches many new nations, as well as many old nations, is the art of cooperation. This little nation has remained independent, despite being surrounded by threats to destroy her. Israel proves that a nation can advance and overcome hostilities by the cooperation of self-respecting free men.

I salute Israel and her people on her day of independence.

Nation Mourns Death of Melvin J. Maas—Soldier-Statesman Headed President's Committee on Employment of the Handicapped for a Decade

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Thursday, April 16, 1964

Mr. RANDOLPH. Mr. President, we are saddened at the passing of Maj. Gen. Melvin J. Maas, a respected public servant and the cherished friend of many who today serve in this body. As a soldier, statesman, and crusader for the handicapped, he won the admiration and esteem of those who seek justice and progress under the democratic system.

It was my privilege to work closely with Mel Maas when we served together in the House of Representatives. More recently, we were associated in the worthwhile efforts of the President's Committee on Employment of the Handicapped, a group which he headed for 10 years prior to his death. Under his able leadership the Committee intensified its educational and promotional efforts in behalf of the physically handicapped, and expanded its functions to include the mentally restored and mentally retarded.

General Maas also established an outstanding record of military service during three wars, and served with Adm. William Halsey and Gen. Douglas MacArthur in World War II. It was during the fighting on Okinawa that an enemy bomb damaged his optic nerve.

Returning to civilian life after the close of the war General Maas assumed responsibilities with several large business concerns until the outbreak of the Korean conflict. He was recalled to active duty, and served briefly as a member of the Reserve Forces policy board. Since 1949, he has been active in efforts to build a better way of life for handicapped citizens.

It is appropriate that we remember the achievements and sacrifices of Melvin J. Maas as he served his country and his fellow man in war and peace. We pray God's blessing on this worthy American, and on his loving family in this hour of grief. Thousands of citizens are comforted in the knowledge that Melvin J. Maas brought lasting benefit to the world in which we live.

Mr. President, I request that the Washington Post article of April 14, 1964, on the death of Maj. Gen. Melvin J. Maas be printed in the RECORD at this point.

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

GENERAL MAAS, THREE-WAR VETERAN

(By Kenneth M. Boyd)

Retired Maj. Gen. Melvin J. Maas, USMC, veteran of three wars, former U.S. Congressman from Minnesota and Chairman of the President's Committee on Employment of the Handicapped, died yesterday at Bethesda Naval Hospital.

The death of the 65-year-old general was attributed to a combination of heart disease, arteriosclerosis and diabetes. It was the 10th anniversary of his appointment to the Committee chairmanship.

General Maas, blinded since 1951 from injuries suffered during World War II, traveled hundreds of thousands of miles since his appointment to the Committee chairmanship in an effort to obtain equal opportunity for the handicapped.

He curtailed his extensive traveling a year ago, however, because of ailing health, but continued to direct his affairs by tape recorder from his home, 4714 Essex Street, Chevy Chase.

JOINED MARINES IN 1917

A graduate of the College of St. Thomas, in St. Paul, Minn., General Maas interrupted his education to enter the Marine Corps in April 1917, to serve as a private with Marine Aviation in the Azores throughout the war.

He accepted a Marine Reserve commission in 1926 before his election to Congress that year at the age of 27.

In 1933, General Maas received the Carnegie Silver Medal for heroism for persuading a mentally deranged spectator in the House galleries to yield a pistol he was waving menacingly at Congressmen.

A Republican and an opponent of most New Deal domestic policies, General Maas served in Congress until 1945 with the exception of 2 years when he went into private business.

He was joint author of legislation setting up a promotion system for the Navy and sponsoring author of the Naval Reserve Act of 1938 which, until passage of the Armed Forces Reserve Act, governed the Naval and Marine Corps Reserves.

SERVED WITH HALSEY

The general returned to active duty in the summer of 1941 to serve at sea and on the staff of Adm. William Halsey and in 1942 with Adm. Frank J. Fletcher in the Solomons campaign.

He then served as a Marine observer in Australia and New Guinea with the late Gen. Douglas MacArthur, and in 1945 assumed command of the Awase Airbase on Okinawa, where an enemy bomb explosion injured his optic nerve.

General Maas returned to civilian life to become assistant to the chairman of the board of the Sperry Corp. He later became a director of the U.S. Life Insurance Co., and of Mutual of Omaha.

With the exception of a brief return to active duty in the Korean war, when he served as a member of the Reserve Forces Policy Board in the Pentagon, General Maas has been with the President's Committee on Employment of the Handicapped since its formation in 1949.

He leaves his wife, Katherine; a son, Melvin; three daughters, Patricia, a Marine major; Mrs. Anthony C. Martino, of Richmond, and Mrs. Leo Catteron, of Annapolis.

Mr. RANDOLPH. Mr. President, in submitting for the RECORD this article from the Washington Post, explanatory of the career of the late Melvin J. Maas, I wish to state that not only was he a major general of the Armed Forces during an illustrious career, but he also was one of my cherished friends, with whom I had the privilege of serving—together with other Senators present today on the floor of the Senate—in the U.S. House of Representatives.

He was stricken blind rather late in life. His energies were used in the public good. He became chairman of the President's Committee on Employment for the Handicapped.

Now he is gone. I have written, through dictation—for I cannot actually read what I have dictated—a letter to his widow. I ask unanimous consent that this communication be printed in the RECORD, together with my remarks, in tribute to this great American, who gave so much of himself, his talents, and his compassion to mankind.

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

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
April 14, 1964.

MRS. MELVIN J. MAAS,
Chevy Chase, Md.

DEAR MRS. MAAS: Permit me to extend deepest sympathy on the passing of your beloved husband my cherished friend, Maj. Gen. Melvin J. Maas. The Randolphs share your sense of loss in this difficult time.

It was my privilege to serve with Mel when we were Members of the House of Representatives, and I have worked closely with him in his post as chairman of the President's Committee on Employment of the Handicapped. He proved himself a responsible and purposeful leader and one who was ever motivated by the desire to serve his fellow man. As a courageous military commander and as a statesman of vision and integrity, Melvin J. Maas exemplified the strength of character and devotion to duty which are the integral components of American citizenship.

