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PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 20, 1963

The House met at 12 o'clock noon.

The Reverend Horace T. Allen, minister, Towson Presbyterian Church, Towson, Md., offering the following prayer:

Almighty God our Father, whose word was made flesh in Jesus Christ our Lord: For ourselves and all those whom we represent, we pray Thy blessing; and more especially this day for the people of the State of West Virginia, who celebrate the 100th anniversary of their statehood.

They lift up their eyes unto the hills from whence cometh their help. Their majestic mountains signify the strength of their freedom. Through all the chances and changes of this life they persevere in their respect and love for the land and their kind brotherliness one to another. Prosper their cause and enrich their life.

The prayer of our lips and our hearts, our deliberations and our work is this:

Make more perfect this Union.

Make responsible leaders of ourselves.

Make holy and peaceful our world.

Through Jesus Christ our Lord, who liveth and reigneth with Thee, O Father, in the unity of the Holy Spirit, world without end. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, without amendment, bills and a joint resolution of the House of the following titles:

H.R. 131. An act to provide for the renewal of certain municipal, domestic, and industrial water supply contracts entered into under the Reclamation Project Act of 1939, and for other purposes;

H.R. 3574. An act to provide for the withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Cuddeback Lake Air Force Range, Calif., for defense purposes; and

H.J. Res. 180. Joint resolution to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 625. An act to amend section 601 of title 38, United States Code, with respect to the definition of the term "Veterans' Administration facilities";

S. 1154. An act to provide for the sale of certain mineral rights to Christmas Lake, Inc., in Minnesota;

S. 1185. An act relating to the exchange of certain lands between the State of Oregon and the C. and B. Livestock Co., Inc.; and

S. 1326. An act to provide for the conveyance of certain mineral interests of the United States in property in South Carolina to the record owners of the surface of that property.

SWEARING IN OF MEMBER

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. DEL CLAWSON] be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

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

There was no objection.

Mr. DEL CLAWSON appeared at the bar of the House and took the oath of office.

INCOME TAX EXEMPTION FOR LARYNGECTOMEES

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

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

There was no objection.

Mr. HORTON. Mr. Speaker, I have introduced a bill today to provide an additional $600 income tax exemption for a taxpayer or the spouse of a taxpayer who has had a laryngectomy. The statistics on financial hardship which laryngectomees must endure, I firmly believe, warrant this proposed tax relief amendment.

There are in the United States today, according to a recent survey sponsored by the American Cancer Society, some 20,000 persons who have had their larynxes removed. With little or no speech production, they are severely handicapped in their earning capacity.

The survey to which I refer points out that as a result of a laryngectomy, median annual income falls from $4,400 to $3,000. Further, 24 percent of the laryngectomees have been forced into retirement. The average loss of time for those enabled to return to work is 153 days, accounting for a $2,000 loss in wages.

A 1962 publication, "Speech Rehabilitation of the Laryngectomized," estimates that between 1,500 and 2,000 laryngectomies are performed in this country each year. The average cost of the operation is $1,700.

In my home community of Rochester, N.Y., some 70 persons who have had laryngectomies have banded together and formed the Flower City Lost Chord Club. Through this organization, I have become personally acquainted with the financial hardship resulting from surgical removal of the speech production organ.

I therefore unhesitatingly urge my colleagues to consider the merits of the bill I am offering and to bring about its expeditious enactment.

OUR NEGLECTED FRONTIER

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

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

There was no objection.

Mr. TALCOTT. Mr. Speaker, our national interest in the ocean environment has opened a Pandora's box of material problems which are defying solution by our scientists, technologists, technicians, and more particularly our industry which supports underwater research.

The material and hardware problems already encountered in underwater research point up that this environment is the most complex on earth. The life expectancy of our common materials and associated equipments in sea water is astonishingly short. The elements of erosion, corrosion, borers, fish, and biological life are powerfully destructive in this mystifying environment. In addition, water temperature, ocean currents, sea water conductivity, oxygen in sea water, surface action of winds and waves, tides and deep sea pressures are parameters which contribute to these destructive forces.

Our deep sea submergence probing has encountered another dimension of the ocean's destructive force—that of crushing pressure—on our materials, hardware, tools and associated equipments. Added to this complexity, great depths have created a need for lightweight materials to accommodate the logistic support problems of distant research work and still meet the criteria for strength

and toughness; thus making today's conventional shallow water marine hardware inadequate and impractical.

Our underwater research today is seriously handicapped and retarded because we are materially unprepared for the complex ocean environment in which we are trying, through scientific research, to achieve order-of-magnitude breakthroughs. This unpreparedness today contributes to astonishingly high losses in instruments and equipments in the ocean environment.

The need for an ocean laboratory is urgent. An ocean laboratory, dedicated to the development of marine materials, hardware, tools, and associated equipments for ocean equipment handling and mooring techniques would give the underwater research effort in this country the material support it needs.

Until such material support is rendered to the scientist and the technologist, our national effort will not receive a reasonable maximum return for its underwater research dollar.

COMMITTEE ON WAYS AND MEANS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, June 21, to file a report on the bill H.R. 3674.

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

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, June 21, to file a report on the bill H.R. 3781.

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

There was no objection.

CONTINUED SUSPENSION OF DUTIES ON METAL SCRAP

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 4174) to continue until the close of June 30, 1964, the suspension of duties for metal scrap, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of September 30, 1950 (Public Law 869, Eighty-first Congress), is hereby amended by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1964": *Provided,* That this Act shall not apply to lead scrap, lead alloy scrap, antimonial lead scrap, scrap battery lead or plates, zinc scrap, or zinc alloy scrap, or to any form of tungsten scrap, tungsten carbide scrap, or tungsten alloy scrap; or to articles of lead, lead alloy, antimonial lead, zinc, or zinc alloy, or to articles of tungsten, tungsten carbide, or tungsten alloy, imported for remanufacture by melting.

SEC. 2. This Act shall not exempt any article provided for in section 4541 of the Internal Revenue Code of 1954 from import taxes imposed thereby. This Act shall not suspend any duty with respect to an article provided for in such section 4541 which is entered, or withdrawn from warehouse, for consumption on or before June 30, 1963 (or, if later, on or before the date of the enactment of this Act).

With the following committee amendment:

Page 2, line 5, following the period, strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 4174, which was introduced by our colleague on the Committee on Ways and Means, the Honorable MARTHA W. GRIFFITHS, is to amend section 2 of Public Law 869 of the 81st Congress, as amended, to continue for 1 year, from the close of June 30, 1963, to the close of June 30, 1964, the existing suspension of duties on metal scrap. The bill contains the proviso of existing law that the suspension shall not apply to lead scrap, lead alloy scrap, antimonial lead scrap, scrap battery lead or plates, zinc scrap, or zinc alloy scrap; or to any form of tungsten scrap, tungsten carbide scrap, or tungsten alloy scrap; or to articles of lead, lead alloy, antimonial lead, zinc, or zinc alloy; or to articles of tungsten, tungsten carbide, or tungsten alloy, imported for remanufacture by melting. The bill also provides that the exemption from duty of any article under this bill will not affect the applicability of section 4541 of the Internal Revenue Code of 1954.

The temporary suspension of duties on imports of metal scrap provided under present law—Public Law 87-514—to the close of June 30, 1963, makes free of duty imports of metal scrap including such principal types of scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys. The suspension of duties as provided under present law and the extension provided by the pending bill are of no significance with respect to the tariff treatment of imports of tin and tinplate scrap, because imports of such scrap, along with imports of tin in other unmanufactured forms, would not be subject to duty or import taxes in any case.

Section 2 of the bill, as reported, provides that this suspension shall not affect the applicability of section 4541 of the Internal Revenue Code of 1954 to the articles exempted from duty by the bill. In general, section 4541 of the Internal Revenue Code of 1954 imposes an import tax on certain copper-bearing ores and concentrates, other articles, of which copper is the component material of chief value, and other articles containing 4 percent or more of copper by weight. Any article exempted from duty under the pending bill would be subject to these taxes where the same are applicable.

Scrap of the various nonferrous metals, whether imported or of domestic origin, may be considered for most purposes simply as relatively small components in the total U.S. supplies of the respective metals, although some manufacturers depend wholly on metal scrap as a source of raw material. The relation of iron and steel scrap to the total supplies of iron and steel is somewhat different from that existing with respect to nonferrous metals. This is because the economical production of steel by the open hearth process requires that part of the iron-bearing materials used consist of heavy melting scrap. Thus, much iron and steel scrap constitutes a material important to the domestic production of steel. Despite the fact that imports of scrap metals have not in the past few years constituted important components of the total supplies of the various metals, the imports in some cases have represented important sources of the metals for limited numbers of consumers of such metals in some sections of the country.

The Committee on Ways and Means has been advised by the Department of Commerce that the quantities of such imports are not large in comparison with domestic consumption, and the Tariff Commission has informed the committee that the United States has for some years been a net exporter of scrap metals other than lead scrap. Imports of lead and zinc scrap are limited by absolute quotas in effect since October 1, 1958.

Favorable reports on this legislation were received from the Departments of Treasury, State, Defense, Commerce, Labor, and Interior, and from the Office of Emergency Planning, as well as an informative report from the U.S. Tariff Commission. No information indicating any opposition to the bill was received, and the committee is unanimous in urging its enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, the bill (H.R. 4174) extends the suspension of duties for metal scrap for another year, until June 30, 1964. I know of no objection to this legislation.

The amount of metal scrap which comes in under the suspension is not significant. However, the committee was advised that in some areas there is a shortage and imports are more heavily relied upon to make up for this shortage. Accordingly, I recommend that the House favorably consider the bill.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. BYRNES] and I may extend our remarks in the RECORD in explanation of this and the other bills that we may pass by unanimous consent this morning.

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

There was no objection.

CONTINUED SUSPENSION AND REDUCTION OF DUTY ON CHICORY

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2827) to extend until June 30, 1966, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory.

The Clerk read the title of the bill.

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

Mr. HAYS. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman this question. We have these bills up every so often for short periods of time, 2 and 3 years. Now, if there is any real necessity for doing this, why do you not just take the duty off and forget about it, and if there is not, why do you keep coming in with these extensions for 2 or 3 years? Can you give us some explanation?

Mr. MILLS. The gentleman's question is very pertinent. Why do we suspend these duties on a temporary basis? Why do we not just take them off as a permanent proposition? I am not going to argue with the gentleman about the feasibility of doing that with respect to some of the extensions. With respect to this particular one, however, I would call the gentleman's attention to the fact that up to about 1954 some chicory was produced in the United States. It has not been produced since 1954, but that does not mean that those who can produce it in the United States would not want to again produce some chicory in the United States. If they did, I would think that they would want to have this duty restored. So, on that basis I feel that this particular suspension is appropriate and that we should continue to treat it in this manner. After a period of time we might want to consider making it permanent.

Mr. HAYS. Mr. Speaker, further reserving the right to object, where is the chicory coming from now?

Mr. MILLS. I yield to the gentleman from Louisiana, Mr. BOGGS, who is the author of this bill.

Mr. BOGGS. Most of it comes from Belgium.

Mr. MILLS. Belgium. That is right.

Mr. BOGGS. The specific answer to the gentleman's question is that there is a potential of American production. There is not a pound of chicory produced in the United States, but in Holland, Michigan, there is a potential, and the reason we do not make this permanent is that some day they may get back into chicory production, and we feel that they should be entitled to the protection of this law. But, at this time there is no production in the United States and has not been since World War II.

Mr. GROSS. Mr. Speaker, further reserving the right to object, with the recent coffee agreement as ratified by the other body, will this bill, taken in conjunction with that, serve to further increase the price of coffee to consumers in this country?

Mr. MILLS. No. This would tend actually, if we pass this legislation, to make a reduction in price in some coffee possible. The bill will suspend the duty on crude chicory for this 3-year period, and will reduce the duty on ground chicory to 2 cents a pound. Therefore, if chicory is used in the production of coffee in the United States, to the extent of this price change downward it would tend to reduce the price of coffee.

Mr. GROSS. As the gentleman knows, Congress has launched investigations into sugar prices. I am surprised no committee of Congress is looking into coffee prices. I should think it would be just as essential to have an investigation of the coffee agreement which was recently ratified by the other body, and the prospective increases in prices of coffee, as it is of the increase in the price of sugar. I may add to that by saying that while sugar prices show a tendency to go down, there is no indication that coffee prices are going to go any place but up.

Mr. MILLS. This will certainly make no contribution to the coffee prices going up.

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

There was no objection.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 3 of the Act entitled "An Act to suspend for two years the duty on crude chicory and to amend the Tariff Act of 1930 as it relates to chicory", approved April 16, 1958, as amended (72 Stat. 87; 19 U.S.C. 1001, par. 776 and note; Public Law 86-441; Public Law 86-479), are each amended by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1966."

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 9, strike out "1966." and insert "1966'.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 2827, which was introduced by our colleague on the Committee on Ways and Means, the Honorable HALE BOGGS, is to continue for a period of 3 years, until the close of June 30, 1966, the existing suspension of duty on crude chicory—except endive—and to continue for the same period the statutory rate of duty of 2 cents per pound for chicory, ground or otherwise prepared.

Public Law 85-378 provided for the suspension of duty on crude chicory—except endive—for a period of 2 years. This legislation also provided that the duty on chicory, ground or otherwise prepared, be 2 cents per pound for the period during which the duty on crude chicory was suspended. The duty treatment provided by that legislation has been in effect continuously since that time, temporary extensions having been enacted in the meantime.

No chicory has been grown in the United States since 1954. Domestic processors of chicory have depended on imports of crude chicory for their supplies of the raw material. In addition, there are imports of ground chicory which compete with domestically processed chicory. Before the enactment of Public Law 85-378, the rate of duty applicable to crude chicory was 1 cent per pound and that applicable to ground or otherwise prepared chicory was 2½ cents per pound. A portion of the duty on ground chicory was generally regarded as compensatory for the duty on crude chicory and the remainder as according protection to the domestic producer of ground chicory. With the suspension of the import duty on crude chicory, Public Law 85-378 also restored the spread between the duties on crude and ground chicory provided for in the Tariff Act of 1930, which was 2 cents per pound. The purpose of that legislation was to assist domestic producers of ground chicory in competing with imports of the prepared product. The pending bill would continue these provisions for an additional period of 3 years, until the close of June 30, 1966.

Favorable reports were received on this legislation from the Departments of State, Treasury, Commerce, and Labor, and an informative report from the U.S. Tariff Commission. The Committee on Ways and Means was unanimous in recommending its enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 2827 suspends for an additional period of 3 years, ending June 30, 1966, the duty on crude chicory. This duty has been suspended since April 16, 1958.

No chicory has been grown in the United States since 1954. The suspension of the duty enables the U.S. producers of ground chicory to compete with imports of ground chicory.

I know of no objection to the bill, and recommend that it be favorably considered.

EXTENSION OF PERIOD RELATING TO PLACEMENT AND FOSTER CARE OF DEPENDENT CHILDREN

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2651) to extend for 1 year the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 155(b) of the Public Welfare Amendments of 1962 is amended—

(1) by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1964"; and

(2) by striking out "March 1, 1963" and inserting in lieu thereof "December 31, 1963".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 2651, which was introduced by our colleague, the Honorable JOHN F. BALDWIN, JR., is to extend for 1 year, to June 30, 1964, the provision of the Public Welfare Amendments of 1962—Public Law 87-543—which permits the

responsibility for the placement and foster care of dependent children under the program of aid to needy families with dependent children—title IV of the Social Security Act—to be exercised by a public agency other than the agency which regularly administers this program.

Under the permanent provisions of existing law, Federal matching is made available as to certain children placed under foster care pursuant to court order. The 1962 legislation provided an exception to the requirement that the responsibility for placement and care must reside solely with the State or local agency administering the title IV program so as to take care of the situation in a few States where it has been the practice for other public agencies, particularly juvenile courts, to be responsible for arranging the placement and providing for the supervision of children who the courts have decided should live in homes other than those of their own families. In the absence of legislation, this provision will expire on June 30, 1963.

The legislation also required that the Secretary of the Department of Health, Education, and Welfare submit to the President, for transmission to the Congress, prior to March 1, 1963, a full report of the administration of the provision, including the experiences of each of the States in arranging for foster care together with recommendations as to continuation of, and modifications in, such a procedure. The Secretary's report, duly filed with the President and the Congress, stated that there has not yet been sufficient experience under the temporary provision to permit an evaluation either of its effectiveness or as to whether modifications are desirable.

The pending bill, therefore, would extend for 1 year the provision which would otherwise expire on June 30, 1964, and further would give the Secretary until December 31, 1963, to make the report required by the 1962 legislation.

The Committee on Ways and Means unanimously recommends enactment of this legislation.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 2651 extends for an additional period of 1 year, until June 30, 1964, the period during which placement and foster care for dependent children under title IV of the Social Security Act may be exercised by a public agency other than the agency administering such aid under the State plan.

The original extension was enacted to enable the Department of Health, Education, and Welfare to study the operation of the program and make recommendations to us. The Department advises that there has not yet been sufficient experience to evaluate the effectiveness of the provisions, and requires a further extension.

I know that the matter is of considerable importance in the State of California, and there may also be other States where the placement of dependent children is handled through special courts or agencies other than the welfare agency.

I recommend the bill for favorable consideration.

REQUEST FOR CONSIDERATION OF CONTINUING APPROPRIATIONS RESOLUTION

Mr. CANNON. Mr. Speaker, I ask unanimous consent that it may be in order during the coming week to consider a joint resolution providing continuing appropriations.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the nature of the continuing resolution?

Mr. CANNON. I will say to the distinguished gentleman from Iowa it is the stereotyped continuing resolution such as has been presented, I am sorry to say, every year for a number of years, due to our failure to get all of the appropriation bills through before the end of the fiscal year. It follows in general the language of every previous continuing resolution.

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

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until midnight tomorrow night, Friday, June 21, 1963, to file certain reports.

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

There was no objection.

EXTENSION OF EXEMPTION FROM DUTY OF RETURNING RESIDENTS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 405 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6791) to continue for two years the existing reduction of the exemption from duty enjoyed by returning residents, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means. Amendments offered by direction of the Committee on Ways and Means may be offered to the bill at the conclusion of general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentlewoman from New York [Mrs. ST. GEORGE] and pending that, myself such time as I may consume.

Mr. Speaker, this bill provides for the usual closed rule on a revenue measure, with 2 hours of debate.

The purpose of the bill is to continue for 2 additional years the temporary reduction from $500 to $100 in the amount of purchases abroad that returning residents of the United States may bring back into this country free of duty. I know of no controversy on the rule, and I reserve the balance of my time.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may require.

This resolution, Mr. Speaker, makes in order consideration of the bill H.R. 6791 to continue for 2 years the existing reduction of the exemption from duty enjoyed by returning residents, and for other purposes.

In other words, it continues the present limitation of $100 instead of reverting, as it might otherwise do, to $500.

I know of no objection to the rule. I may say, Mr. Speaker, that I think the bill is more or less a nuisance piece of legislation. I think very little money, if any, is saved in this way. I think it causes increased annoyance to returning travelers.

Of course, it has one very good facet; it does give employment because we have needed a great many more customs inspectors, I happen to know, at the port of New York, and probably in many other ports, in order to check on these people. Otherwise I can think of nothing that makes the words "home sweet home" more unpleasant than to be attacked by customs inspectors.

As I said before, I know of no objection to the rule.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6791) to continue for 2 years the existing reduction of the exemption from duty enjoyed by returning residents, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6791, with Mr. MOORHEAD in the chair.

The Clerk read the title of the bill.

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

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it will be recalled that on May 17, 1961, the House passed legislation providing a temporary reduction, from $500 to $100, in the amount of purchases made abroad that a returning resident of the United States could bring into the United States free of duty. That legislation passed the House under suspension of the rules by a voice vote, without a record vote. It is my recollection, Mr. Chairman, that there was little if any opposition expressed to the legislation at that time.

The Committee on Ways and Means has proposed that there be continued for another 2-year period this limitation of $100 in lieu of the permanent limitation of $500. This is being considered under a closed rule because we thought there was some justification for affording all Members who desire to do so time for discussion of the legislation rather than bringing it up under unanimous consent or suspension of the rules where there would necessarily be more limited discussion.

One additional change has been made in this program by the committee action compared to the bill in 1961. You will recall, Mr. Chairman, that existing law provides an exception to this $100 limitation in favor of people returning from the Virgin Islands. In that instance it is provided that returning tourists can bring back free of duty as much as $200 of goods, but not exceeding $100 of the $200 can originate outside the Virgin Islands. The committee had some complaint that this provision of existing law is drawing a distinction between the Virgin Islands and certain other possessions of the United States, so the bill now before you would extend this Virgin Islands provision to these other insular possessions of the United States: American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam.

It should be understood that the principal purpose of the bill is to continue for a temporary time the limitation of $100 per trip for returning residents, and that this provision applies to a trip made each 30 days.

This temporary reduction in duty-free allowance became effective in the case of persons arriving in the United States on or after September 9, 1961. The President had recommended at that time a 4-year temporary reduction. The Committee on Ways and Means decided to provide a termination date of June 30, 1963, so that an earlier review could be made of the operation of this temporary reduction. The purpose of the original legislation was to assist in correcting our balance-of-payments deficit.

This reduction in the duty-free allowance, which became effective in September of 1961, has had its effect, although I must admit it has been a rather limited effect, upon the balance-of-payments problem. The balance-of-payments deficit has been reduced, it is estimated, by this change by about $123 million.

It could be said that perhaps that is, relatively, so insignificant that we should not try to continue it into the future. I am not going to argue about the significance of it, but if we discontinue this, it should be borne in mind there are some other things that are also making a rather insignificant contribution to the end result, relatively, and, if we discontinue all of them, then undoubtedly our balance-of-payments situation would be as bad as it was when efforts were begun some 2 or 3 or 4 years ago to do something about it.

Let me give just an example now of the way this provision works. In 1960, the last full year under the $500 limitation, returning residents acquired approximately $420 million worth of purchases abroad. The Bureau of Customs estimates that during 1962 foreign purchases of goods by returning residents amounted to about $297 million. The Treasury Department also pointed out that although there are signs that our balance-of-payments can be expected to improve in the long run, in the immediate future there is still sufficient deficit and sufficient problem to justify a continuation of this arrangement for another 2 years.

I would like to now briefly review our balance-of-payments deficit in recent years:

	Billion
1958	$3.5
1959	3.7
1960	3.9
1961	2.4
1962	2.2

These balance-of-payments deficits have been accompanied by substantial drains on our gold stocks. In the 3-year period 1958–60, this drain amounted to $4.7 billion. In 1961, our gold losses were $857 million, and in 1962, $890 million.

During our consideration of this legislation, the Committee on Ways and Means was advised of three broad areas in which action has been taken on our total balance-of-payments problem since 1961. These are:

First. Continuous attention to those measures, in the "governmental account" area, to reduce the flow of dollars abroad—such as military and economic aid expenditures, and so forth.

Second. Similar attention in the "capital account" sector to prevent the flow of funds abroad through speculation, and so forth.

Third. Encouragement of U.S. exports.

In short, this measure is an important part of an overall program consisting of a series of actions.

Mr. Chairman, in addition to this balance-of-payments problem, I think it should be pointed out to the membership of the House that even with a $100 exemption from duty for the benefit of our own citizens returning from abroad, we are extending to them much more favorable treatment by far than most other countries of Europe or elsewhere are extending to their citizens who return from the United States.

Mr. Chairman, I could go into much greater detail with respect to the various things that are presently being done to try to improve the deficit in our balance of payments. I can assure the membership this is one aspect of that overall program. It is one aspect of that overall problem and until that problem is further improved, I think it would be unwise for us not to utilize this vehicle, because if we do not utilize this, in all probability something else would have to be done in lieu of it to get this much benefit—and I do not know what that something new would be. Certainly, I would not want the return of the program that none of us liked when some time ago it was decided that we would bring back the dependents of those stationed abroad in an effort to try to improve this balance-of-payments deficit. Certainly, this is much less onerous and, certainly, it is less objectionable in my opinion to some such action as that which might have to follow if we do not have this arrangement.

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

Mr. MILLS. I am glad to yield to my friend, the gentleman from Tennessee.

Mr. BAKER. I have received many letters with reference to this legislation expressing concern that there might be an amendment to this act requiring that goods purchased abroad should physically accompany the person returning to the United States. This bill does not contain such a requirement and is it not also true that the Treasury is not urging such a provision as that in this bill?

Mr. MILLS. My friend from Tennessee will recall that provision was deleted by action of the committee from the original recommendation which came to the Congress. It is my understanding that the Treasury Department is satisfied with the action of the committee and I anticipate that no such action as the gentleman's question entails would ensue from the passage of this legislation.

Mr. BAKER. With that statement, Mr. Chairman, I will certainly support the gentleman on this measure.

Mr. MILLS. I thank my colleague very much.

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

Mr. MILLS. I yield to the gentleman.

Mr. MONAGAN. I certainly approve of this legislation. I do not believe the Chairman should apologize with respect to the degree of progress that is being made here because, certainly, this is the kind of problem where a series of small steps could result eventually in substantial achievement. I would like to ask one question. There is, of course, some impact upon other countries as a result of this.

Is there any study or any other figures that show where the impact of this reduction of purchases may be had as in Europe, for example?

Mr. MILLS. I have not been made aware of such a study. I have had nothing of that nature brought to my own attention. But I want to respond to the gentleman's initial statement. I do not want to be interpreted by anyone as apologizing with respect to what has been done under this legislation. I think it is to be regretted that the situation involving our balance-of-payments

deficit is such that we have to take so many different courses of action such as this in order to improve that deficit which may well be some burden to some of our citizens and in this particular case some burden in reducing what they can bring back duty free from the markets of Europe.

Mr. Chairman, there are about 1.8 million of our citizens who go each year to Europe on vacation, but I would think that the wisest course of action would be to pass the legislation even though it may not have made as much contribution to the balancing of this deficit or the elimination of this deficit as many of us would like to have had it make or as we think should be made by the efforts of our Government.

Mr. BYRNES of Wisconsin. Mr. Chairman, does the gentleman from Arkansas [Mr. MILLS] have other requests for time?

Mr. MILLS. I have no further requests for time, Mr. Chairman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill extends, as the chairman of the committee said, for 2 additional years the temporary reduction from $500 to $100 in the amount of purchases abroad that a returning U.S. resident may bring back duty free.

Mr. Chairman, I share the administration's concern over our balance-of-payments deficit which has resulted in such a severe drain on our gold stocks. I am perfectly willing to support any reasonable measure to alleviate this problem and for that reason I am supporting this bill.

I think, however, Mr. Chairman, that there are other more basic problems relating to our balance-of-payments situation that are not being coped with within the administration's program. I would hope that they might, instead of spending so much time and evidencing so much concern over relatively little things as are involved in this particular bill, get to the job of coping with some of the bigger problems which contribute to our balance-of-payments deficit.

The reduction in the amount that a returning American tourist can bring back duty free possibly may affect the volume of purchases abroad by American tourists. The Treasury claims that the reduction will amount to about $150 million annually. From this it is argued that there is a corresponding improvement in our balance of payments.

Let us assume that the reduction in the goods which the American tourist can bring home duty free—as provided for in this bill—does result in a curtailment of $150 million in the purchases of those goods abroad. This does not mean, that the full amount is reflected in our balance-of-payments deficit. Certainly some part of the savings will be spent abroad for other purposes. The actual improvement in the balance of payments resulting from this legislation may be insignificant.

On the other hand, there are other measures which, in my opinion, would be more effective—of much greater magnitude—than the measure proposed here—to cope with the balance-of-payments problem. Our balance-of-payments deficit results primarily from foreign aid, both economic and military. We no longer have the surplus gold resources to enable us to bear a disproportionate share of the cost of protecting other nations, and of providing aid to less-developed nations. A greater financial and military effort must be borne by our European allies. Notwithstanding our great resources, the United States cannot continue to maintain military forces required for the defense of the free world unless the European nations are prepared and willing to bear a greater share of these costs.

I also urge the Kennedy administration to take another look at some of the imports which also contribute to our balance-of-payments deficit.

For example, the Treasury Department found that a combination of European steel exporters were, in fact, deliberately dumping steel rods in the United States at prices lower than the same materials were sold in the European market. Yesterday, however, the Tariff Commission refused to grant the American steel industry any relief—apparently because steel rods, considered alone, did not represent a sufficiently large segment of the steel industry.

I am firmly convinced that our balance-of-payments deficit will become more acute unless we lay down rules to protect American industry from this type of foreign competition. A similar combination of American producers would have been prosecuted for a violation of our antitrust laws. We seem to have one set of rules for the American exporting abroad and another set of rules for the foreigner exporting to the United States. Our attitude of turning the other cheek is in great contrast with the Common Market's attitude, as our poultry exporters and others can well testify.

While I recommend this bill to the House, let us have no illusions. It is not the solution for our balance-of-payments deficit. Neither was the Trade Act of 1962 the solution. In fact, as the Republican minority forewarned, the Trade Act was enacted upon suppositions which have since proven to have been in error. A complete reappraisal of our trade and aid policies must be undertaken before it is too late.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLS. Mr. Chairman, I ask unanimous consent that any Members desiring to do so may be permitted to extend their own remarks on the bill at this point in the RECORD.

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

There was no objection.

Mr. MONAGAN. Our balance-of-payments problem is a vital and continuing one and certainly our Government should be encouraged in every way to take steps that will improve our balance with other countries of the world. Of course, there are many ways in which this problem can be attacked. One of them would be to stimulate increased support by the countries of Europe of their necessary military defense. Another would be an increase by some of these developed countries of the amounts made available for aid to underdeveloped countries.

Nevertheless, it is encouraging to see the example which is presented today and to realize that substantial, if modest, progress has been made.

Mr. MILLS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except the amendments offered by direction of the Committee on Ways and Means.

Are there are any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6791) to continue for 2 years the existing reduction of the exemption from duty enjoyed by returning residents, and for other purposes, pursuant to House Resolution 405, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that I may extend my remarks and include additional material in the RECORD in connection with the explanation of the bill just passed.

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

There was no objection.

RECOGNITION OF THE 50TH ANNIVERSARY OF THE AMERICAN SOCIETY FOR METALS

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

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

There was no objection.

Mr. OLIVER P. BOLTON. Mr. Speaker, I have introduced to the House of Representatives a joint resolution providing for the recognition of the 50th anniversary of the American Society for Metals.

Under the resolution, the Congress would extend its official recognition and

golden anniversary congratulations to the American Society for Metals, and the Metals Materials Exposition and Congress, which it sponsors, and to the metal industry represented thereby.

The resolution further provides that the President of the United States is authorized and requested, by proclamation or in such manner as he may deem proper, to grant recognition to the said society and to its activities. The President is asked to call upon officials and agencies of Government to cooperate and participate in such Metals Materials Congress in any manner as might be appropriate.

The American Society for Metals, with headquarters at Metals Park, Novelty, Ohio, was organized in 1913 in Detroit by a group of steel treaters. The First World War at that time was making greater demands upon the metal producing industry and those charged with the production of metal and its treatment felt that steps should be taken to improve the knowledge and understanding of the working of metals. The idea was favorably received and the young society of "steel treaters" found that they attracted new members. Almost at the same time a Chicago group felt the need and they in turn organized to lift the standards of the industry. About 5 years later the two groups combined and formed one organization which has grown into a high level technical society with 35,000 members comprised of metallurgists, atomic scientists, industrialists, teachers, editors, and many others.

In the 50 years that the American Society for Metals has served, metal-working has been transformed from an art to a high-level science. One of the great contributions that the society has made is in the correlation of metal-working materials and the publishing of metal textbooks. It is the largest publisher of such texts in the country and its "Metals Handbook" is now being revised and being brought out in seven volumes. It is the standard reference of its kind.

The society's Metal Engineering Institute, a home and in-plant correspondent study course has graduated more than 7,000 technical workers who have been able to supplement their knowledge of the metals fields through this top level division of the society. "Metal Progress" and "Metals Review" are two major publications having wide readership in the industrial field. A new documentation service is now electronically scanning all literature in the metals field and recording it for use by those needing current information on what is being written.