We are confident that you and your children will be comforted in the knowledge that the world is a finer place because of the wisdom and sacrifice of this gifted man.

With warmest personal wishes, I am,

Very truly,

JENNINGS RANDOLPH.

Representative Thomas J. O'Brien, of Chicago—A Tribute on His Death in His 85th Year

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. PATMAN. Mr. Speaker, Representative Thomas J. O'Brien, of Chicago, was typical in the very best sense of the grand politicos of the old school, and his death, although not unexpected, seems to me something very much like the passing of an era. For me Representative O'Brien, gone from us in his 85th year, embodied the finest qualities of leadership in the politics of the recent decades and the Middle West. I know it is the custom to refer to men of decision and forthrightness in politics as "bosses," once they achieve authority and great influence. But Tom O'Brien, as I observed him, could never be called the boss in the dictatorial, the peremptory, the arbitrary, the domineering sense. Rather, he was known to most of us in this House as an extremely astute master of his profession who ruled by right of leadership and by the virtue of his service to his district, his State, and his country. Tom O'Brien was not listened to merely because of the weight of his authority and the force of his personal will, but because also of his lucid and direct and unwavering judgments. Of course, he knew how to make decisions, but he knew also how to respect the opinions and the decisions of others. As a great craftsman in the field of parliamentary maneuver he knew how wisely to accept compromise when compromise suggested the best solution for the good of the common welfare. Thus, he was the type of legislative leader who got things done and arrived at his goals with the least possible friction and without riding roughshod over those who disagreed with him. It is symptomatic of the man that when he spoke his voice was soft and persuasive and his manner gentle and cooperative. The respect he enjoyed from the Illinois congessional delegation was so great that he was its undisputed leader here in the Congress, and of course its dean, but it was a respect shared by many other Members of the House from all over the country. What has been said here since the announcement of his death Wednesday, April 14, after a long illness in the Bethesda Naval Hospital, is ample testimony of the high regard in which he was held by us all.

When I say that he was the embodiment of the most admired qualities in the makeup of the American politician, I mean that he provided the service to his constituents and the loyalty to them, to his party, to his country, that earned him undying loyalty and devotion in return. The reason that his following in Illinois never abandoned him was that he never abandoned them, and as he fought valiantly for them, so they fought valiantly for him. The best proof is, of course, that death was knocking at his door at the very moment that his dedicated political following, in the Chicago area, were casting ballots to make sure he would be a candidate and then a Member again in this House for his 15th term. It is symptomatic, too, that in this House, as our comments during these days so eloquently prove, he enjoyed a deep, an abiding, a powerful range of friendships. Only a strict personal and political integrity, and a long record of keeping one's promises and acting on principle, can bring that about.

The Illinois delegation enjoys a high quality of leadership among its members but even among them Tom O'Brien was unique. It is my most devout prayer that the current and the forthcoming generations of Americans will send to this Chamber to represent them, men as dedicated and as competent in the handling of the affairs of their time, as Tom O'Brien was in the handling of the affairs of his. Politics in our country will never know a higher level of character than that provided by Tom O'Brien.

Salute to the Federal Union

EXTENSION OF REMARKS
OF
HON. CLEMENT J. ZABLOCKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. ZABLOCKI. Mr. Speaker, at noon today, the Federal Union, Inc., and the Advisory Council of the International Movement for Atlantic Union, held a luncheon meeting in the New Senate Office Building at which it was my pleasure to preside.

The event commemorated two dates significant in the history of the movement for federal union. First, today we celebrate the 175th anniversary of the day on which George Washington left his plantation home in Virginia to ride to New York City for his inauguration as the first President of these United States.

It is, of course, just one more historical event in this history-filled 175th anniversary year of the establishment of our present form of government under the Constitution.

When one considers that our Nation—though relatively young—has the oldest written, working constitution in the world, it becomes clear what a marvelous triumph of man's reason we commemorate this year.

The second date is one notable because of its significance in the federal union movement, founded by our Mr. Clarence Streit. Fired by a vision of a Federal Union of North Atlantic States, Mr.

Streit began a campaign to make this idea a reality, a campaign to which he has devoted his life.

To him, this date recalls the first stirrings of interest for his ideas of federal union among the people of the Midwest, a region which had a long history of isolationist feeling.

The ultimate measure of his success can be seen today. We know that the isolationism which once dominated the Nation's midlands has all but vanished, melted like snow before the frictions of our modern times and the fervor of men like Clarence Streit.

More than any one event, it was the founding of the North Atlantic Treaty Organization that brought our Nation closest to a true federal union with the democracies of Western Europe. Today, however, with signs of a thaw in the cold war, the structure of NATO has begun to show signs of stress. There is grave danger that, instead of pressing forward to the goal of union, NATO will be scrapped.

Recently we have heard warnings about this eventuality from no less a world statesman than Konrad Adenauer. He has warned that Soviet tactics in the next few years would be directed at breaking up the North Atlantic alliance after 1969, the year when the treaty comes up for renewal.

He urged that the NATO countries overcome their differences and make urgently needed changes in the NATO treaty by 1967. If this is to be accomplished, we must, of course, begin now to work and plan for those changes.

Any revision of this treaty should be aimed at promoting a closer union of the Atlantic States. The job will be difficult, for there is sure to be objection from France, but we must—as President Johnson is fond of saying—"reason together" for the good of all.

The group of Congressmen and other distinguished guests at the luncheon were privileged to hear three speakers who are exceptionally knowledgeable in matters of federal union. Hon. George V. Allen, former Director of the U.S. Information Agency, former Ambassador to Yugoslavia and now executive director of the American Tobacco Institute, spoke on the meaning of the federal union in our Nation's history. The distinguished gentleman from Illinois [Mr. FINDLEY] spoke on the change in attitude toward federal union with Europe which has occurred since 1939. The final speaker of the day was Mr. Streit himself, who discussed the meaning of America's "revolution" of 1789 and its meaning for the concept of Atlantica.