There are 124 American Society for Metals chapters throughout the United States and Canada and there are members in Europe and Asia.

Two World Metallurgical Congresses have been sponsored by the society in 1951 and 1957, and upon these two occasions, the Congress of the United States extended resolutions of welcome. Upwards of 500 oversea metallurgists came to each of the two sessions.

The society annually presents the National Metal Exposition and Congress in various major cities. More than 300 learned papers are presented during the congress while some 400 metalworking companies participate in the exposition. It is quite an event, for attendance ranges between 25,000 and 30,000 for the week.

It is indeed a high honor for me to have the privilege of introducing this joint resolution to the House of Representatives.

Good performance is always deserving of recognition, and it is my ardent hope that the Congress of the United States will expeditiously act to approve the joint resolution.

CIVIL RIGHTS LEGISLATION

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

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

There was no objection.

Mr. PRICE. Mr. Speaker, we are going into a period of strain and difficulty for Members of the Congress on the issue of civil rights. It is the conviction of many of us that the President must be supported and sustained on the legislation he submits to seek from the Congress a moral commitment that has not previously been made in this century.

A brave man was buried in Arlington Cemetery yesterday, June 19. He was a man who had worn the uniform of his country's Armed Forces. He was a man who had challenged certain customs, convictions, habits, prejudices, and traditions. Few will deny that both as soldier and citizen he served the high interests of our people.

The tradition of freedom—the tradition that this country means what it says when it says "all men are created equal"—is the fact we have been seeking to prove in all our history.

Medgar Evers was slain from ambush—slain near the doorstep of his home—because he joined in a movement for freedom, for plain, simple, immediate full citizenship in America.

It would ill become any one of us to speak unkindly of others who disagree with a viewpoint. All of us have faults enough and all of us share the blame that the Negro American feels he has been compelled to civil disobedience to vindicate his rights to equal treatment in education, housing, civility, and economic opportunity.

Medgar Evers engaged in no violence or crime. He was a leader of an organization that moved to assert citizens' rights through procedures of law, through the judicial processes and the courts of the United States.

Nevertheless he was slain.

There comes a time when turning points are reached, and I suggest that the burial of Medgar Evers at Arlington National Cemetery is a symbol that will not soon be forgotten.

We must deal with the question of a moral commitment from the Congress to the cause of equal rights—not superior rights but equivalent rights.

The right of every American to vote equally, to be educated equally, to have equality of job opportunities, is incontestable. And each individual has a right to recognized dignity regardless of race, creed, or class.

Against this no sophistry can stand. Not in the North or South, not in New York or California, not anywhere else.

I hope the Congress will enter the debates and the discussion of these issues with constructive and creative sentiments, not with antagonism.

This a time of great opportunity as well as of crisis.

Let us stand up like men and seek to meet our obligations. Let us speak to each other kindly even when we speak with different beliefs. And let us move with courage and integrity to meet our plain obligations. We owe the American people a declaration from our highest legislative body that the Negro American, as well as all others, is a full American.

THE PROPOSED MILITARY BUDGET

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

There was no objection.

Mr. RYAN of New York. Mr. Speaker, Prof. Seymour Melman, of Columbia University, has edited a study of the military budget entitled "A Strategy for American Security." On March 29, 1963, I posed to the Secretary of Defense, Robert McNamara, a series of questions concerning the study. On April 11, 1963, Assistant Secretary of Defense, Charles J. Hitch replied for Secretary McNamara. On June 3, 1963, Prof. Seymour Melman wrote to me commenting upon the points made in the Department of Defense letter.

Military spending is the largest item in the budget, accounting for some $55 billion. It deserves the most careful scrutiny. The exchange of correspondence raises significant questions about our military posture. I hope my colleagues will benefit from the following letters:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 29, 1963.

Hon. ROBERT MCNAMARA,
Secretary of Defense, Department of Defense, Washington, D.C.

DEAR MR. SECRETARY: I would appreciate it if you would prepare an analysis of the enclosed CONGRESSIONAL RECORD insert of a report by Prof. Seymour Melman, of Columbia University. Specifically, I am interested in the answer to the following questions:

1. Does the United States have an overkill capacity in relation to the Sino-Soviet bloc? If so, what is the quantity and quality of that capacity?

2. Does the United States have an overkill capacity in relation to the Soviet Union? If so, what is the quantity and quality of that capacity?

3. Professor Melman suggests cutting the procurement item in the budget by $6 to $10 billion. Is this feasible? If not, what are the arguments in support of the $16,725 million allocated for military procurement in the fiscal year 1964 budget?

4. Professor Melman proposes the elimination of the $1,480 million military assistance

fiscal year 1964 budget request. Is this feasible? If not, what are the arguments in support of the continuation of a military assistance program of this size?

5. Professor Melman states that the dominant cause of the unfavorable U.S. balance of payments is heavy dollar spending for military purposes abroad. How much has been spent abroad for U.S. military purposes since 1950? Please give a breakdown according to countries in which the funds were spent. Can you tell me what is the value of the claims in gold which each of these countries currently hold against the United States?

6. According to Professor Melman, the $2,893 million fiscal year 1964 budget request for Atomic Energy can be cut by $2 billion. Is this feasible? If not, what are the arguments in favor of continuing the Atomic Energy program with an appropriation in excess of $2 billion?

7. Professor Melman suggests eliminating the $28 million allocated in the fiscal year 1964 budget for continuation of the stockpiling of strategic and critical materials. Is it feasible to eliminate the continued stockpiling of strategic and critical materials? If not, what are the arguments in support of the fiscal year 1964 budget request?

8. Professor Melman states that the military industrialists have taken no serious steps toward blueprinting the conversion of their firms from military to civilian economies. Can you tell me what steps have been taken, particularly in those industries involved in the production of weapons which are slated to become obsolete in the next 5 years. Do you feel that these steps are adequate?

9. Professor Melman implies that a test ban treaty would increase our chances of preventing the spread of overkill. Does this have any validity? What risks to the U.S. national security are involved in the spread of overkill? Can these be compared to the risks involved in the conclusion of a test ban treaty?

I look forward to your reply at your earliest convenience and thank you for your helpful cooperation.

With kindest regards,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 11, 1963.

Hon. WILLIAM F. RYAN,
House of Representatives.

DEAR MR. RYAN: Secretary McNamara asked me to reply to your letter of March 29. I would like to make two general comments on Professor Melman's article and then answer each of your numbered questions in turn.

The principal thesis of Professor Melman's memorandum is that U.S. nuclear forces are far in excess of what is, in fact, required and that a substantial reduction could be made without threatening our security. For a number of reasons he apparently feels this would actually enhance the prospects of peace and make some practical steps toward disarmament possible. This, I venture to say, is a delusion. The best hope of negotiating successfully with an aggressive power bloc, such as the Soviet Union and its satellites, is to deal from a position of superior strength—not parity or comparative weakness. The lack of powerful military forces certainly did not help Finland in its dealings with the Soviet Union in 1940. Nor did it assist Poland or France in 1940 when they faced the powerful and aggressive forces of Hitler's Germany. If history has taught us anything, it is that military weakness always increases the likelihood of war since it tempts the aggressor with the prospect of a quick and easy over victory.

Second, I do not agree with Professor Melman's view that we can maintain our military strength without continuing large outlays for research and development. Military technology, today, is moving so fast that any relaxation in our current effort to stay ahead of our opponent may cost us a lead which we may never recover. One has only to contemplate our present effort to catch up with the Soviet Union in the ability to launch heavy payloads into earth orbit and into space, to realize how difficult it is to recover a technological lead once it is lost.

Similarly, it would be fatal to our security to cut in half the rate at which we are modernizing our forces. Most of our major weapons and equipment have very long procurement leadtimes and once the production lines are closed down, it takes a great deal of time and money to start them up again. What is needed, both from a military and economic point of view, is a steady, stable level of procurement over the years. There is nothing more wasteful in the defense effort than sharp increases and decreases in defense procurement.

Now with regard to your specific questions, the first two deal with the same problem—"overkill."

1 and 2. While Professor Melman's calculations with regard to "overkill" might appear, to the layman, quite persuasive, he completely misses the main point. Because we must be prepared to absorb the first blow, i.e., a massive nuclear surprise attack, we must have sufficient forces in being to survive that attack with enough power remaining to destroy the attacker. As the Soviet Union continues to build up its ICBM forces, our manned bombers on the ground will become increasingly vulnerable to surprise attack. That is why we have increased from one-third to one-half the proportion of the bomber forces to be maintained on a 15-minute ground alert, the warning time we expect to get from our ballistic missile early warning system. This point Professor Melman completely ignores in his calculation. In all prudence, we can only count on those bombers maintained on a 15-minute ground alert, and that means about half the B–52's and B–58's shown in Professor Melman's table. The B–47's will be phased out of the forces completely within the next few years as the Minuteman and Polaris missiles come into the force in greater numbers. Furthermore, some of the early Atlas missiles are deployed above ground and they too are highly vulnerable to surprise attack. Thus the problem is not simply the number of delivery vehicles in our inventory, but rather the number we can expect to have available after absorbing a massive surprise attack.

A second fundamental fallacy in Professor Melman's analysis is his assumption that we are interested only in attacking the enemy's cities. Our principal concern in the event of an attack upon this country is to destroy as quickly as possible the remaining strategic forces available to the attacker so as to minimize further damage to ourselves. For this purpose we need many more weapons than would be required simply to destroy Soviet cities. This requirement is completely overlooked by Professor Melman.

The strategic retaliatory forces recommended by President Kennedy and Secretary of Defense McNamara have been very carefully calculated. The steps involved in this calculation were outlined by Secretary McNamara in his statement to the congressional committees last year and I am enclosing as attachment 1 the pertinent portions of that statement. I am sure that you will agree after reading this extract that the problem of determining the size and character of the strategic retaliatory forces required to assure our safety is a much more complicated process than Professor Melman apparently realizes.

3. It is impossible to comment meaningfully on Professor Melman's proposal to cut $6 to 10 billion from the fiscal year 1964 budget request for military procurement in the absence of some indication of the specific types of items he would eliminate. In any event, his proposal obviously reflects a drastically different evaluation of our national security needs in the years ahead than ours. The President's budget request for military procurement has been explained and justified to the appropriate congressional committees in great detail. Rather than attempt to summarize that justification here, I am enclosing a copy of Secretary McNamara's statement on the fiscal year 1964 budget which spells out his assessment of the threat and explains the rationale for the program that has been proposed.

4. Professor Melman's premise that the funds provided under the military assistance program are primarily for the further improvement or expansion of the military forces of the free world is quite inaccurate. A very significant portion of the funds are devoted to the maintenance of forces already in being and any sizable cut in the MAP budget would have the effect of reducing the size and effectiveness of the forces of many of our allies, especially those less economically developed nations, such as Korea, Vietnam, Pakistan, and Turkey, which are on the very borders of the Communist bloc.

While we firmly believe that the military assistance program is of critical importance to our security, we are continually reviewing it to ensure that the funds provided are needed and can be used effectively. Indeed, President Kennedy has within the past week recommended to the Congress that the fiscal year 1964 program be reduced by $75 million. However, we feel that further sizable cuts would very adversely affect the military posture of the recipient nations and the complete elimination of the program would be disastrous to the security of the free world and therefore to the security of the United States. No responsible person to my knowledge has ever proposed such a dangerous action. As a committee of distinguished citizens, headed by Gen. Lucius Clay, reported last month:

"In examining our national interest in foreign military and economic assistance, the direct relationship to free world security is most evident in the defensive strength of those nations which, in their contiguity to the Communist bloc, occupy the frontier of freedom * * *. These countries are now receiving the major portion of U.S. foreign assistance but are also providing more than 2 million armed men ready, for the most part, for any emergency. While their armies are to some extent static unless general war develops, they add materially to free world strength so long as conventional military forces are required. Indeed, it might be better to reduce the resources of our own defense budget rather than to discontinue the support which makes their contribution possible."

President Kennedy in his recent foreign aid message has also pointed up the key role played by our military aid program:

"Our military assistance program has been an essential element in keeping the boundary of Soviet and Chinese military power relatively stable for over a decade. Without its protection the substantial economic progress made by underdeveloped countries along the Sino-Soviet periphery would hardly have been possible. As these countries build economic strength, they will be able to assume more of the burden of their defense. But we must not assume that military assistance to these countries—or to others primarily exposed to subversive internal attack—can be ended in the foreseeable future. On the contrary, while it will be possible to reduce and termi-

nate some programs, we should anticipate the need for new and expanded programs."

5. While I cannot agree with Professor Melman that military spending overseas is the "dominant" cause of our present unfavorable balance of payments, there is no question but that it is an important element. As a consequence, in order to reduce the unfavorable payments effect of our oversea military deployments without compromising our ability to carry out essential military missions, the Defense Department has undertaken a wide-ranging program not only to achieve economies in our own spending but also to persuade our allies to make offsetting purchases of U.S. military goods and services. In recent years, net U.S. defense expenditures entering the international balance of payments have averaged $2.6 billion per year. During 1962 we succeeded in reducing this figure to about $2 billion and by 1966 we hope to bring it below the $1 billion mark.

The balance-of-payments problem and its relationship to the defense program is discussed in greater detail beginning on page 25 of Secretary McNamara's 1964 defense budget statement, which is enclosed. Also enclosed (attachments 2 and 3) are tabulations of U.S. military expenditures entering the balance of payments and short-term dollar claims held by foreigners, which you requested in your letter.

6. Professor Melman's recommended reduction of $2 billion in the budget request of the Atomic Energy Commission would certainly have a much wider impact than merely halting the further production of warheads. A cut of that magnitude could well force the cancellation of the entire military program, including basic research, development of small portable reactors for producing electric power, development of reactors for ship propulsion and a number of other programs that are completely unrelated to warhead development or production. Moreover, part of the nonmilitary portion of the AEC's program would necessarily be affected as the remaining $893 million would be inadequate to support that portion of the program. In fact, there are a number of fixed costs such as the procurement of uranium concentrates and the vast amount of electric power required for the AEC's operations which would absorb most of the $893 million. Nearly one-quarter of the entire proposed 1964 AEC budget is required just for these two items. Even if actual operations were sharply cut back, these costs could not be significantly reduced in the near future because of the long-term contracts, many of which are international in scope, under which the power and raw materials are procured. Therefore, I believe it should be clear that a cut of the magnitude recommended by Professor Melman would not just stop the further production of warheads, but would virtually cripple the entire atomic energy program—nonmilitary as well as military.

But, more important, the continued production of warheads is essential to our future military strength. Not only must we continue to introduce new weapons into our forces, we must also improve the warheads of existing weapons. Military technology continues to move forward for us and our opponents, and we would indeed be foolhardy to permit ourselves to fall behind in this vital area.

7. Professor Melman's recommended deletion of the $28 million allocated for stockpiling of strategic and critical materials is apparently based on his judgment that present stockpiles are more than adequate and that further accumulation would be senseless. However, the $28 million recommended includes only about $1 million for the procurement of new materials (specifically jewel bearings) with the remaining $27 million required to manage the current inventory, to maintain the national industrial equipment reserve, and to dispose of excess materials. Therefore, if his objective is merely to halt any further expansion of the stockpile, a cut of about $1 million would be appropriate.

8. With respect to planning for the conversion of military production facilities to civilian purposes, reponsibility for leadership at the Federal level lies with the U.S. Arms Control and Disarmament Agency. To this end they have conducted or have sponsored a number of studies of the economic problems which would be involved if arms production were to be significantly curtailed. However, I am sure you will recognize that the major responsibility in a free economy such as ours must fall on the individual companies affected. In recent years, many of these companies, some of whom were almost wholly dependent on military contracts, have made major efforts to diversify. The success of these efforts and the quality of private industry planning, of course, differ markedly from one company to another. However, since this is essentially the private business of private companies, the degree to which the Federal Government can participate directly in such planning appears to be limited. What the Government can do is to study the problem in its broadest outlines, develop the data necessary for private planning and make this data available to private industry. This is being done.