At this point I should like to include the remarks of Mr. Allen, Representative Findley, and Mr. Streit, and commend them to the attention of my colleagues:

REMARKS OF GEORGE V. ALLEN, FORMER DIRECTOR OF U.S. INFORMATION AGENCY

As we commemorate this anniversary, the sharp contrast in communications between 1789 and the present is worth recalling. Then, 9 days elapsed between the counting of the electoral ballots in New York and the notification of Washington in Mount Vernon that he had been chosen President. In contrast, a false rumor on Monday that Khrushchev had died was flashed to radio and TV stations around the globe, and before a correction could be obtained 20 minutes later, the rumor had already been broadcast to villagers from Timbuktu to Tierra del Fuego.

Albert Beveridge, in his life of John Marshall, gives a delightful description of the state of transportation 175 years ago. When Washington left Mount Vernon on April 16, 1789, to travel by carriage to assume the duties of President, "his carriage stuck in the mud, and only after it had been pried up with poles and pulled out with ropes could the Father of his Country proceed on his journey; and this, too, over the principal highway of Maryland."

Beveridge adds that the driver of a lumbering coach of that day would shout to his passengers: "Lean to the right," and all the jostled and bethumped travelers crowded to that side of the clumsy vehicle. "Left," roared the coachman a little later, and his fares threw themselves to the opposite side. The ruts and gullies, now on one side and now on the other, of the highway were so deep that only by acting as a shift ballast could the voyagers maintain the stage's center of gravity and keep it from an upset.

"Richard Henry Lee objected to the Constitution," says Beveridge, "because, among other things, 'many citizens will be more than 300 miles from the seat of this (National) Government and as many assessors and collectors of Federal taxes will be above 300 miles from the seat of the Federal Government as will be less.' "

Advances in the physical sciences, including communications technology have been constant since 1789, but progress in political science has been uneven and uncertain. The cities of Washington and San Juan and Anchorage and Honolulu are close neighbors today, not only in time but also in political structure, thanks to federation. On the other hand, the distance between the United States and France today, politically and psychologically, is greater than it was in 1789.

The Federal Constitution of the United States takes only seven pages, with the amendments, in the World Almanac, yet it contains the framework within which the original States, now grown to be 50, have thrived for nearly two centuries. The document has shown its capacity for adaptation, and the same basic principles embodied therein could serve as the basis for the government of other communities of peoples having a similar background and common goals.

The nations of the North Atlantic form a common community, geographically and culturally. The peoples of Europe and America are joint heirs of the political and ethical concepts of the Judeo-Hellenic tradition. Yet two World Wars have started among this very group of peoples during the present century. World Wars I and II have been called, with reason, civil wars. One of our purposes today must be to assure, at the least, that a third civil war does not break out within this same community. Another purpose is to build a solid enough structure to avoid, discourage, and if necessary, repel any aggression from the outside.

Fifteen free nations can be held together today on the same basic principles that 13 sovereign States were merged into one federation in 1789—by providing machinery through which differences can be thrashed out, adjudicated, or compromised, and by which, if necessary, aggression from without or defection from within, can be repelled.

George Washington began a journey into the unknown in 1789. The new Constitution seemed a medley of accommodations and adjustments which pleased no one entirely, and the result was bitterly distrusted by a large part of our population. There were no precedents for the legislative, executive, and judicial branches to follow. This Federal system was a new political concept. Washington's uneasiness, as he traveled north, must have matched his physical discomfort.

Yet, a mere 50 years later, Dr. Tocqueville was able to hail this same document as a great political discovery, and a half century later, Lord Acton saw it as "an astonishing and unexampled success." Gladstone referred to it as the greatest document ever stricken off at one time by the pen and purpose of man.

I submit that the limits of this powerful concept have not been reached. As we look backward to 1789, we can also look forward—not 175 years ahead but to the immediate future. The atomic age is pressing upon us. We must hasten, or we shall lose the heritage we celebrate today.

TEXT OF REMARKS BY REPRESENTATIVE PAUL FINDLEY, REPUBLICAN, OF ILLINOIS

My colleagues of the Congress, and my colleagues, one and all, in the family of freedom, the year 1964 is a year for reflection and forethought. It is the 175th anniversary of the American Republic. It is the 50th anniversary of the outbreak of World War I, and the 25th anniversary of the outbreak of World War II.

It is also the 25th anniversary of an undertaking as creative and as hopeful as the American Republic itself, as breathtaking in its potential for good as the World Wars were awful in their power to destroy. Seven months before World War II began, the book "Union Now" was published. Written by Clarence K. Streit, one of our speakers today, it proposed a federal union of the democracies of the North Atlantic. A few months later a membership association now known as Federal Union, Inc. was established to promote the idea set forth in the book.

The "now" of "Union Now" is yet to be, but in the 25 years since the proposal first appeared in print, remarkable progress can be noted.

In 1939 the doctrine of absolute nationalism ruled world thought and action just as completely as the dogma of communism rules Russia today. The League of Nations had few believers. In the United States isolationism had sunk to neutralism.

The "Union Now" proposal—to use the magic of the U.S. constitutional system to link the free peoples of the North Atlantic—was regarded in many quarters as visionary, unrealistic, utopian, or downright dangerous. Eyebrows went up all the way when it was apparent that traditionally isolationist United States was to lead—not just participate—in the federal union.

A 1939 review of Mr. Streit's book wrote that the author must mean "now" in the geological sense.

Today attitudes have changed immensely. The advance toward Atlantic union has been so great the only serious questions left are how and when—in time to prevent another disaster, or too late.

Neutralism is now gone from the United States and so is isolationism. The U.S. took the lead in forming NATO, the North Atlantic Treaty Organization with a North Atlantic Treaty Council and a North Atlantic commander. The term "Atlantic Community" has become commonplace, and so has the fundamental interdependence of this community. A group of Republicans in the House is devoting its attention to the problems of strengthening NATO.

The federal union proposed in "Union Now" is a respectable proposal, given serious consideration in many high places.

Each of the four leading prospects for the Republican presidential nomination—Goldwater, Nixon, Rockefeller, and Lodge—has spoken plainly either in behalf of this very proposal or for structural changes to make NATO more effective and durable.