In the Department of Defense we are actively interested in this problem, especially with respect to the economic dislocations which occur when the military requirement for the product of a particular company or the facilities of a particular Defense installation disappear. To help meet this problem, we have established an Office of Economic Adjustment in the Office of the Secretary of Defense to work with the companies and communities affected. We hope that by making clear as early as possible our intention to close a base or cease procurement of a certain item and by marshaling the resources of other Government agencies, such as the Area Redevelopment Agency and the U.S. Employment Service, we can lessen the economic impact of changes in the Defense program. The experience we are obtaining from these current efforts would, of course, be applicable in the event of a major curtailment of our military effort.

I believe these steps are adequate under the present circumstances. Although we are urgently continuing our efforts to find some way to slow down and halt the arms race, our opponents do not appear to be ready for really serious discussions of this problem. Meanwhile, the United States is the only major nation which has established a specialized agency to work on the problems of disarmament and arms control.

9. Irrespective of the overkill issue, there is little question but that a test ban treaty is a necessary step in reducing the likelihood of the spread of nuclear weapons. And the greater the number of nations that possess nuclear weapons, the greater is the chance that these weapons will be used. As President Kennedy stated recently, "I see the possibility in the 1970's of the President of the United States having to face a world in which 15 or 20 or 25 nations may have these weapons. I regard that as the greatest possible danger and hazard." Therefore, if it would help prevent a further spread of these weapons, a test ban would have great advantages. There would, of course, also be certain risks involved, i.e., the danger that our opponents could secretly test and thus gain some advantage in nuclear weapons technology. However, we believe that the treaty proposed by the United States and now being considered in Geneva would prevent any clandestine testing of a magnitude needed to significantly alter the military balance between the United States and the U.S.S.R. Accordingly, we have continued our efforts to negotiate such a treaty with the Soviet Union. But, as Secretary McNamara told the House Appropriations Committee, "* * * we mean to leave nothing to trust or to chance."

I hope I have answered your questions regarding Professor Melman's article. You will find a much more detailed treatment of most of the questions in Secretary McNamara's statement on the fiscal year 1964–68 defense program and 1964 defense budget (attachment 4).

Sincerely,

CHARLES J. HITCH,
Assistant Secretary of Defense.

JUNE 3, 1963.

HON. WILLIAM FITTS RYAN,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RYAN: Please accept our appreciation for your initiative in addressing a set of questions to the Secretary of Defense on March 29, 1963, and for allowing us to read the reply from the Department of Defense, and to respond.

Our central finding is that the policies and the budget of the Department of Defense are based upon technically obsolete assumptions, and that the military aspects of security policy are being given resources so vast as to result in the depletion of America's security position as a whole.

I. SURPLUS DESTRUCTION

Your first two questions to Secretary McNamara concerning overkill capability with respect to the Soviet Union and the Sino-Soviet bloc are vital. The Assistant Secretary of Defense, Mr. Charles J. Hitch, replying for Secretary McNamara, did not respond directly to either of these questions. In our report, "A Strategy for American Security," we estimated overkill capability from the strategic forces data that were compiled for the countries of the Communist bloc and the West by the Institute of Strategic Studies in London. Even after these data are conservatively assessed, the United States has overkill capability (in relation to Russia's population and industrial centers of more than 100,000 or more inhabitants) by a factor of 1,250 times.

All such estimates of overkill must be arbitrary, since they are based on assumptions concerning attrition and delivery capability. Whatever allowance is made—in a reasonable range—the result indicates large-scale overkill capability by the United States in relation to the Soviet Union and the Soviet bloc as well.

Let us assume, for example, a set of extreme conditions of U.S. strategic vehicle attrition from all causes, with the following resulting nuclear delivery:

Effective strategic power after massive attrition

	Vehicles	Total warhead power (in megatons)[1]
10 percent of 600 B–47 bombers	60	600
10 percent of 600 B–52 bombers	60	1,200
10 percent of 100 B–58 bombers	10	200
10 percent of 1,150 Navy aircraft	115	115
5 percent of 200 Atlas-Titan missiles	10	10
25 percent of 240 Polaris missiles	60	60
25 percent of 500 Minuteman missiles	125	125
Total	440	2,310

[1] Million tons TNT equivalent.

This effective power has an overkill factor of 231, after drastic allowances for attrition.

Our calculations with regard to the Soviet Union show overkill with relation to the United States by a factor of 145 times.

These estimates of overkill, bypassed in the letter from the Department of Defense, are the fundamental challenge to the central thesis set forth by Mr. Hitch.

Mr. Hitch writes: "The best hope of negotiating successfully with an aggressive power bloc, such as the Soviet Union and its satellites, is to deal from a position of superior strength—not parity or comparative weakness." The very essence of the present military condition is that once both sides enter into the range of more than 100 times overkill, superior strength no longer has any military meaning.

Where finally deliverable offensive power is a multiple of one total kill, then the calculated multiples of total kill are no measure of either superiority or inferiority, on the offensive side. On the defensive side, once the attacking capability has passed the factor of 100 times, then defensive operations become totally vulnerable. For defensive capability of even 99 percent effectiveness would still leave at least total kill.

From this standpoint of surplus destruction, Mr. Hitch's reference to the experience of the last world war: Finland vis a vis the Soviet Union, Poland and France vis-a-vis Germany—teaches us very little for the present situation. The new condition of strategic military operations makes the traditional military understanding of victory and defeat into categories that have been rendered technologically obsolete.

II. TECHNOLOGICAL LEAD

Under the preoverkill condition of military technology and operation, it was meaningful to calculate technological leads and the importance of research and development for staying ahead of an opponent. Under the new condition of multiple overkill on both sides, the traditional idea of staying ahead in research and development has no military meaning. Technological lead is being discussed by the Department of Defense as though we were confronted with the conditions existing during the last world war.

III. SECOND STRIKE AND COUNTERFORCE

The Department of Defense analysis as presented by Mr. Hitch holds that our calculations of overkill are not to the point, since the strategy of that Department is to build up a force so great as to be able to absorb a first blow from the Soviet Union, and then to reply with a counterstroke heavy enough to halt any further nuclear exchanges.

In a "Strategy for American Security" we noted that, in 1960, Dr. Jerome Wiesner, new science adviser to President Kennedy, wrote:

"Studies made independently by the U.S. Army and Navy have indicated that, even in the absence of [international] agreements limiting force size and permitting inspection, 200 relatively secure missiles would provide an adequate deterrent."

The first point to be noted here is that if 200 missiles were regarded as an adequate deterrent in 1960, 940 intercontinental missiles available in 1963 should be more than sufficient.

On page 29 of Secretary McNamara's statement to the Congress he says:

"Last year I told this committee "there is no question but that, today, our Strategic Retaliatory Forces are fully capable of destroying the Soviet target system, even after absorbing an initial surprise attack.' This statement is still true.

"Allowing for losses from an initial enemy attack and attrition en route to target, we calculate that our forces today could still destroy the Soviet Union without any help from the deployed tactical air units or carrier task forces or Thor or Jupiter IRBM's."[1]

[1] Statement of Secretary of Defense Robert S. McNamara before the House Armed Services Committees, the fiscal year 1964–68 defense program and 1964 defense budget; Jan. 30, 1963.

It should be noted that our estimates of overkill are merely a quantitative expression of the basic military condition described by Secretary McNamara.

In his statement, Secretary McNamara has carefully spoken of the "Soviet Union" and the "Soviet target system." As is noted below, he does not propose to interdict the Soviet military system. On page 30 of the statement, he wrote:

"In planning our second strike force, we have provided, throughout the period under consideration, a capability to destroy virtually all of the 'soft' and 'semihard' military targets in the Soviet Union and a large number of their fully hardened missile sites, with an additional capability in the form of a protected force to be employed or held in reserve for use against urban and industrial areas.

"We have not found it feasible, at this time, to provide a capability for insuring the destruction of any very large portion of the fully hard ICBM sites, if the Soviets build them in quantities, or of missile-launching submarines. Fully hard ICBM sites can be destroyed but only at great cost in terms of the numbers of offensive weapons required to dig them out. Furthermore, in a second strike situation we would be attacking, for the most part, empty sites from which the missiles had already been fired."

Mr. McNamara's qualifying phrase "at this time" has two possible meanings. First, those who favor a preemptive first strike can support the current buildup of strategic forces in the hope of somehow attaining enough power for a successful first strike. Second, the Secretary may be recognizing the lack of feasibility of interdicting hardened land-based missiles, carrying as much as 100 megaton warheads, or submarine based missiles.

The very last consideration noted by Secretary McNamara is of fundamental importance: an American reply to strategic military targets after a Soviet first strike would be a reply to empty holes. The Soviets would have to use all of their available striking power in any first strike, since their offensive capability is significantly less than that of the United States.

Finally, the second-strike-counterforce policy described by Mr. Hitch has the quality of allowing itself to become transformed into something quite different. A decision to strike back, only after a first strike has been made by the opponent, requires an answer to the question: What shall be the test of the occurrence of a first strike? Shall it be: The explosion of nuclear warheads in the U.S.? Evidence that such warheads are en route? Information that nuclear delivery vehicles are about to be launched? Information that mobilization for launching has been set in motion?

A search for military advantage can press toward the latter criteria. Then second-strike-counterforce can be transformed into preemptive first strike.

Policies that include strategic nuclear initiatives would seem to justify an ever-larger arsenal in the search for advantage, offensive and defensive. However, under the overkill conditions of military strategy, the quest for nuclear military advantage has been checkmated.

Yet the proposed 1964 military budget includes well over $12 billion for the procurement of additional strategic nuclear weapons, and the research and development on such weapons.

IV. THE NEW MILITARY CONDITION

Mr. Hitch has urged us to read Secretary McNamara's statement to the Congress justifying the military budget. What emerges from our reading of this statement, with utter clarity, is the failure of the Secretary of Defense and his advisors to take into account the transformation in the military strategic condition that has been brought about by the enormous accumulation of surplus destructive capability in the hands of both the United States and of the Soviet Union.

Our analysis of the military budget proposal for 1964 is based on the current, not the technologically obsolete, condition of military strategy. This analysis has been done within the limitations of the nonfunctional, inventory-type of budget publicly available. We have estimated the order of magnitude of reductions feasible in line with a maintenance-of-present-forces conception.

Our analysis leads to the conclusion that a sizable surplus of strategic power is in being; no addition is required. The West presently possesses conventional capability in excess of the Communist bloc nations. United States and allied forces have 8 million troops under arms; the Communist-bloc forces number 7.7 million. Western firepower is far in excess of the Communist bloc firepower. Transportation, logistical support, and tactical air support all are further developed in the West than in the Communist bloc.

In an effort to define a currently effective military system for the United States, we have undertaken a brief reexamination of the military budget for 1964. The maintenance of present forces budget is a step toward improving our country's total security position. This budget includes sufficient funds to maintain present strength, to effectively replace older equipment, and to maintain any plausible rate of research, development, and procurement of conventional weapons.

The policies of the Department of Defense have the quality of committing the operation of this enormous military machine to the pattern of suboptimization (which is not widely practiced in the Department of Defense, alone, but also in many other large organizations, governmental and private). Suboptimization means that each of the various subsections of a large organization operates to improve its particular product or function. In the Department of Defense, one group works on a better missile, another on a better vehicle, a third on a better warhead, etc.

The new military situation, however, is such that the total military power of the United States can no longer be described as the sum of the efficiency of the various components. Under the new condition of nuclear capability, nuclear military power has reached its limiting point. The underlying limitation is the inability to destroy a population more than once. This limitation remains to be taken into account in our military policy.

May I call your attention to the attached pages in which we have summarized the conventional reasoning of the Department of Defense (which underlies its budget proposal) and the new reasoning made necessary by the strategic conditions of overkill in military affairs?

V. BUDGET REDUCTION

Your third question concerns the feasibility of major reductions in the military budget. We respectfully call your attention to the attached itemization of possible areas of budget reduction. Our calculation leads to the conclusion that a range of possible reductions (from $16.45 to $25.65 billion) is conceivable. The detailed determination of these reductions requires the sort of functional analysis of the military budget that is possible only with the detailed data that are available within the Department of Defense.

May I suggest that it is within the competence of an appropriate committee of the Congress to undertake a review of the military budget based on the criteria suggested here.

VI. MILITARY ASSISTANCE

Your question four on the military assistance item deserves special comment. In our report, a paper by Prof. Edwin Lieuwen suggests that military assistance in Latin America is of doubtful value as a contribution to the security of the United States. The equipment, and the personnel trained at American expense, have been used repeatedly for installing and sustaining totalitarian regimes. Accordingly, we have suggested the importance of reviewing and revising the military assistance category with a view of making major reductions, to eliminate politically negative operations while retaining military support such as that given to India in order to offset Chinese Communist incursion.

VII. THE GOLD RESERVE

Mr. Hitch is not responsive to your fifth question concerning the role of military disbursement abroad as a primary factor causing the unfavorable balance of payments and the drain on American gold in the last decade. This matter has been extensively considered by the President's Council of Economic Advisers. In their report to the President in January 1962, the Council wrote:

"U.S. military outlays in foreign countries have averaged nearly $3 billion annually during the last 6 years, even after foreign purchases of military equipment in the United States are deducted."

These expenditures more than offset our favorable balance of trade.

VIII. ATOMIC ENERGY COMMISSION

Mr. Hitch's reply to your question No. 6 on the feasibility of reducing the AEC budget must be regarded as remarkable. The reason given by us for a reduction of two-thirds of the proposed AEC budget is the existence of stocks of warheads so vast as to be at least twice the total stock that could be delivered by all available delivery vehicles. Under these conditions, we regard it as only prudent to call a halt to stockpiling for surplus destruction. In response to this analysis, Mr. Hitch tells us that a two-thirds cut, which would leave $893 million, could well force the cancellation of the entire military program including the development of small portable reactors, etc., for producing electric power, development of reactors for ship propulsion, and a number of other programs.

He goes on to argue that a quarter of the proposed budget amount is for the purchase of electric power, and that there is another fixed cost in the form of contracts for procurement of uranium concentrate.

I would think that with $2 billion of national wealth at stake, a way could be found to deal with the cancellation or termination of industrial activities which result in no meaningful addition to military power, and in an enormous drain on the resources of the United States.

IX. STOCKPILING

The response that Mr. Hitch gives to the stockpiling question (No. 7) is revealing. We are advised that only $1 million is for new material and that $27 million is "to manage the current inventory." Has the Department of Defense piled up an inventory of more than $5 billion in raw materials for fighting what is now described as a 30-day conventional war in Europe? This inventory demonstrates the degree to which the Department of Defense has been operating on the assumption that the Second World War is to be repeated; only such an assumption would justify the piling up of this sort of inventory.

X. INDUSTRIAL CONVERSION

Mr. Hitch's reply to your question eight concerning preparation for conversion of industrial facilities from military to civilian work is so frivolous as to be astonishing. Mr. Hitch says:

"Planning for the conversion of military production facilities for civilian purposes lies with the U.S. Arms Control and Disarmament Agency."

That Agency now has a Chief of the Economic Section, and two men under him devote themselves to these problems. The total budget of the entire U.S. Arms Control and Disarmament Agency for 1963 is scheduled at $6.5 million.

Mr. Hitch asserts: "I am sure you will recognize that the major responsibility in a free economy such as ours must fall on the individual companies affected." In connection with the operation of the Department of Defense, no such assumptions are utilized. Instead, the Department of Defense has developed an elaborate system of managerial control with respect to the contracting firms to insure their compliance with the wishes of the Department: study contracts, research and development contracts, production contracts, are all developed between the Department of Defense and various contracting agencies in elaborate detail. A major proportion of the contracts which are let by the Department are not even open to competitive bids.

During the past 10 years, the Department has built up an elaborate system of dependence upon its operation among the various industrial firms and has refused to alter that condition. For example, a year ago, I met with officials in the Office of Economic Adjustment, of the Department of Defense, to invite their participation in a New York management conference on industrial conversion. They responded saying that they could not participate since General LeMay would not approve of any activity which would cause various military contractors to give other than undivided attention to the requirements of the Air Force.

Mr. Hitch says: "What the Government can do is to study the problem in its broadest outlines, develop the data necessary for private planning, and make this data available to private industry. This is being done." The point is precisely that this is not being done. Furthermore, there seems to be a sustained, if discreet pressure, against generating such a competence among the firms involved.

XI. TEST BAN

Your last question, Mr. Congressman, concerns the test ban issue and the possible effect of our recommendation for the maintenance-of-forces military budget on the test ban treaty.

In my judgment, the situation is this: once we, in the United States, understand the transformed condition of offensive and defensive operations under conditions of multiple overkill, the "risks of the test ban" are seen in a new light.

At the very worst, what risks are involved in the Soviet acquiring 10, or 20, or 100 percent more overkill capability if, as we have calculated their competence is in excess of 100 times overkill? The gain to be had from an international test ban agreement which might halt the spread of nuclear weapons is so great as to justify whatever risks may be involved.

If the security of the United States is a combination of political, military, and economic strength, then the pursuit of surplus destruction, which is seriously jeopardizing our economic and political power, must be reevaluated.

May I thank you once again, Congressman RYAN, for your constructive initiative in undertaking this exchange of correspondence on our country's problems.

Sincerely,

SEYMOUR MELMAN,
Professor of Industrial Engineering.

Possible major budget reductions

[In billions of dollars]

	Proposed Budget	Possible budget reduction
Procurement:		
Procurement of equipment and missiles, Army	3.2	1.0 - 2.0
Procurement of aircraft and missiles, Navy	3.0	2.0 - 3.0
Shipbuilding and conversion, Navy	2.3	1.0 - 2.0
Other procurement, Navy	1.2	.5 - 1.0
Aircraft procurement, Air Force	3.5	2.0 - 3.0
Missile procurement, Air Force	2.1	1.0 - 2.0
Other procurement, Air Force	1.0	.0 - 1.0
Total		7.5 -14.0
Research, development, tests, and evaluation:		
R. & D., tests, and evaluation, Army	1.4	1.0 - 1.2
R. & D., tests, and evaluation, Navy	1.5	.8 - 1.3
R. & D., tests, and evaluation, Air Force	3.6	3.6 - 3.6
R. & D., etc., Defense agencies	.4	.4 - .4
Emergency fund, Defense	.15	.15- .15
Total		5.95- 6.65
Atomic Energy Commission	2.9	2.0 - 2.0
Military assistance	1.5	.5 - 1.0
Miscellaneous	2.0	1.0 - 2.0
Grand total		16.45-25.65

CIVIL WAR CENTENNIAL OBSERVANCES TO BE HELD AT GETTYSBURG, PA.

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

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

There was no objection.

Mr. GOODLING. Mr. Speaker, many Members have asked for information regarding the Civil War Centennial Observances to be held at Gettysburg, Pa., on July 1, 2, and 3.

As a part of my remarks I include the highlights of the program, and also an original poem by Col. Sidney Morgan, U.S. Army, retired.

PROGRAM

JULY 1, OUR HERITAGE—2 P.M. AT THE ETERNAL LIGHT PEACE MEMORIAL

Appropriately, the 1963 commemoration will begin at the Eternal Light Peace Memorial on the site of the first day's clash of the 3-day Battle of Gettysburg. A new generation will assemble in a spirit of unity and brotherhood.

The highlights of the first day afternoon program are:

A mass tribute by the Governors or distinguished representatives of States whose troops fought and fell at Gettysburg.

An address by the Honorable William W. Scranton, Governor of Pennsylvania.

A dedication of the Gettysburg commemorative stamp by the Honorable J. Edward Day, Postmaster General.

A presentation of deeds to additional battlefield land by the Pennsylvania Commandery of the Military Order of the Loyal Legion and the Gettysburg Battlefield Preservation Association to the Honorable John A. Carver, Jr., Assistant Secretary of the Interior.

A rededication of a new torch of peace by youthful descendants of those honored dead and posting of the State flags to musical accompaniment.

JULY 1–3, VIGNETTES OF HISTORY—JULY 1–3, 9 A.M. TO NOON

A series of episodes dealing with the daily behavior of men under the stress of battle will be staged near the very spots where they are supposed to have occurred. They will be dramatized continuously each morning. "Vignettes of History" will be presented at Spangler's Spring, Devil's Den, Meade's Headquarters, Barlow's Knoll, and at points within the town itself. They are written and produced by Mrs. Roy Gifford of the Adams County Centennial Committee.

JULY 2, STRENGTH THROUGH UNITY—PAGEANT PARADE 1 P.M.

On the second day, a 2-hour pageant parade representing the elements of U.S. history which have built the military might of our Nation will pass through the streets of Gettysburg where the battle raged 100 years ago. Maj. Gen. Henry K. Fluck, Commander of the 28th Infantry Division of the Pennsylvania National Guard, will be grand marshal.

More than 5,000 members of the Armed Forces, the First City Troop of the Philadelphia Cavalry, the 1st Battle Group of the 3d U.S. Infantry, Pennsylvania National Guard and Reserve components will march in the modern military division of the parade.

More than 1,500 Sons of Union Veterans, members of the Confederate High Command, reactivated Civil War units and North-South Skirmishers Association—all in traditional blue and gray—will parade in the historical division. They will march to the music of bands from Illinois, New York, Maryland, Virginia, Pennsylvania and North Carolina. One of the most interesting bands will be the pride of Tarheelia, the famed North Carolina 26th Regiment Band, playing original instruments and arrangements of the Civil War.

JULY 3, HIGH WATER MARK—3 P.M. AT CEMETERY RIDGE

The decisive climax of the 3-day battle of Gettysburg will be memorialized by more than 1,000 men in blue and gray.

On July 3, 1963, at 3 p.m.—precisely 100 years later—500 men in gray with Stars and Bars flying will emerge as though from the past to cross that fateful field in a dramatization of that storied southern charge. And, at the Bloody Angle of the Stone Wall, near the same copse of trees where the assault was stopped on Cemetery Ridge, 500 men in blue with their own traditional flags will resolutely await them.

But this time there will be no combat or carnage. Instead, the blue and the gray will join in fellowship to pledge their common allegiance to that symbol of today's unity—the Stars and Stripes.

Representing the Union soldiers will be Sons of Union Veterans, reactivated Civil War units and North-South Skirmishers Association under the command of Col. O. G. MacPherson, commanding officer of the Sons of Union Veterans National Military Department. The Confederate troops will be members of the Confederate High Command and reactivated Civil War units under general in chief of the CHC, Donald Ramsay.

Special events

The Gettysburg Fire Company's 15th annual memorial program on June 30 at 7:30 p.m. will present former President Dwight D. Eisenhower as principal speaker.

The National Park Service will conduct a campfire program each evening in Pitzer's Woods on West Confederate Avenue. The program features the 30-minute MGM color film, "The Battle of Gettysburg."

The Story of the Flag by the 1st Battle Group, 3d U.S. Infantry, Fort Meyer, Va., July 2 at 7:30 p.m. at the Eternal Light Peace Memorial.

All churches of Gettysburg will be open for meditation during the commemoration. In addition, all clergymen will use as the theme for Sunday, June 30, "This Nation Under God."

Exhibits and displays

Numerous interesting displays will be on exhibition during the centennial. The Department of Defense Civil War exhibits and the post office Gettysburg commemorative stamp designs will be on display in the Gettysburg Joint Junior High School on Baltimore Street. The fabled Civil War locomotive, "The General," will be spotted at Western Maryland Railway freight station on Stratton Street. Currier & Ives Civil War prints will be at the Visitor Center.

GETTYSBURG—THE FIRST DAY, JULY 1, 1863

Arise and shine! Prepare to weep—
You drowsy, peaceful, Pennsylvania cross-roads town,
Your slumber's over—your youthful sleep!
Henceforth—unsought—yet inescapably—renown
Will press upon you a sad yet shining crown
In memory of these days of racking, violent loss
Because your handy, star-shaped road net lay across
Not only paths of armies, South and North—
But the very tide of history itself surging forth—
Traps you in its foaming, roaring flood
To mark the crest of epic strife
In another sea of blood.

Last night those bars of red across the mottled sky
Flashed you a portent, a clutching panic dread
As Buford's tired Blue horsemen stumbled by,
Saddles creaking, scabbards, blades, clinking—a dusty hour,
To make another hard, weary-soldier bed
Beneath the watchful Lutheran Seminary tower,
Along the low westward-looking ridge
Fronting the railroad cut, McPherson's Wood,
The brook, the worn little wooden bridge
Bearing the empty road to Cashtown.

From all of these the brief night through,
The patrols, the pickets, the outposts cast down
Behind the forward fences, searched with anxious eyes
The distant dim Blue Mountain wall which hid
The unwelcome thrust, now no surprise,
Of Gray legions questing warily for Blue—
Bound at some fateful, well-timed instant to break through
And sweep away in fire and fury—if they can—
These new guardians of your open western gate—
That thin Blue line of cavalry—horse, gun and man—
Poised now to prove whether guns too few and holding force too late.

Sure enough! There! Out of the hazy summer dawn,
As the night mists roll off and lift away,
Spread across the pike, the fields each side,
Dim lines of gray take shape, come flowing on,
Making the bushes shake and the briers sway.
Skirmishers! Undulating waves keeping stride!
Can the barefoot think as they wince along,
"What price, Gettysburg—those new shoes today,
"If you haven't sent them all away?"
But there's a terrible magnificence about them all,
More deeply stirring than that faint far trumpet call—
Not the threadbare uniforms, or the way the shot-torn flag folds fall—
Not the thin, brown bodies, bare heads, makeshift shoes,
The glinting musket barrels polished by constant use—
All impressive enough to a stranger's casual eye
Gazing on young-old soldiers again about to die.

But those battle-skilled, trim, steady lines
Driving relentlessly on with steel in their spines,
Are tested veterans, victors often in earlier strife,
Proud of themselves, their cause, their way of life.
The motley shirt, the butternut jean
Are a panoply covering far more than seen.
They drape an armor of spiritual steel
Which a hundred years later still make men feel
No knightly caparison ever more nobly worn
Than that poor butternut gray this grim summer morn.

Ah, yes! That shoeless boy in gray there who now forever sleeps?
He's won golden spurs and slippers to walk the golden streets.

—*Sidney Morgan.*

THE NAVY

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

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

There was no objection.

Mr. WILSON. Mr. Speaker, on April 10 of this year I informed my colleagues that the Navy was up to its old tricks again, by secretly and improperly mailing a bid set to a sole-source—no competition—supplier before the required determination and findings justifying such a purchase had been signed. Today I want to show that the Comptroller General has supported my charge. I also want to show that a top Navy official ignored a law enacted by the 87th Congress in issuing a procurement document for the AN/DRW 29 drone radio.

My April 10 presentation dealt with the no-competition purchase of this radio from Babcock Radios, Costa Mesa, Calif. I want to say here and now that I find no fault with Babcock. It is in business to make radios and it plays by the Navy rules. However, it was and still is my contention that a competitive procurement should have been undertaken for this equipment and that Assistant Secretary of the Navy for Installations and Logistics Kenneth M. BeLieu erred in signing a "D. & F." well after the procurement was locked up and on its way to completion.

Mr. BeLieu was not within the law when he signed the sole-source "D. & F." I referred to here on April 10, and my authority for this statement is Joseph Campbell, the Comptroller General. In answer to my request for information on the way the AN/DRW 29 was purchased,

Mr. Campbell wrote me on June 11. In answer to my specific question about the propriety of issuing a procurement document, getting the skids greased, and then later issuing the justification for the whole deal, Mr. Campbell said:

As to your question concerning the propriety of initiating a negotiated procurement prior to issuance of a determination and findings, the Departments' procedure in this procurement is apparently predicated upon the premise that 10 United States Code, sec. 2303(2), as implemented by the provisions of Armed Services Procurement Regulations 3-000(iii) and 3-102(b)(ii) requires a determination and findings only as a prerequisite to "making" or "entering into" a negotiated contract. While such construction, based solely on the language of 10 United States Code, sec. 2032(2), may have been justifiable prior to enactment of Public Law 87-653, it is our opinion that a similar construction of the law, as presently constituted, is no longer proper. A copy of our letter of today to the Secretary of Defense, recommending that appropriate revisions be made in the regulations, is enclosed.

Mr. Speaker, that law was passed October 15, 1962.

In that letter, Mr. Speaker, the Comptroller General outlines to the Secretary of Defense the case against issuing sole-source D. & F.'s after the procurement is well in progress, and says, in conclusion:

We suggest that your immediate consideration be given to amending the armed services procurement regulations to require written determination and findings prior to the issuance of requests for proposals.

There you have it, Mr. Speaker. The Comptroller General's statement that the Assistant Secretary of the Navy for Installations and Logistics, a man who should know more about ASPR and the United States Code than any other Navy official, ignored a law enacted by the 87th Congress. There you have the concrete evidence that the will of Congress still has not been fulfilled. I hope it will be soon.

For Mr. BeLieu to say he was ignorant of the change would be the height of folly since he and other procurement executives resisted its passage and were charged with such resistance during hearings held last summer.

Mr. Speaker, this is another reason why my bill, H.R. 4409, should be enacted into law. If the Assistant Secretaries of the Armed Forces will not keep abreast of the law and abide by it, then we in Congress must see that they do so. I know of no better mechanism than to institute a bipartisan joint congressional committee to ride herd on these Secretaries and the negotiated procurements they rubberstamp day after day after day, ad nauseam.

I think it also appropriate to call the attention of the House at this time to another of Mr. BeLieu's recent actions. Last year in hearings before the Armed Services Committee's Special Subcommittee on Investigations, the sole-source purchase of a radio identified as the AN/PRC 41 was being studied. Mr. BeLieu authorized that sole-source procurement, while I tried to force competition and a lower price that would save over a million dollars for the taxpayer.

On page 96 of the hearings, Mr. BeLieu was being questioned by the Honorable EDWARD HÉBERT, then chairman of the subcommittee. Mr. BeLieu assured my colleague:

I have issued instructions—and I am sure they are being followed—but there will be production drawings just as soon as possible on this first production run. This is part of our program, to get to the position of competition.

Mr. HÉBERT said the word "Anticipating"?—and Mr. BeLieu answered, "Competition." Mr. HÉBERT asked, "A new contract and a competitive contract" and Mr. BeLieu answered, "That is right."

You would think that meant the next time the AN/PRC 41 was bought it would be through competitive bidding, would you not? Well, on May 29, 1963, a procurement document was issued for the second purchase of the AN/PRC 41. Mr. BeLieu signed the D. & F.—attempting to justify a second sole-source award for the production of this radio, which shows how much his pledge to a committee of this Congress can be trusted.

That is the next case in the series I am presenting to show that H.R. 4409 is badly needed to bring about efficiency in military procurement. It will be presented early next week. I hope every Member studies it.

NATIVE DOMESTIC LABOR FOR AMERICA

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, we have been told that the termination of Public Law 78 will mean the end of agriculture in California and Texas. I do not share that belief, and wish to call the attention of this House to an article in the Sunday edition of the New York Times, which indicates that domestic labor can take up the slack easily. We do not need foreign contract laborers or coolies or anything of the kind. What we need is effective utilization of our own labor pool.

The editorial follows:

NEED OF BRACEROS IN WEST DISPUTED—SURPLUS OF FARMHANDS SEEN BY CALIFORNIA COMMITTEE

LOS ANGELES.—California has 150,000 surplus domestic farm workers available to take up any slack caused by the impending end of the Mexican bracero program.

That statement was made this week by the Reverend John G. Simmons, chairman of the emergency committee to aid farm workers. Mr. Simmons appealed to Al Tieburg, State director of employment, to make full disclosure of the names of bracero users in California.

"Employers of imported Mexican nationals have successfully hidden their identity behind the names of grower associations," Mr. Simmons said in the letter. He continued:

"All of the 143,562 different braceros in California in 1962 were employed by only 7,694 growers—8 percent of the 99,000 farmers in California. Most of this 8 percent used only a few of the total number, while the largest growers used the great majority of the braceros.

"There is not a shred of evidence that these large operators cannot afford to pay the cost of hiring American workers. And there is incontrovertible evidence that California's unemployed seasonal farmworkers are available to fill the jobs of braceros."