In a foreign policy statement in Life magazine, January 17, Senator GOLDWATER made the key to his own policy the "structural" strengthening of the Atlantic community. "We must rethink the purpose of the alliance, and the degree to which we are willing to concede to NATO certain prerogatives which we now reserve to ourselves."

In April 1963, Richard Nixon, who missed the White House by a few votes, urged "expanding NATO to a political confederation." He called it the only solution for NATO.

Just last month Governor Rockefeller spoke up for a "union of the free." In 1962 he said, "The Federal idea, which our Founding Fathers applied in their historic act of political creation in the 18th century, can be applied in this 20th century in the larger context of the world of free nations—if we will but match our forefathers in courage and vision."

Ambassador Lodge, until his appointment to South Vietnam, was director general of the Atlantic Institute. Last year he spoke up for a "union of free nations."

On July 4, 1962, President Kennedy called for a "declaration of interdependence in the Atlantic community."

On July 10, 1963, former Prime Minister Anthony Eden came out for an "Atlantic Federation" on the initial Telstar broadcast and asked General Eisenhower if he agreed that "the only future really deserving of our efforts and our idealism is some sort of Atlantic Union."

General Eisenhower replied, "Well Anthony, you have stated the final objective beautifully and eloquently."

This is a year to give pause to any grandfather or grandmother, any father or mother, and any son or daughter. It should help open their minds and hearts to the idea of constituting a new great union of the free, not in the future, not eventually, but now while the living can enjoy its immense advantages.

Federal union is the only answer to the life-and-death problem of securing freedom peacefully that has proved practical through seven generations—as attested by this 175th birthday of the Federal Constitution.

The times demand an imaginative yet thoroughly tested program. They demand bold, swift, comprehensive action capable of moving the hearts of men. Atlantic federal union offers that kind of program. It has the further advantage of being deeply identified with the basic principles and patrotism of the American people, of springing from the purest sources of American life, of pioneering and carrying forward heroically the living American dream.

For that reason, I propose that President Johnson assemble a blue-ribbon panel of citizens and invite the leaders of other NATO nations to do the same. Then let these best minds of the free world sit down together, just as our forefathers met in Philadelphia in 1787. Let them fashion and propose for ratification a new standard to which the wise and the honest can repair.

AMERICA'S FORGOTTEN REVOLUTION OF 1789—AND ITS MEANING FOR ATLANTICA NOW

(By Clarence Streit)

Much as the names London and Paris, in news dispatches are taken to mean Britain and France, the name of our Capital often means to the world our Government and people. This was true even before this city and this Government existed or we formed one people. They all resulted from the Federal Union whose advent we commemorate today—and George Washington's leadership was decisive in this achievement. But even before this vast creation, his virtues had made his name renowned through the civilized world, a symbol of the free principles the 13 States had declared in 1776, the most potent yeast that freedom then possessed with which to transform a world far more sodden with oppression than is ours today.

Today, the name Washington stands for the world's strongest power. But does this name now have the revolutionary fermenting force for our ideals it had when its power came from moral virtues, rather than from missiles and money?

In his Farewell Address, Washington asked: "Can it be that Providence has not connected the permanent felicity of a people with its virtue?" To assure to Washington now the power for freedom and union it had when that name stood also for a living man, must we not have the virtue to remember the great creators and creative acts that gave us our present material power?

It was on March 4, 1789, that our Federal Union began "the career it has so grandly run" to quote the great English historian of freedom, Lord Acton. The slowness with which it began to function reflects the apathy and hostility it still had to overcome. New York City was then the Capital, and it hailed with cannon and bells the dawn of March 4. But though that date had been officially set nearly 6 months previous as the day for the Federal Government to begin work, it could not start to function, for only 8 Senators and 14 Representatives had arrived. Neither House had a quorum.

Only 11 States had then ratified the Constitution, and though these included New York, its State government remained so hostile to the new Federal Union that the presidential electors, who had cast their votes for President in February, included no New Yorkers, and no Senators from New York appeared in the Senate until mid-July. The number of Representatives the Constitution gave the 11 States totalled 59—but it took nearly a month before the 14 reached, on April 1, the 30 needed for a quorum and the House could do business. The Senate was then indeed a club; there were only 22 Senators—but it took more than a month, it was April 6th, before the 8 grew to 12 and the Senate had a quorum. Only on that day could the two Houses meet jointly and count the electoral ballots and announce the unanimous election of George Washington as President.

This dragging of feet explains why George Washington did not leave Mount Vernon for his inauguration until April 16—6 weeks after the day set for the Federal Government to begin. Ironically, the Father of our Country is our only President who never got to serve his full 4-year term even while living. He was shortchanged by those 6 weeks. His first term ended not 4 years after April 30, when he was inaugurated, but 4 years after March 4, 1789—for that day remained, and still remains, the birthday of our Federal Union.

This birthday was marked every 4 years thereafter by the inauguration of the President and a new Congress on March 4, until 1933 when the 20th amendment advanced the date to January. Since then this birthday has been increasingly forgotten. Even this 175th anniversary passed with no official celebration of March 4. Nothing marked that day this year except half a dozen speeches on the floor of the House (three of them by Members present here today—Congressmen ZABLOCKI, FINDLEY and SCHWENGEL) and by a luncheon which our organizations held in New York.

If any day deserves to be celebrated by us every year, it is March 4, for it marks an even more revolutionary event, in some major respects, than the Fourth of July. This "forgotten revolution" drastically changed the United States from an association or alliance of sovereign State governments, as it was under the Articles of Confederation, into a Federal state composed, primarily, of sovereign citizens rather than States. And it was much more than that: It was one of the greatest breakthroughs in world political history, as eminent foreign scholars have testified.

We now think of the Constitution as a means for governing domestic rather than foreign affairs. But to the people of each of the 13 States it came as a bold "experiment" (to quote Washington) in foreign policy—a new way to govern their own State's relations with the other 12, and the rest of the world—a way so new as to be unheard of. It was far worse than that to Patrick Henry, who nearly killed it aborning. Convinced it would destroy the liberty of Virginians, he almost persuaded them not to ratify it. He told them this Constitution was "extremely pernicious * * * and dangerous," "oppressive," "absurd," "the most fatal plan that could possibly be conceived to enslave a free people," and "a solution as radical as that which separated us from Great Britain."