STATE RECORDS ARE CITED

Mr. Simmons cited social security records maintained by the State department of employment as showing that 407,799 domestic workers were employed at some time last year on the State's farms, but that the peak number hired at one time, in September, was only 258,000. This he said, indicated a total of almost 150,000 more farmworkers available than are employed at any one time.

"This is more than enough to replace the 72,900 foreign contract workers in California during the same peak period, and certainly enough to eliminate the need for braceros in all other periods," he said.

The Council of California Growers has maintained that the end of Public Law 78 this year will impose a particular hardship on small farmers.

The council says the labor gap cannot be filled by domestic hands in time to avert some losses to the State's $3 billion agricultural business.

Congress recently refused to extend the labor importation law, first passed as a World War II measure to combat labor shortages.

The emergency committee headed by Mr. Simmons contends that the use of braceros not only has kept farm wages low, but has also hurt the small farmer by making it harder for him to compete with large-scale employers.

WEST VIRGINIA'S 100TH BIRTHDAY

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HECHLER. Mr. Speaker, today marks the start of West Virginia's second century. On June 20, 1863, the Mountain State of West Virginia officially became the 35th State in the Union. On April 20 of that year, President Lincoln signed the proclamation stating in part:

Now, therefore, be it known, that I, Abraham Lincoln, President of the United States, do, hereby, in pursuance of the act of Congress aforesaid, declare and proclaim that the said act shall take effect and be in force, from and after 60 days from the date hereof.

The eloquent words of the Reverend Dr. Allen's prayer which opened the House of Representatives today brought to us the spirit of the people of West Virginia. Born during the fiery turmoil of war, blessed with an unquenchable thirst for freedom, the people of West Virginia have lived in the economic paradox of great mineral riches beneath the soil without a corresponding wealth among all the people.

Just what is the characteristic which marks the West Virginian? Our opening prayer today referred to "their respect and love for the land and their

kind brotherliness, one to another." In his searching analysis of the 1960 presidential campaign, "The Making of the President," T. H. White wrote of West Virginians:

These are handsome people and, beyond doubt, the best mannered and most courteous in the Nation. These are people who teach their children to say "Sir" and "Thank you" to their elders; they speak in soft and gentle tones. Moreover, these are brave people—no State of the Union contributed more heavily to the Armed Forces of the United States in proportion to population than did this State of mountain men; nor did any State suffer more casualties in proportion to population.

Perhaps an hour ago, standing in the driving rain in front of the State capitol building in Charleston, W. Va., were 10,000 men, women, and children. They were waiting for the President of the United States, who had promised to come back to West Virginia and help them celebrate their 100th birthday. President John F. Kennedy did not disappoint them. Flying from Washington, D.C., with Representatives Harley O. Staggers and John M. Slack, Jr., and U.S. Senators Jennings Randolph and Robert C. Byrd, President Kennedy landed at Kanawha Airport and drove through the city of Charleston to where the umbrella-shrouded throng was assembled. Bareheaded, he faced the crowd as the skies continued to open in torrents. What was said by the president of West Virginia University, Dr. Paul Miller, or the Governor of the State of West Virginia, the Honorable W. W. Barron, was significant and impressive, but the centennial crowd obviously wanted to hear the President of the United States.

President Kennedy reminded his listeners that he knew of no State whose people "have a greater sense of pride in themselves, in their State and in their country." The President pointed out:

In many other places this crowd would long ago have gone home, but this State was born in a period of difficulty and tension. It has known sunshine and rain in a hundred years.

He quite properly indicated:

I would not be where I now am; I would not have some of the responsibilities which I now bear, if it had not been for the people of West Virginia, and, therefore, I am proud to come back here on this rainy day and salute this State and join you in committing West Virginia and the country to another 100 years of progress. I salute West Virginia, and I will carry on Saturday when I go to Europe the proud realization that not only mountaineers, but also Americans, are always free.

THE 25TH INTERNATIONAL AIR AND SPACE SHOW—PARIS

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

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

There was no objection.

Mr. FULTON of Pennsylvania. Mr. Speaker, the International Air and Space Show in Paris, which took place on the 14th and 15th of June 1963, at Le Bourget Airport, was an outstanding exhibition of the highest level of ability. Flight demonstrations included military and civilian aircraft precision flying performed by Air Force teams from Italy, France, United Kingdom, and the United States. It was the largest international airshow to date, with 15 nations from both the free world and Iron Curtain being represented. Several years ago, I had the opportunity of attending the British air exhibit. It certainly gave me an opportunity of seeing how our own aeronautics policy in the United States had developed and in addition an opportunity to see the aeronautics of Great Britain.

Last May at the European American Space Assembly, U.S. representatives gathered at Brighton, England, to discuss with representatives of European countries advances and developments in aeronautical and space policies. This was most informative for all who attended and gave each who attended background in policy and program.

I had hoped to make the current trip to Paris for the 25th international air show, but the afternoon before the time to leave, I was advised to go to Bethesda Hospital for X-rays in connection with an injury which resulted in several broken ribs. I was able to get my brother, Robert Fulton, of Pittsburgh, to go as an observer and report to me on the points in which I was interested, as he has long experience in various matters in air and space in which I was particularly interested. My brother is an experienced businessman, being the treasurer of Pennsylvania Drilling Co. of Pittsburgh as well as the publisher of various weekly newspapers which I own in suburban Pittsburgh. Because his observations are of value to the Members of the House of Representatives and the public, I am giving the following report:

First. In placing emphasis on the space program, the Federal Government should not overlook the progress in aeronautics. The aeronautics development program should be emphasized and continued.

Second. European nations are further advanced on developments in planes than most U.S. citizens realize. Fast, efficient, and excellent-handling craft were greatly in evidence at the Paris air show, plus good piloting and maneuvering.

Third. The U.S. Government should convince the aircraft industry in developing hypersonic planes of 2,000-mile cruising speed and a 3,000- to 4,000-mile range, for peacetime purposes, as well as the development of the RS–70 bomber program.

Fourth. It is recommended that a joint hypersonic plane program be developed by the Western nations—France, Britain, Germany, and Italy. Each of these countries shows every capability of advanced development in the aeronautical high speed field.

Such a joint program would first, be more economical than the present proposed competition by the United States with these countries; second, remove the friction of competing with our allies in the field in which they are already making progress; and third, make possible a speedier and more efficient program, as we could pool the progress already made to date by the Western nations. Secrecy and trying to outwit the programs of other countries will cost the United States money, time, materials, and friendship.

These observations and recommendations for change of policy of the United States have my complete approval and I believe it is well warranted under the conditions that prevail today in the United States as well as the free world. We must today make broad general policies both in the executive plan as well as in the U.S. Congress and the committees which have jurisdiction in aeronautic and space sciences, including the Committee on Science and Astronautics, of which I am a senior member.

LEGISLATIVE PROGRAM FOR WEEK OF JUNE 24

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

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

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time to inquire as to the program for the balance of this week and, if the majority leader can tell us, as to the program for next week.

Mr. ALBERT. Mr. Speaker, there is no further program for the balance of this week.

Monday is District Day. There are two bills—H.R. 6177, to increase Federal contribution authorization to District of Columbia, and H.R. 4277, to increase District of Columbia borrowing authority.

Also on Monday there will be called up for consideration H.R. 6016—additional authorization for certain river basin plans; H.R. 5312, increasing the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, and H.R. 5795—3 years' suspension of restriction on withdrawal from Treasury of postal appropriations.

For Tuesday and the balance of the week, the Department of Defense appropriation bill for 1964.

I may advise, Mr. Speaker, that all these bills are being programed on Monday. They involve matters which should be finished by the end of this fiscal year. We are, accordingly, programing all of them for Monday, although at least one of them might go over until a later day in the week.

I would like of course to make the usual reservation that conference reports may be brought up at any time, and that any further program will be announced later.

Mr. HALLECK. Could the gentleman tell us at this time when we might expect the continuing resolution on appropriations to be offered?

Mr. ALBERT. The gentleman from Missouri, chairman of the Committee on Appropriations, asked and was given unanimous consent that such a resolution might be in order any day next week. I understand that as soon as the

Committee on Appropriations is ready that matter will be in order.

Mr. HALLECK. We are running to the end of the fiscal year. I would venture to express the thought that consideration of that measure will have to go to the other body also, and that consideration here will not be postponed too long next week in order that the matter can be disposed of before the end of the week, which I think would be advantageous to all of us.

Mr. ALBERT. I share the gentleman's view. I hope we can finish all of these matters by the end of next week.

COMMITTEE ON RULES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

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

There was no objection.

ADJOURNMENT OVER

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

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with next week.

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

There was no objection.

COMMUNITY MENTAL HEALTH CENTERS ACT OF 1963

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CAREY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CAREY. Mr. Speaker, I am again pleased to join with my distinguished colleague the gentleman from Rhode Island, Hon. JOHN E. FOGARTY, in introducing a fourth bill in the field of mental illness and mental retardation. This bill, the "Community Mental Health Centers Act of 1963" has two main provisions: First, the authorization of grants to the States to construct comprehensive community mental health centers and second, the authorization of short-term project grants for the initial staffing cost of these centers.

With Congressman FOGARTY I stress the crucial need for action in this field. As I did in my last message on this topic, I refer to my remarks in the RECORD on March 19, 1963, which is a comprehensive analysis of this field of legislation.

The President's message on mental retardation indicated the need for community mental health centers. This need has been supported by recent developments in mental health activities throughout the country which reveal that a large percentage of the mentally ill can be cared for in their home communities if adequate services are provided. However, in all but a few communities in the Nation, these facilities do not exist.

The community mental health center will correct this situation by providing early diagnosis, outpatient and inpatient treatment, and transitorial and rehabilitative services. We will help to provide community service to community people to solve a community problem. Basically, the patient will be able to proceed from diagnosis through treatment and recovery to rehabilitation in the shortest time.

This program has precedent in the Hill-Burton Act where Federal funds have long been used to help meet the cost of constructing health facilities. Health facilities are an integral and necessary part of our national mental health program.

Mr. Speaker, I again commend the efforts of the distinguished gentleman from Rhode Island. He has constantly urged this House to pass legislation which will lessen the burden of those suffering from mental illness and mental retardation. I salute him for his efforts in this vital matter, unequaled in the Congress and I join with him in urging passage of this legislation.

A SPECIAL COMMITTEE ON CAPTIVE NATIONS AND THE FIFTH CAPTIVE NATIONS WEEK OBSERVANCE

Mr. ALBERT. 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. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, in accordance with Public Law 86–90—the famous Captive Nations Week resolution which Congress passed in July 1959—the American people will next month again observe Captive Nations Week. As in yesteryear, from Maine to Hawaii, from Florida to Alaska, Americans will by individual voice or organized rallies and ceremonies speak out in behalf of over 22 captive nations in Eurasia and this hemisphere. In the week of July 14–20 they will urge that our Government renew its moral and political determination to seek the liberation and freedom of Cuba and the two dozen captive nations in Eastern Europe and Asia. Our people will be celebrating the Fifth Captive Nations Week Observance.

PERFECT OCCASION FOR A SPECIAL COMMITTEE ON CAPTIVE NATIONS

This fifth observance of Captive Nations Week presents us in Congress with a perfect occasion for the formation of a Special Committee on Captive Nations. As many times in the past, this body can exercise leadership in a field that is of basic importance to the security of our Nation. No one seeks more to bury the truths and realities about all the captive nations than the Russian leader Khrushchev himself. Regrettably, there are many in this country, both in high and low stations, who would seek to accommodate him in this respect. In effect, they would have us throw into disuse one of our most formidable weapons in the cold war.

I cannot believe that we in Congress are prepared to disarm ourselves because the sensitivities of Khrushchev or a Mao tse-tung might be aroused. This powerful political weapon as represented by the captive nations of Europe, Asia and in this hemisphere must be provided for, strengthened, and constantly fueled so that our people will never forget their obligations to the preservation and expansion of freedom; so that our adversaries will not forget our determination to meet these obligations. As elected representatives of our people, we in Congress have a fundamental responsibility to perform—the responsibility of informing our people about all the captive nations, the responsibility of constantly investigating and studying developments in these nations, the responsibility of discerning the opportunities presented by these developments for the advance of world freedom.

This heavy responsibility can only be met in any satisfactory way by the formation of a Special Committee on the Captive Nations. And the perfect occasion for this act is now on the eve of the fifth observance of Captive Nations Week. The occasion is now for Congress to exercise its leadership in this vital field.

THREE DOZEN RESOLUTIONS CALL FOR A HEARING

Mr. Speaker, in the Rules Committee there are at present three dozen resolutions for the establishment of a Special Committee on the Captive Nations. These resolutions call for a hearing and a vote. I have requested the chairman of the Rules Committee to consider the proposal of a special committee in the light of all the maneuvers that have been staged these past 2 years to stall decisive action on this vital proposal.

ARMENIA AND RUSK

Mr. Speaker, in the judgment of numerous authorities on the Soviet Union the letter sent by Secretary of State Rusk to the Honorable HOWARD W. SMITH, the distinguished chairman of the Rules Committee, should have been accepted as conclusive evidence of the real and pressing need for an investigative special committee. That letter of August 1961, stands as a classic in educated ignorance concerning the captive nations in the U.S.S.R. To conceive of "Ukraine, Armenia, or Georgia" as "traditional parts of the Soviet Union" and then to state that "Reference to these latter areas places the U.S. Government in the undesirable position of seeming to advocate the dismemberment of a historical state"—as though the Soviet Union were a historical state—leaves much to

be desired in adequate understanding of the realities and forces at work in the U.S.S.R.

Recently, it was my privilege to address Americans of Armenian descent convening in Washington. They not only expressed to me their amazement at this deficient understanding by our Secretary of State, but also revealed their indignation over the fact that Moscow, at least in its propaganda, shows a more rational appreciation of the national being of Armenia than does our Secretary of State and countless others like him. The American Committee for the Independence of Armenia has issued a most illuminating statement on "Self-Determination and Armenia: Need for the Formation of A Special House Committee on Captive Nations." For the benefit of our Members, I include this statement at this point in the RECORD:

SELF-DETERMINATION AND ARMENIA

Impressed by the public reaction to the first Captive Nations Week resolution of Congress,[1] in March of 1961, Congressman DANIEL J. FLOOD, Democrat of Pennsylvania, introduced before the 87th Congress[2] a bill, still languishing in the House Rules Committee for reasons discussed below, proposing the formation of a Special Committee on the Captive Nations. Mr. FLOOD's bill was followed by the filing of 28 similar proposals by Congressmen of both parties.[3]

Mr. FLOOD perhaps little foresaw the reaction his perfectly sensible proposal would trigger in the Department of State.

When Congressman SMITH, head of the House Rules Committee, called for a hearing on the Flood and correlated bills, strong testimony was heard from proponents of the measure, while nobody appeared in opposition. Mr. SMITH nevertheless found himself under pressure to hold what were to be patently delaying "added hearings." These never took place. Instead, a motion to table the Flood bill was boldly made before the Rules Committee—and defeated.

Attempts to delay, postpone and finally cancel outright consideration of the bill led to a bizarre episode. It was generally known that the Department of State looked with displeasure on the Flood proposal; and in order to bring to the surface the in-camera opposition, State was invited to testify before the rules group.

The Secretary of State however responded by way of a letter addressed to Congressman SMITH, which read in essential part:

"The President and I have both expressed the conviction that a final settlement of the problem of Berlin, of Germany and of Central Europe must take account of the right of self-determination of the peoples concerned. However, the U.S. Government's position is weakened by any action which confuses the rights of formerly independent peoples or nations with the status of areas, such as the Ukraine, Armenia or Georgia, which are traditional parts of the Soviet Union. Reference to these latter areas places the U.S. Government in the undesirable position of seeming to advocate the dismemberment of a historical state." [4]

The extraordinary proposition that Armenia, the Ukraine and Georgia are "traditional parts of the Soviet Union," and that reference to these "latter areas places the U.S. Government in the undesirable position of seeming to advocate the dismemberment of a historical state," seems clearly to spell out what appears to be a departmental policy with reference to the colonial states ingested federally and forcibly into the Soviet Union.

ARMENIA VERSUS THE SOVIET—WHICH IS THE HISTORICAL STATE?