Radical it was indeed. It completely reversed the system on which the United States Congress under the Articles of Confederation was based. Both systems applied the Roman maxim of "divide and rule"—but in opposite ways: The Confederation applied it to divide the American people (or rather, to keep them divided) into New Yorkers, Pennsylvanians, Virginians and so on, let their State governments rule not only their purely State affairs but their own common affairs with the people of the other States.

The Constitution allowed the American people to rule the United States as well as their own State governments; it did this by uniting the people while keeping all their governments divided—the State governments independent of one another, the Federal Government independent of them all, and its legislative, executive and judicial branches separated from each other, and its Senate from its House.

Under the Confederation the relations of the 13 States were set up basically the same as those of the 15 Atlantic allies now. Each had its own armed force, trade barriers, currency, citizenship, and foreign policy—when Massachusetts closed its ports to British ships, rival Connecticut opened its harbors to them. Common affairs were handled, as in the NATO Council, through a one-house body (Congress) composed of Delegates named, instructed and paid by their State governments. Each State had one vote—and a veto over any change in the Confederation—and the Congress (again like the NATO Council)—had no power to enforce its resolutions, or make delinquent States furnish their military or financial quotas. The U.S. President was as powerless then as the NATO President is now.

It was the Federal Constitution that gave the United States what we now take for granted—its common market, common currency, common citizenship, common standing armed force. It was Federal Union that gave us our common government, one representing the people directly rather than their State governments—a common government with voting power proportioned to population, and no State having a veto, with power to govern the fields transferred to it by operating directly on the citizens through a strong Executive.

The Constitution reversed no less revolutionarily the purpose of the previous, so-called United States. The confederal aim was to maintain the "sovereignty, freedom, and independence" of each of the States that made it. The Federal purpose was, and is, to preserve the sovereignty of the citizens who made the Constitution—"We the People of the United States, in order to * * * secure the Blessings of Liberty to ourselves * * * do ordain and establish this Constitution."

This transformation from Confederation to Federal Union was so profound as to constitute a "second American revolution"

much more extraordinary than the preceding one we all remember, the one which set up those 13 "free and independent States."

The 13 Colonies were not the first to break away from the mother country and become independent. Nor were they the first to set up democracies and unite them in a confederacy. This had been done by the ancient Greek city states. But the 13 were the first to solve the problem that had always baffled mankind and had led to the destruction of democracy ever since the ancient Greek failed to solve it: How to unite democracies effectively, democratically, enduringly? How to balance equitably big and little States? How to save liberty from its hereditary twin foes—tyranny and anarchy, too much government and too little?

As Lord Acton said of the 13 some 70 years later: "They had solved with astonishing and unexampled success two problems which had hitherto baffled the capacity of the most enlightened nations; they had contrived a system of federal government which prodigiously increased the national power and yet respected local liberties and authorities; and they had founded it on the principle of equality, without surrendering the securities for property and freedom."

They achieved this historic breakthrough, as Tocqueville pointed out, by "this Constitution which * * * rests, in fact, on a theory that is entirely new, and which stands as a great discovery in modern political science."

"Revolution" connotes something relatively great in scope done in relatively little time by relatively new ways. By all these three acid tests, the second American revolution outranks the first one.

In scope: It was not only greater in comparison with past human achievement, but in comparison with even the latest comparable efforts. The European union movement has gained great and deserved credit for its achievements, yet the European Common Market is only one item among those which the Constitution wrapped up in its Federal package.

As for speed: It took Europe 9 years from the first proposals in 1948 to reach the stage of signing in 1957 the Treaty of Rome—under which the Common Market of the Six Nations would be completed by 1970—another 13 years (President de Gaulle permitting) or 22 years in all. Now turn back the clock to the sundial era. The State of New York has the honor of having been the first government to propose formally (thanks to Alexander Hamilton) that a Federal Convention be called to "revise and amend" the Articles of Confederation. That was on July 20, 1782. Five years later the Convention met, drafted, and signed the Federal Constitution—all in 1787.

After long and strenuous debate in a number of the States it was ratified by enough of them for the Federal Government to be inaugurated less than 2 years later—7 years from start to completion. This in the sundial, oxcart age, when it took 24 days to carry the Declaration of Independence from Philadelphia to South Carolina by the fastest means available.

Yet the peoples of the 13 States did far more than begin a common market in those 7 years; they set up at the same time a common currency, defense force, foreign policy, citizenship, government. All this was done as a step in the dark, a bold experiment undertaken despite the warning of Patrick Henry against a solution which that fiery revolutionist called "as radical" as the separation from Great Britain. By way of comparison, that first American Revolution took 8 years—from the Declaration of Independence to the ratification of the peace treaty in 1783—or 18 years if one starts with the Stamp Act in 1765.

Let us turn to our third acid test. That first American Revolution was achieved in the age-old way—by violence, bloodshed, war—8 years of war. The second American revolution was achieved in a new way—peacefully—not merely without war but without any bloodshed or violence, to my knowledge, except one minor riot in Albany, N.Y. It happened on the fourth of July 1788, while the New York State Convention, elected by the people to approve or reject the Constitution was meeting in Poughkeepsie—only halfway through its heated 6 weeks' debate on the subject. Only 1 man was killed and 18 injured in that Albany riot.

In our time most Americans profess to attach high importance to peaceful solution of this very problem. And well they should, since they had to suffer the bloodshed of two World Wars and be faced by another atomic one before they would enter even the Atlantic alliance. One might expect such a generation to consider as revolutionary indeed the fact that their forebears made the giant breakthrough from alliance to federation without war and with practically no violence or bloodshed. Yet this revolution is the forgotten revolution—forgotten even by our generation. So much do we still seek peace by rating the victories of violence as more memorable, more heroic, more revolutionary than the triumphs of reason.

Some will say—indeed, many here and in Europe have said to me through 25 years—that it was relatively easy for the people of the 13 States to do all they did in so little time with so little violence, and therefore it wasn't so great a thing after all. They mean that they assume it was easy, compared to the problems they see facing the step from alliance to union in the Atlantic community now.

It seems to me that those who faced the situation in America then were in a much better position to judge its difficulties than we are now—especially the great majority of us who are so incredibly ignorant of the conditions in which this second revolution was achieved. Patrick Henry was by no means the only one who found that this breakthrough was as "radical" as the one we remember so well.

To Alexander Hamilton it was more than a revolution, it was a miracle. We have time to hear only three other witnesses, two Americans and one European. We call to the stand first George Washington.

Only 3 months before the Federal Convention met, he wrote General Knox on February 3, 1787, "I believe that the political machine will yet be much tumbled and tossed, and possibly wrecked altogether, before such a system * * * will be adopted. The darling sovereignties of the States individually * * * would give their weight of opposition." Still more gloomily General Washington wrote a month later, March 10, to the Foreign Secretary of Congress that the latter's opinion that "attempts to alter or amend it—the Articles of Confederation—will be like the proppings of a house that is ready to fall, and which no shoars can support (as many seem to think) may also be true. But is the public mind matured for such an important change as the one you have suggested? What would be the consequences of a premature attempt? * * * A thirst for power, and for the bantling, I had like to have said monster, for sovereignty, which have taken such fast hold of the States individually will * * * form a strong phalanx against it. It is more than probable that we shall exhibit the last melancholy proof, that mankind are not competent to their own Government."

How often I have been told that the public is not ripe for even an Atlantic Federal Convention, that it would be too dangerous to risk failure. The difference between these modern nay-sayers and Washington is that he nonetheless agreed to stake his prestige by serving as a delegate. When, after a 3-day horseback ride from Mount Vernon, he arrived at Independence Hall on May 14, the day set for the Convention to open, he found the only other delegation present was the one from Philadelphia.

With such proof of public apathy or hostility, his modern successors in office would, I fear, have saddled their plane and jetted home. The Father of our Federal Union merits that title because he stayed, cooling his heels for 11 days until a quorum of seven delegations allowed the Convention to open May 25.

During those 11 days that tried the souls of the Founding Fathers, "practical" delegates urged that the Convention—if it ever could open—limit its efforts to some halfway measures which the people might approve. But George Washington, deeply as he shared the prevailing pessimism, intervened with one of the most decisive speeches in human history. Certainly it was the shortest of important speeches. Here is the whole of it:

"It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."

Result: The practical men gave in, and the Convention began with so revolutionary a spirit that it ignored its instructions—which limited it to merely amending the Articles of Confederation—and set out to draft a whole new government on lines which the delegates themselves believed would work—and they left the result to the people, and to the hand of God. Six weeks later the Convention had come to complete deadlock, after such wrangling that Washington on July 10, wrote to Hamilton (who had been called back to New York): "I almost despair of seeing a favorable issue to the proceedings of your Convention, and to therefore repent having had any agency in the business." But he ended his letter by saying characteristically: "The crisis is equally important and alarming, and no opposition under such circumstances should discourage exertion until the signature is fixed."

When the Constitution was finally signed on September 17, Benjamin Franklin—my second witness—gave the testimony you have on your program on the dangers and difficulties the signers had thus overcome. Speaking of the finished Constitution, he said:

"I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the builders of Babel; and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats."

Such was the danger of wars among the 13 States then, in the considered judgment of so realistic a man as Poor Richard, so experienced a statesman as Franklin, then 81.

Today, there is no danger of any war among the 15 NATO allies—but so timid are the successors of Washington and Franklin now that they cease all effort when President de Gaulle vetoes some elements in the administration's Atlantic "partnership" plan. The mounting Atlantic disunion, which results from their own lack of vision and courage, is to them not urgent incentive to redouble efforts to unite the Atlantic community but justification for ceasing them and seeking accord with Moscow instead of with Paris, our oldest ally.

Europeans are now among the first to assume that the change from alliance to Federal Union among the 13 States was far too simple to be compared to the difficulties of making such a change now. But when the U.S. Constitution was signed, Europeans were, indeed, "astonished." Small wonder, for Europeans found the difficulties facing union then so impossible to surmount that

my third witness—Josiah Tucker, dean of Gloucester—wrote in 1781:

"As to the future grandeur of America, and its being a rising empire under one head, whether republican or monarchical, it is one of the idlest and most visionary notions that ever was conceived even by writers of romance. The mutual antipathies and clashing interests of the Americans, their differences of governments, habitudes, and manners, indicate that they will have no center of union and no common interest. They never can be united into one compact empire under any species of government whatever; a disunited people till the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little commonwealths or principalities, according to natural boundaries, by great bays of the sea, and by vast rivers, lakes, and ridges of mountains."

Massachusetts ratified the Constitution after prolonged debate by a majority of only 19. Despite Washington's endorsement, Virginia, after listening to Patrick Henry denounce the Constitution for 3 weeks—and raise fears of civil war—ratified it by only 89 to 79. Despite the Federalist papers—written to win a majority for the Constitutuion in the election of delegates to the New York Convention—the people elected a two-thirds majority of them opposed to ratification. Hamilton had to argue through 6 weeks before, by one of the greatest forensic feats in history, he finally persuaded them, by 30 to 27, to ratify the Constitution.

What are the lessons in our forgotten American Revolution of 1789 for the people of the 15 nation-states of Atlantica today? I see many, but I shall touch on only three or four, depending on the time I have left.

The first lesson is that we Americans, Atlanticans and all the non-Communist world have far more to gain now from studying our forgotten revolution than our remembered one. The principles of free government in our first Revolution's Declaration of Independence began toppling autocrats in Western Europe in May 1789, when they helped lead to the meeting of the States General in France. In the 175 years since the French Revolution began spreading these principles in Europe, a number of nations there have grown into stable democracies. Their growth in freedom, combined with the force of the example of the Thirteen Colonies in breaking away from the British Empire, has led, particularly in the last decade, to the transformation of their colonies in Asia and Africa into independent nation-states—usually without the wars that marked the much earlier breakup of Spain's American Empire. Only the Russian, Red Chinese, and Portuguese Empires now remain to be broken up by the principles of the first American revolution.