The suggestion that Armenia is an area, while the Soviet is "a historical state" is absurd. It constitutes a misjudgment of the facts. The opposite is more to the truth: Armenia is the historical state, the Soviet Union, the area.

The "historical state" of the U.S.S.R. has been in existence for scarcely 40 years; Armenia was a nation—fulfilling all the functions, qualifications, and attributes of nationhood—when the Russian steppes came to the attention of early historiographers as the abode of a remote, wild and nomadic people known vaguely as the Scythians.

Ancient Armenia was the contemporary of Assyria, Elam, Chaldea, Babylon, Sumerea, Judea, Egypt, the Hittites, Greece, Macedonia, Medes, Zoroastrian Persia, and other early states, all of whom it has survived. It was the land of Eden, and on its "mountains of Ararat" the Ark came to rest. Its aboriginal ethnic strain bolstered by the arrival and absorption of Greek colonists from Thessaly, Armenia maintained its sovereignty at a time when most of the nations of the known world were succumbing to the "wolflike Assyrian." The earliest of Western historians were familar with Armenia.[5] The Avesta referred to Armenia as "that blessed land of purity."

The fiercely independent nature of the Armenian nation became a legend in ancient days. Such political fugitives as Hannibal sought refuge in Armenia and there observed the Armenian King Artaxiad establishing for the first time in documented history a recognizable enlightened feudal order in which the peasantry was safeguarded by monarchic decree from the exploitation of the nobility.

Armenia reached its territorial zenith during the reign of Tigranes (the Great) (95–54 B.C.), who fought against the incrustation of Roman power in Asia Minor. Its orientation, indeed its ethnic structure and cultural and other predelictions have always been Western in form, although the creative and talented people of Armenia have created a unique cultural heritage which has served as the perfect bridge between East and West.

Armenia remotely developed and perfected its own Indo-European tongue which, characteristically of the nature of the nation it serves, is an independent branch of that family of languages. Again characteristically, in A.D. 278 Armenia pioneered in the massive Christian revolution, becoming the first nation in history to adopt that religion as the state religion. It has jealously guarded the independence of its great National Armenian Apostolic Church of Christ through the harrowing centuries.

In A.D. 404, it devised its own alphabet as another step toward preserving and asserting the independent character of the nation and people.

Armenia is a nation with its own national language, its own national alphabet, its own national church, its own national culture and traditions. It is a nation that has distinguished itself in the annals of mankind by its doggedly successful effort to preserve its nationhood in the face of some 18 major invasions that have swept over the land and brought into Armenia some of the fiercest conquerors of history. It is in the living example of the futility of genocide. It blesses national fortitude. It seems hardly credible that such a nation can even in the wildest of imagination be termed an area or a traditional part of an entity geographically and politically defined for but four decades.

Now let us take a look at that historical state—the Soviet Union.

The area known as the Union of Soviet Socialist Republics is composed presently of 15 so-called republics. One of these, the largest, the Russian Federated Soviet Socialist Republic, is the only Republic that is in major part Russian, but even that Russian unit has incorporated into itself areas of states, once free, or still free.[6]

In the U.S.S.R. many tongues are spoken. There are as many cultures as there are peoples. There are literally hundreds of ethnic and racial and linguistic stocks. All these were brought together in statehood through subversion and aggression. The Kremlin is trying desperately to create a "one nation with one language, one people," but this russifying effort betrays its areal nature. Each of the 14 Republics attached to the Russian Republic has been forcibly annexed. It is a fabricated, manufactured, multinational, ersatz entity, with no historical background. It is composed of once independent nations, such as Armenians; and it is remarkable that the Department of State finds this motley group to be a historical state, while such nations as Armenia, Georgia and the Ukraine which antedate the establishment of the Soviet Union by hundreds and in some cases thousands of years, and that of the founding of Russia by at least hundreds of years are thought to be areas and traditional parts of the Soviet Union.

Whatever its reasons, the Rusk letter makes it quite plain that the incorporated states of the Soviet Union are without the pale of the American doctrine of self-determination. In this apparently there is regrettable agreement with the Bolsheviks, who say, according to Mr. Douglas Dillon, present Secretary of the Treasury, that, "since we have determined that our Soviet is, by self-determination, not an imperial state, no people have the right to escape from it." [7]

ARMENIA: HOW THINGS HAVE CHANGED

We can best emphasize the grotesque change that is taking place in American policy by again citing Armenia.

How times have changed. In 1915, the Armenian people were subjected to a terrible ordeal of massacre and deportation on the part of the Turkish conqueror. Scarcely 2 years later, in one of the real miracles in the history of mankind, the nation that ought

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[1] S.J. Res. 111, H.J. Res. 454, 459, passed on four consecutive annual occasions accompanied by a Presidential Proclamation.

[2] Filed as H.R. 211, 87th Cong., 1st sess.

[3] Notably, H.R. 267, of Congressman Edward Derwinski, Republican, of Illionis. Bills have also been entered by Congressmen Philbin, Rodino, Stratton, Halpern, Conte, Cunningham, Bow, William E. Miller, Bruce, Collier, Dwyer, Wallhauser, Rostenkowski, Schadeberg, Pucinski, Robison, Dulski, MacGregor, Morse, Dingell, Farbstein, Becker, King, Clark, and former Congressman, now Governor of Pennsylvania, Scranton.

[4] An excellent reprint of this letter appears in The Ukrainian Quarterly (winter 1961; vol. XVII, No. 4), p. 295. It ought to be noted that a second letter to Mr. Smith from the same source sought to give assurance that "there is no change in the U.S. Government's long established policy toward the peoples of the U.S.S.R." but failed to withdraw its interpretation of what it considered to be the status of the Ukraine, Armenia, and Georgia (vid., op. cit., 298, for the text of this letter as well as a discussion).

[5] For instance, Herodotus, Strabo, Pliny, Ptolemy, etc.

[6] As an example, the Finnish-Karelian Republic was incorporated into the R.F.S.S.R. in 1956, but of course was a part of free Finland before its annexation by the Soviet. Other once-free states are today wholly or in part annexed by the R.F.S.S.R.

[7] See the text of this remarkable speech, delivered before a gathering of Polish Americans while Mr. Dillon was Undersecretary of State in the Eisenhower Cabinet, in Hairenik Weekly, Boston, Oct. 3, 1960.

to have died fielded an army, replaced the departed Russian forces, fought its oppressor alone, defeated him and, as the proud "little ally" [8] of the Western Powers, established itself as the "Independent Republic of Armenia."

Its doughty army, unaided, staved off a Turkish offensive directed at the oil city of Baku, on the Caspian, thus preventing the forces of Germany, the ally of Turkey, from receiving needed petroleum supplies. German, Turk, English, French, and American—friend and foe alike—marveled at the courage of the little Armenian Army.[9] In recognition of its statehood and its contributions to the Allied victory, Armenia in 1919 was given de facto recognition by the U.S. Government and almost all the other Western Powers, pending the deliberations and final decisions of the Paris Peace Conference relating to the boundaries, but not the sovereignty, of the new republic.

Armenia thus exchanged diplomatic representatives with the American Government. American aid poured into the republic. An American mandate of the nation was seriously proposed—one of the rare instances in the history of the United States that a mandate proposition of this type has gotten as far as the United States Senate—but was turned down only because of the rising tide of American isolationism directed against what was cynically being termed Wilson's "globaloney." The independence of Armenia Wilson made one of the principal platforms of his 14 points, and the President himself actually executed at the behest of the Allies his celebrated delineation of the boundaries of the Armenian Republic [10]—which included what is today the Armenian Soviet Republic, as well as other historically Armenian soil presently held by Turkey.

By 1920, the Armenian republic had made important strides towards ameliorating the chaotic conditions it had inherited. A national democratic election—the first of its kind ever held in Asia Minor—had given the Nation its popular government; industry had been established, the educational system had been prefected, free enterprise, encouraged by the Government, was producing a healthy economy and excellent future national prospects. Into this exciting atmosphere of national reconstruction intruded the Communist. An abortive May Revolt was suppressed as Turkish pressure exerted by the Kemalist tide grew on Armenia and Turkish and Soviet diplomats met secretly in Moscow. Finally, in a joint attack, Soviet and Turkish forces attacked Armenia and destroyed the democratic government—even at a moment when Armenian officials were closeted with Soviet representatives in an attempt to avoid war.[11] Shades of Pearl Harbor! Feverish in its opiatic dream of isolationism, the West moved not a hand to save Armenia.

THE CAPTIVE WORLD

The terrible pattern of operations which wrested from the West one of its more valued and deserving democratic republics was to be repeated in similar form throughout the Soviet era of expansion. In all, 14 independent states fell to Soviet subversion and outright military aggression and are now—or so we are assured—"traditional parts of the Soviet Union" which apparently qualifies as a historical state through aggression, not self-determination:

(1) Armenia, independent May 28, 1918, fell December 2, 1920; (2) Azerbaijan, independent May 29, 1918, fell 1920; (3) Byelorussia, independent March 25, 1918, fell 1921; (4) Cossackia (Kuban), independent February 16, 1918, fell 1920; (5) Cossackia (Don), independent May 5, 1920, fell 1920; (6) Estonia, independent February 24, 1918, fell June 1940; (7) Democratic Republic of the Far East, independent April 4, 1920, fell same year; (8) Democratic Republic of the North Caucasus, independent May 11, 1918, fell 1920; (9) Georgia, independent May 26, 1918, fell 1920; (10) Idel-Ural, independent November 12, 1917, fell 1920; (11) Latvia, independent November 18, 1918, fell June 1920; (12) Lithuania, independent February 16, 1918, fell June 1940; (13) Turkestan,[12] independent, April 15, 1922, fell later same year; (14) Ukraine, independent January 22, 1918, fell 1920.[13]

These are today outright, incorporated colonies of the Soviet—captive states despite the constitutional privilege given them to secede from the Soviet Union—something which no republic has dared attempt to do.[14]

To these imperial subjects may be added the so-called satellites in Europe, nations so enmeshed in the political, geopolitical, economic and social structure of the "mother" Soviet Union as to make their nominal independence, as that of the republic states—the incorporated slave states—a simple and cruel mockery.

In the incorporated captive states enumerated above, there dwell about 114 million people—of non-Russian persuasion. This figure does not cover other smaller non-Russian tribal groups in the Soviet Union. On the other hand, the mastering Russians total only about 96 million, a perfect example of a minority group dominating a majority—and of course a classic colonial syndrome.

If we were to take the populations of all the nations mentioned as once free in the congressional Captive Nations Week resolution, add to them the people of the Russian Republic, we would find that there are today in the Communist world dominated by Moscow 906,822,000 people—approximately 36 percent of the population of the entire world. The vast majority of these of course are non-Russians.

Now then, if it is American policy to exert honorable power as a factor in ensuring its own security, then it would be wisdom itself to aspire to the disintegration of such a vast empire motivated today by the Moscow Communist dream of world revolution, an illbegotten empire being geared by Moscow for the communization of the world.

At least, the United States ought not to act to encourage the stronger congealment of Moscow's hold over its captives; nor should it discourage the aspirations of the captive peoples to return to their former status.

If the U.S. Government is retailoring its colonial thinking to conform with the euphoric vision that the Soviet Union is "mellowing" and given time it will "mature," it ought to keep in mind that the Soviet Union emerged from World War II with a gain of 262,000 square miles of territory and over 22 millions of people. The expansion of the imperial power of Soviet Russia has since World War II greatly accelerated, at a time when according to Dr. Bunche, the Western colonial community has dwindled to 100 million. Since the formation of the United Nations, according to the same official, 700 million people have been freed of colonial bondage.[15] What Mr. Bunche did not say, however, is that not one of those who have been freed was a former Soviet slave.

While colonialism in the West diminishes to its death, the colonialism of the Soviet expands and flourishes.

NONPREDETERMINATION

One would think that the departmental misinterpretation of history regarding the status of the Ukraine, Armenia, and Georgia in connection with the Soviet would be disturbance sufficient to Americans whose parental nations are Soviet captives, but these same Americans are equally disturbed by the failure of the Department to take a positive stand favoring the extension of the basic American precept of self-determination to the incorporated, once free nations of the U.S.S.R. In this regard, lately there have been strong indications that the Department has rather hit upon a formula bearing an interesting neologistic label—"nonpredetermination."

According to a Deputy Assistant Secretary of State, departmental thinking goes somethink like this:

"The attitude of the U.S. Government toward the aspirations of the peoples of the Soviet Union which sometimes has been termed a policy of nonpredetermination, is in fact a corollary of our fundamental policy favoring the right of self-determination. What this policy is that, while continuing to affirm our sympathy and support for the just aspirations of the many peoples of the Soviet Union, the U.S. Government does not presume here and now to define these aspirations as they exist, or may develop, or to prejudge the political arrangements which might be preferred by these peoples if they were free to choose them, tomorrow, or 10 years hence." [16]

This sentiment, expressed before the same gathering which had been assured by a Presidential message, that, "the U.S. Government strongly supports the just aspirations of all peoples to national independence, governments of their own choosing," [17] led a great nationalities newspaper to comment bitterly:

"But the tone of his [the Deputy Assistant Secretary of State] and the message of President Kennedy are as far apart as the North and South Poles. While President Kennedy speaks openly of the basic goal of U.S. foreign policy, which pledges the support of all peoples in the struggle for freedom and national independence, the State Department pays lipservice to the principles

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[8] The expression is that of Clemenceau. See Pasdermadjian's excellent study, "Why Armenia Should Be Free," Boston, 1919.

[9] See especially, the memoirs of Generals Ludendorff and von Sanders. There are similar statements on record from Allenby, Haig, Lloyd George, President Wilson, Ambassador Morgenthau, and the American military.

[10] President Wilson submitted his delineation of the Armenian boundaries through the American Ambassador in Paris to the Secretariat General of the Paris Peace Conference on Nov. 24, 1920.

[11] The events of the sovietization of Armenia are graphically and accurately related in Special Report No. 5, of the Select Committee on Communist Aggression, House of Representatives, 83d Cong., 2d sess.; Washington, 1955.

[12] The Turkestan Independent Republic has been separated into four parts—the Kirghiz, Tadhik, Uzbek, and Turkmen so-called republics.

[13] For interesting added statistical data in this regard, see Prof. Roman Smal-Stocki's "The Captive Nations."

[14] It is significant that the Armenians remain to this date the first and only once-free nation integrated into the Soviet Union which successfully revolted against and expelled a Soviet Government. This occurred as a result of the famous February 18 Armenian revolt. See Special Report No. 5 (footnote 11, this study).

[15] Dr. Ralph Bunche, an official of the U.S. United Nations delegation, is quoted in this regard in the Washington Evening Star, Dec. 15, 1960.

[16] A quotation from a speech delivered before the 8th Triennial Congress of the Ukrainian Congress Committee of America, on Oct. 12, 1962, by the Honorable Carl T. Rowan, Deputy Assistant Secretary of State for Public Affairs. See text of speech in Svoboda, Ukrainian Weekly, Oct. 20, 1962.

[17] Op. cit.

of national self-determination by introducing a statement on 'nonpredetermination.' " [18]

And this of course is a perfect example of the fatal strabismus of American foreign policy today—the inability of all concerned to agree on what America thinks ought to be done about the colonies of the Soviet Union. It is a remarkable proposition—that is, remarkable for America—that the Department proposes. It means that America does not feel that people who are enslaved will choose freedom and sovereignty (as America itself did) when once they have been freed of their chains.

What must be clearly understood by all concerned is that the captive nations groups are not waging their grim struggle against communism simply so that communism may be destroyed only to be succeeded by foreign mastery of any other or similar type or form. The continued existence of the present Soviet Russian empire in any shape as it is imperially and territorially and politically constituted today is not acceptable to the captive nations groups. If the Department feels that anything less than sovereignty—that is national independence—may ensue upon the application of a free self-determination test among the captive states, it is very, very wrong.

Did anyone in the U.S. Government have any doubts whatsoever that the Indian people, once freed of their colonial status, would choose to govern themselves, rather than throw themselves under the hegemony of another colonial power?