The transformation of the Western European empires into scores of small independent nations has come at a time when mass production and mass destruction, together with the rise of Communist dictatorship, have made even the strongest democracies unite in the Atlantic alliance. The challenge of "unite or perish" which the 13 States faced after independence, and solved at the dawn of the steam-electric age by their forgotten revolution, faces the strongest Atlantic democracies far more imperatively now, at the dawn of the jet-atomic age. Its solution is no less vital to the inexperienced new nations—but they have no possibility whatever of solving it effectively by regional federations if the Atlantic democracies fail to meet this challenge—fail to provide the world with a pilot plant on international democratic federal union. If they fail to do this promptly, the undeveloped nations of Asia, Africa and Latin America are doomed, I believe. to go the way of Cuba, Zanzibar, and North Vietnam. If we do rise to the challenge, then I am confident that the remainder of this century will see our forgotten revolution spread federation of the free through the world as the remembered revolution spread independent nationalism through the first half of our century. Which will it be?

I come to the second lesson of the forgotten revolution. It is this: It is much more prudent and practical to build the Atlantic pilot plant on the broad lines of the Federal Union which has already stood the test of 175 years, than along the lines which the administration is now following.

Atlantic union has progressed so far in the past 25 years that is no longer a question of whether Atlantica should be effectively united, but only of how. There are two major answers to this question. One is the administration's Atlantic partnership plan; the other is the plan we uphold, for an Atlantic Federal Union in which all the NATO nations would be member states.

Both plans depend on federal principles, but the partnership one would apply them only in Western Europe. It seeks to solve the problem of balancing the American colossus with the European nations by federating the latter in a European union, so that it would thus become equally colossal. The two giants would then be united by a bar called "partnership" which has never been defined, but which would obviously be much weaker than federation.

This plan was originally called "Operation Dumbbell" by its State Department authors. They were thinking in terms of the gymnasium—two equal spheres connected by a bar—but with all respect to them I believe that the slang sense of "dumbbell" more accurately describes this operation.

I have time to mention only two of the reasons why I think this plan is unsound and unworkable. One is that the Dumbbell balance is essentially the old European balance of power between sovereign nations, which has never worked to prevent war and depression. Two sovereign democracies are bound to differ on how to advance peace and freedom just as two political parties do. But there is no way on earth to get sovereign powers to agree short of war, and since neither wants war, the result is stalemate. For more than a year now the United States has been deadlocked with a much smaller power—France. And in other ways, with another smaller power—Britain. How much worse the stalemate would be, were it between two equally powerful sovereign unions, European and American. To stake life and liberty on the hope that the reverse will then be true, that equality in national power will make for agreement and prevent dangerous deadlocks, is to fly in the face of all experience, to the height of folly.

Operation Dumbbell is also unsound because it would bridge the Atlantic by building only the approach on either side on tested federal principles—and then connecting the main span, between the two towers, by the fragile principle of partnership. There it depends on the old European balance of power—equivalent to stretching a tight rope between the two towers of the Atlantic suspension bridge and relying on diplomats to balance their way across—across the ocean.

Our plan would build the longest span of this great bridge by the strongest, not the weakest principles—by federal principles all the way across, and not just at the two approaches. Put in federal, instead of engineering terms, our plan would solve the problem of balance between the American colossus and the small European nations by the time-tested Federal balance between the House and the Senate. It safeguards the people of the larger States by their voting power in the House and those of the smaller States equally by their voting power in the Senate. Though no law can be passed without the approval of both Houses, and deadlock is theoretically possible, there has been, in practice, no serious danger of stalemate—and none whatever in times of grave danger from abroad. For, over and above both the House and the Senate, stand the sovereign citizens of the Union, on whom all the Members of both Houses depend for office.

It is the partnership plan which President de Gaulle has blocked. His motives may have been the wrong ones, but personally I am very grateful to him for having halted Operation Dumbbell, and thus given people an opportunity of seeing the folly of this project and turning to the sound alternative before it is too late. The United States drifted into Operation Dumbbell without its implications and basic principles ever having been subjected, so far as I know, to close scrutiny by those in power or by most others.

President de Gaulle, by my reading of his various statements, has always left the door open to our Atlantic federal plan. I wish I had time to point out how it meets many of his main objections to the partnership plan. Suffice it to say now that, until the U.S. Government proposes Atlantic federal union along the lines we propose, and he rejects it, I for one shall continue to believe that the obstacle lies much more in Washington than in Paris. I have been told on good authority both in Washington and Paris that the U.S. Government has never even sounded him out on Atlantic federal union.

The third lesson to be drawn from our forgotten revolution is that the sound way to solve the problem of Atlantic unification is to tackle it as a whole—again by the method that has now worked for 175 years—and not piecemeal, by the little tested method that is now being followed officially. This method, called by its supporters the functional approach, has set up among the six nations in Europe first the Coal and Steel Authority, then Euratom and later the Common Market. The plan is to add next a common currency, then a common defense force, and finally a common government.

The fact is that these economic, monetary, military and political elements in the problem are closely interrelated, much as are the digestive, circulatory, muscular and nervous systems of our bodies. To tackle them separately seems to be simpler, but the successes are illusory—as I had ample opportunity to observe when covering for the New York Times such efforts at the League of Nations in the period between World Wars. Whatever progress one makes in one function is jeopardized by failure to advance proportionately in some other function. In a recent example, the Nassau agreement on weapons triggered President de Gaulle into blocking the development of the Common Market.

The Founding Fathers of our Federal Union had the revolutionary wisdom to create through the Constitution a body politic complete with all these interrelated organs or functions. Because of our reluctance to study afresh our forgotten revolution it seems to many that it is much harder for us to do this now in Atlantica. Be that as it may, why not first try at least the method that worked and see what we can do ?

Full-fledged union will take years, of course, to achieve. This does not mean, however, that we must leave the attainment of this goal to the mercy of time, and meanwhile concentrate on meeting this and that crisis with this and that "practical" gimmick. To build one's dream house takes time, too—but jerry-building will never turn the dream into reality. The goal cannot be gained without a definite decision to build the house, followed by selection of architects to prepare the plans and builders to turn the blueprints into building. To put these decisions off indefinitely because

the final goal takes much longer than the first step is the opposite of practical.

This is true of Atlantic union, too; the basic decisions take relatively little time, there is no sense in deferring them further, and every reason to take them now. What does this mean, concretely? It means a decision by the President to invite the NATO allies to send delegates to meet with U.S. delegates in another federal constitutional convention, patterned broadly on the one in 1787, to take—subject to ratification by their peoples—the following positive, creative actions:

1. Declare that the goal is the transformation of the NATO alliance into, eventually, a full-fledged federal union, that is, one with a common citizenship, foreign policy, defense force, and free movement of money, goods and men through its territory—which would guarantee the continued independence of each Member Nation as regards its purely national affairs, and could admit other nations that so desired, when it agreed that this would advance its purpose.

2. Draft a federal constitution to speed attainment of this goal by:

(A) Listing the bill of rights, or individual liberties, and the other peaceful purposes which this union of the free would be made to advance.

(B) Establishing a democratic government with a federal senate and house, and an executive and judiciary to pursue these aims;

(C) Assigning to this Government the task of working out, as a whole, the transition to complete union in the various interrelated fields to be given it, and fixing a definite time-table for the attainment of each—a common currency to be achieved in ------ years, a common market in ------ years, a common defense force in ------ years, and free movement of citizens throughout the Union in ------ years.

Certainly there would be conflicting views in such a convention, and many compromises would have to be made. But the convention would be spared the difficulty of working out the details of transition which the drafters of the Rome Treaty incorporated in that voluminous document which set up the Common Market. All such questions would be left to the new union government to answer. This Convention, like the one in Philadelphia, could concentrate on the basic political problem—and turn out as short a document as the U.S. Constitution.

If the French Government refused to participate, or, participating, refused to sign or ratify the resulting constitution, the other nations could still federate. How long could even General de Gaulle keep France out of a union that included the United States, Canada, Britain, Belgium, the Netherlands, the German Federal Republic, Italy—to mention no more? There is so much support for Atlantic union already among the French, including the Gaullist leaders, that one could confidently expect France to enter such a federation soon, if it were not among the founders, as I am confident it would be.

The fourth and concluding lesson we can draw from the forgotten federal revolution is the most important: It is to meet the challenge of our day with the revolutionary vision and courage. This means abandoning three delusions we now cherish. One delusion is that we can succeed in meeting our oceanic challenge with halfway measures that even such statesmen as Washington, Franklin, Hamilton could not succeed with among 13 English-speaking States in "easier" conditions.

Our second delusion is that we do not need even to attempt to federate Atlantica with the revolutionary scope and speed with which they achieved their great breakthrough. We talk of the explosion of population, of new nations, of technological and scientific advance that is shrinking the world at revolutionary speed—and we nurse the delusion that we don't need to advance with revolutionary speed and on a revolutionary scale in the political field, in constituting effective free international government in such a world.

Our third delusion is that we can meet our challenge without demanding of our leaders the revolutionary character, heroic courage, the Founding Fathers farsighted vision and sublime faith in the sovereign citizen which Washington, Franklin, Hamilton and a galaxy of Founding Fathers provided 175 years ago.

Let us be done with these delusions. Let us be done with them now. We are not so feeble that we cannot do what our fathers did and what we expect our children to do. We, too—each of us here, and all our friends and fellow citizens—we, too, can do far better than we have yet begun to do. We, too, can raise a standard to which the wise and the honest can repair. We, too, can have Washington's faith that if we will but raise that standard, the hand of God will turn the event our way.

We of Federal Union, Inc., and of the International Movement for Atlantic Union have that faith. We have already raised anew Washington's standard of Federal Union of the free. We invite you cordially to help us carry it forward to another "astonishing" triumph of human reason, and of the human spirit.

SENATE

FRIDAY, APRIL 17, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

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

O God, our Father, in this pavilion of prayer in which we bow day by day, as spirit with spirit may meet, we would fling open the shuttered windows of our darkened lives to the effulgence of Thy presence, that some broken beams of Thy glory may shine upon our daily work.

Teach us that to live worthily, we must have a faith fit to live by, a self fit to live with, and a cause fit to live for.

In this tragic and tangled world we are conscious of our woeful inadequacy to sit in the seats of judgment, to balance the scales of justice, and to respond with equity to the myriad calls of human need. Grant that those by the people's choice, here lifted to high pedestals in the life of the state, conscious of the great tradition in which they stand, may rise to greatness of vision and of soul as the anxious eyes of all the nations are upon this Chamber in so fear-haunted a day.

Despite the brutalities of man to his fellow man, keep love's banners floating o'er us as we march breast forward, with faith undimmed, in the ranks of those who do justly, love mercy, and walk humbly with their God.

In the dear Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 16, 1964, was dispensed with.

CALL OF THE ROLL

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

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

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 146 Leg.]

Aiken	Hart	Moss
Allott	Hayden	Mundt
Anderson	Humphrey	Muskie
Bayh	Inouye	Nelson
Bennett	Javits	Pastore
Bible	Johnston	Pearson
Boggs	Jordan, N.C.	Pell
Brewster	Jordan, Idaho	Prouty
Burdick	Keating	Ribicoff
Cannon	Kuchel	Robertson
Carlson	Lausche	Saltonstall
Case	Long, Mo.	Scott
Church	Magnuson	Simpson
Clark	Mansfield	Smith
Cooper	McClellan	Sparkman
Curtis	McGee	Stennis
Dirksen	McGovern	Symington
Dodd	McNamara	Walters
Dominick	Metcalf	Williams, N.J.
Douglas	Miller	Williams, Del.
Fong	Monroney	Young, N. Dak.
Goldwater	Morse	
Gruening	Morton	

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Florida [Mr. HOLLAND], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Georgia [Mr. RUSSELL], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HILL], the Senator from Louisiana [Mr. LONG], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that the Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the