Those who argue that "we don't know what the peoples of the U.S.S.R. are really thinking," simply are not in touch with the realities of the situation. It would be wise for them to repeat with Mr. Nehru:

"Aggression has awakened the Indian people to the realization that those who live in a dream world cannot defend their freedom." [19]

NEED FOR A CAPTIVE NATIONS COMMITTEE

It has of course been the simple burden of this paper to cast light on a confused and tragically mishandled situation which may very well bear with the very security of the United States of America, as well as its strategic interests and the peace of the world:

"It is incumbent upon us as free citizens to appreciatively recognize that the captive nations (of both Europe and Asia) in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical." [20]

The entire situation, with its grim push and pull, its contradictions, its misunderstandings, shows the crying need for a specialist committee of the legislative branch of Government to study and bring to light all the facts on captive nations in order to help our Government produce an equitable foreign policy relating to the aspirations of the captive nations of the U.S.S.R. House Resolution 211 and similar resolutions propose just that and ought to enjoy the support of every responsible American public official.

America's best interests, and the interests of the free world, demand that Mr. FLOOD's bill, or a similar measure, be immediately read out of the Rules Committee and presented to the House floor for full debate and acceptance.

Mr. FLOOD's proposition is simply this:

"The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and other subjugated nations, also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in those nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspirations to regain their national and individual freedoms." [21]

Only thus can there evolve in Washington an internationalism of responsibility.

[18] Op. cit.

[19] As quoted in Boston Herald, Nov. 28, 1962.

[20] Par. 12 of Congressman FLOOD's H. Res. 211.

[21] Lines 20 to 25 p. 4, and lines 1 to 3, p. 5, in official publication of Congressman FLOOD's H. Res. 211.

CIVIL RIGHTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KORNEGAY. Mr. Speaker, I listened attentively to the reading of the President's message to the Congress on civil rights, and wish to say that this is a problem which I do not believe can suitably be solved by legislative fiat—rather it will have to be resolved in the hearts and minds of men working with reasonable understanding of the issues involved and working in good will and in an atmosphere both of realism and comity. I shall not belabor this view at this time, but instead I want to express my relief over the fact that the President did see fit to end his message with a verbal injunction against any further theatrics or melodramatic devices which can lead only to violence, sudden death, and a deepening of the wounds that have already been inflicted by demonstrations which have gotten out of hand and harmed rather than helped any cause concerned.

Frankly, I believe his appeal is tardy and should have been uttered long before this time. On the evening of June 13, I had the opportunity to talk with the President at the White House and in the course of our conversation, I stated that I was disappointed that he had not stressed in his recent talks the necessity for restraint and for refraining from actions which increase the tensions engendered by recent occurrences throughout the Nation, not only in the South but in other areas of the country. I pointed out that in various areas in my own State of North Carolina, leading citizens of both races have been attempting quietly and legally to resolve some of these problems and the degree of success which has been attained is certainly despite and not because of the near-riots, actual riots, and demonstrations which have contained the seeds of violence and lawbreaking, and in some instances have flamed into deplorable consequences to life, limb, and property. I strongly urged the President to call for a suspension of demonstrations calculated to bring about a breach of the peace.

The first amendment to the Constitution guarantees the right of people, and this is without regard to race, color, or creed, peaceably to assemble and to petition the Government for a redress of grievances, and certainly no one seeks to abridge this right. But even though this right is guaranteed, I would consider it the better part of wisdom in the long run to employ restraint and to refrain from demonstrations which may start out as peaceable assemblies and end in criminations, recriminations, violence, and deteriorating rather than improved relations between the races. It is my fervent hope that the President's plea for restraint will be heeded and that the potential threat of anarchy may thereby be avoided.

GRANTS-IN-AID TO STATE AND LOCAL UNITS OF GOVERNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I have today introduced, for appropriate reference, a bill to provide a uniform procedure for periodic congressional review of new grants-in-aid to State and local units of government. This bill is similar to H.R. 12565, which I introduced in the 87th Congress, 2d session, as an improved version of H.R. 7802—a bill which earlier had been reported favorably to the Committee on Government Operations by its Intergovernmental Relations Subcommittee. I am pleased to note that the gentlewoman from New Jersey [Mrs. DWYER], the ranking minority member of our Intergovernmental Relations Subcommittee, is introducing an identical bill. I invite all of my colleagues who are interested in the responsible and efficient use of the grant-in-aid as an instrument of intergovernmental cooperation to join in the sponsorship of this legislation.

It is the purpose of this bill to establish a uniform policy and procedure whereby new programs for grant assistance from the Federal Government to the States or to their political subdivisions which may hereafter be enacted by the Congress shall be made the subject of sufficient subsequent review by the Congress to insure that first, the effectiveness of grants-in-aid as instruments of Federal-State-local cooperation is improved and enhanced; second, grant programs are revised and redirected as necessary to meet new conditions arising subsequent to their original enactment; and, third, grant programs are terminated when they have substantially achieved their purpose.

While I do not believe it would be practical to apply this bill to existing grants, it is my hope that these programs will also be reassessed periodically by

the Congress and the executive agencies in terms of the criteria contained in the bill.

Under the proposed legislation, any grant program enacted by the Congress beginning in January 1965 would automatically terminate after 5 years in the event that no expiration date is specified. This provision would not apply in any case where a termination date, however long, is specified or where the applicability of this act has been waived because Congress intends to provide continuing Federal assistance in a given program.

This legislation would also establish a standardized procedure for subsequent review by the appropriate legislative committees of the Congress of any new grant program enacted for a period of 4 or more years. During the 12 months preceding the expiration date of any such program, the appropriate committees of the House and Senate would conduct studies to determine, among other considerations, first, the extent to which the purpose for which the grant is authorized has been met; second, the extent to which such program can be carried on without further financial assistance from the United States; and, third, whether or not any changes in purpose or direction of the original program should be made.

Mr. Speaker, there is justifiable concern on the part of many of us over the tendency of grant programs to resist reorientation or termination when they have been in existence for a long time and have substantially served their intended purposes. This fact was noted by our Intergovernmental Relations Subcommittee on the basis of both a comprehensive study of Federal grant programs in 1957–58 and hearings specifically on the proposed legislation during the last Congress. The difficulty of accommodating grant programs to changing conditions was recognized also by the Advisory Commission on Intergovernmental Relations in a June 1961 report entitled "Periodic Congressional Reassessment of Federal Grants-in-Aid to State and Local Governments." It was the Commission's conclusion that the most realistic approach to meeting this problem would be the enactment of a general statute providing for systematic review and assessment of grant programs that may be enacted in the future. My bill is intended to implement the Commission's recommendation in this connection.

The proposed legislation has received the endorsement of many important organizations, including the Governors' Conference, the National Legislative Conference of the Council of State Governments, the American Municipal Association, and the National Association of Counties.

Mr. Speaker, the bill I have introduced is neither unfavorable nor favorable to any particular grant program or grants in general. Rather, it is intended to strengthen existing review machinery by the establishment of a systematic and uniform procedure for the periodic reexamination of such grant programs as the Congress may in the future enact.

The need for critical examination of grant programs at regular intervals and their continuation strictly on the basis of merit is the more pressing today in the light of our growing Federal budget and the correspondingly heavy burden of taxation.

It is my view that since Federal grants-in-aid have become an established element in our Federal system of Government, we must exercise the greatest possible care to strengthen their good features and to minimize any disruptive or undermining effects they may have. I believe this bill will help achieve that objective.

REVIEW OF FEDERAL GRANTS-IN-AID

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. DWYER. Mr. Speaker, it is a pleasure to join again today with our colleague, the distinguished chairman of the Subcommittee on Intergovernmental Relations, the gentleman from North Carolina [Mr. FOUNTAIN], in reintroducing a bill we jointly sponsored during the 87th Congress, providing for mandatory congressional review of Federal grants-in-aid to State and local units of government.

This is the kind of legislation which I believe can have far-reaching significance in improving our Federal system and making more effective the operations of Congress. It is also the kind of bill which all Members can conscientiously support, for its objective is a more systematic and uniform means of controlling Federal aid programs. It is intended neither to encourage nor discourage the use of the grant-in-aid device, but only to improve it and provide for more orderly and regular congressional review.

During the previous Congress, Mr. Speaker, several Members from both sides of the aisle joined us in introducing identical bills. I hope that these same Members and many others will do so again this year, for this is truly a constructive and bipartisan effort.

The need for this kind of legislation has grown—in fact and in public awareness—over the past several years. Congress has enacted more than 45 Federal grant programs, but aside from often routine and necessarily limited review through the appropriations process there has been no regularized procedure by which the Congress determines whether a particular program is achieving its objectives, whether it should be redirected in emphasis, or whether it should be terminated or extended. As a result, some programs have outlived their usefulness while others could better serve the purposes of the National, State, and local governments by undergoing reorientation to meet changing needs.

By way of examples, I would suggest that grants-in-aid for resident instruction in land-grant colleges and for vocational education in agriculture are diminishing in importance while other educational needs are increasing and such problems as air and water pollution require more attention. Similarly, the various grants-in-aid for public health services should be periodically revised in keeping with the changing patterns of disease in the United States.

There is a further need for this legislation, Mr. Speaker, which arises from a growing discontent among the people at the apparent proliferation and continuation of grant programs which serve no important national purpose. If Congress is to protect the integrity of the grant-in-aid method and further the good which many such programs accomplish, then it is incumbent upon us to make certain that for every grant program there is a recognized national need which the program is serving or will serve effectively.

The present bill, while it is restricted to grants-in-aid which may be enacted in the future, may also serve as a prototype for legislation which would apply to grant programs now in existence.

Under the terms of our bill, any new grant-in-aid which Congress may hereafter enact would automatically expire at the end of 5 years, unless Congress specifically designated another date or expressly provided in the act that the program should be a continuing one. At the end of 4 years of the program, or during 12 months immediately preceding a specified expiration date, the bill provides that the appropriate legislative committee of the Congress will undertake a study of the experience under the grant and determine whether to extend, terminate or modify the program.

This bill, Mr. Speaker, has a lengthy history. The problem to which it is directed was the subject of extensive consideration by our Subcommittee on Intergovernmental Relations during nationwide hearings on grant-in-aid programs in 1957 and 1958. In the report adopted by the full Committee on Government Operations, we recommended that provisions similar to those in the present bill be incorporated in all new grant-in-aid programs.

Strong support for this position was expressed in 1961 by the Advisory Commission on Intergovernmental Relations, an agency created by Congress in 1959 to represent all levels of government in the United States and to study just such problems of common interest to Federal, State, and local governments, and an agency of which the gentleman from North Carolina and I are both members. The Commission's study of the problem resulted in a recommendation to Congress that a general statute be enacted providing for periodic review, in a uniform and systematic manner, of new grant-in-aid programs. The bill we have introduced today carries the Commission's continuing endorsement.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. VINSON, for 10 days, commencing June 20, 1963, on account of official business.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. DEROUNIAN and to include extraneous matter.

Mr. GROSS and to include extraneous matter.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. FARBSTEIN.

Mr. WELTNER.

(The following Member (at the request of Mr. ROUDEBUSH) and to include extraneous matter:)

Mr. SILER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project; to the Committee on Interior and Insular Affairs.

S. 625. An act to amend section 601 of title 38, United States Code, with respect to the definition of the term "Veterans' Administration facilities"; to the Committee on Veterans' Affairs.

S. 1154. An act to provide for the sale of certain mineral rights to Christmas Lake, Inc., in Minnesota; to the Committee on Interior and Insular Affairs.

S. 1185. An act relating to the exchange of certain lands between the State of Oregon and the C. & B. Livestock Co., Inc.; to the Committee on Interior and Insular Affairs.

S. 1326. An act to provide for the conveyance of certain mineral interests of the United States in property in South Carolina to the record owners of the surface of that property; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 131. An act to provide for the renewal of certain municipal, domestic, and industrial water supply contracts entered into under the Reclamation Project Act of 1939, and for other purposes;

H.R. 3574. An act to provide for the withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Cuddeback Lake Air Force Range, Calif., for defense purposes; and

H.J. Res. 180. Joint resolution to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, June 24, 1963, 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:

950. A letter from the Administrator, General Services Administration, relative to a proposed disposition of approximately 5,800,000 pounds of waterfowl feathers and down now held in the national stockpile, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98(e); to the Committee on Armed Services.

951. A letter from the Comptroller General of the United States, transmitting a report on the installation of unnecessary equipment for measuring consumption of electricity and gas in low-rent housing projects administered by the Public Housing Administration, Housing and Home Finance Agency; to the Committee on Government Operations.

952. A letter from the Secretary of the Interior, transmitting the annual report on the progress and accomplishments of the anthracite mine water control and mine sealing and filling program, and the cost of the projects up to the end of 1962, pursuant to Public Law 87-818; to the Committee on Interior and Insular Affairs.

953. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of a proposed bill entitled "A bill to amend the Federal Employees Health Benefits Act of 1959"; to the Committee on Post Office and Civil Service.

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. MORRIS: Committee on Interior and Insular Affairs. H.R. 976. A bill to authorize the Secretary of the Interior to acquire and add certain lands to the Salem Maritime National Historic Site in Massachusetts, and for other purposes; with amendment (Rept. No. 430). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. House Joint Resolution 405. Joint resolution to amend the joint resolution for U.S. participation in the International Bureau for the Protection of Industrial Property; without amendment (Rept. No. 431). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. S. 1359. A bill to provide for an additional Assistant Secretary in the Treasury Department; without amendment (Rept. No. 432). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. Senate Joint Resolution 60. Joint resolution providing for acceptance by the United States of America of an instrument for the amendment of the constitution of the International Labor Organization; without amendment (Rept. No. 433). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 409. Resolution providing for the consideration of H.R. 5312, a bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior; without amendment (Rept. No. 434). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 410. Resolution providing for the consideration of H.R. 5795, a bill to repeal the provisions of law relating to the fixing by the Postmaster General, with the consent of the Interstate Commerce Commission, of rates of postage on fourth-class mail, and for other purposes; without amendment (Rept. No. 435). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 411. Resolution providing for the consideration of H.R. 6016, a bill authorizing additional appropriations for prosecution of projects in certain river basin plans for flood control, navigation, and other purposes; without amendment (Rept. No. 436). 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. CELLER:

H.R. 7152. A bill 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 education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 7153. A bill to provide for assistance in the construction and initial operation of community mental health centers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COOLEY:

H.R. 7154. A bill to provide for recontracting of conservation reserve contracts which expire in 1964; to the Committee on Agriculture.

H.R. 7155. A bill to facilitate the work of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. DENT:

H.R. 7156. A bill to extend for 1 additional year certain of the temporary provisions of Public Laws 815 and 874, 81st Congress, relating to the construction and maintenance and operation of public schools in federally impacted areas, and for other purposes; to the Committee on Education and Labor.

By Mr. FARBSTEIN:

H.R. 7157. A bill 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 education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes; to the Committee on the Judiciary.

By Mr. FOGARTY:

H.R. 7158. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOUNTAIN:

H.R. 7159. A bill to provide for periodic congressional review of Federal grants-in-aid to States and to local units of government; to the Committee on Government Operations.

By Mrs. DWYER:
H.R. 7160. A bill to provide for periodic congressional review of Federal grants-in-aid to States and to local units of government; to the Committee on Government Operations.

By Mr. GIAIMO:
H.R. 7161. A bill to amend Public Law 87-276, so as to extend its provisions for 3 additional years, to expand the program under that act to provide for the training of teachers of all exceptional children, and for other purposes; to the Commitee on Education and Labor.

By Mr. GILBERT:
H.R. 7162. A bill providing for the reduction of the basis of representation of States denying or abridging the right of its citizens to vote, and for other purposes; to the Committee on the Judiciary.

H.R. 7163. A bill to provide that the representation in the House of Representatives of each of the several States shall be reduced in proportion to the number of adult inhabitants of such State whose right to vote is denied or abridged; to the Committee on the Judiciary.

By Mr. GRAY:
H.R. 7164. A bill to provide for the expansion of the Mound City National Cemetery; to the Committee on Interior and Insular Affairs.

By Mrs. HANSEN:
H.R. 7165. A bill relating to domestically produced fishery products; to the Committee on Agriculture.

By Mr. HORAN:
H.R. 7166. A bill to provide for the closing of the roll of the Confederated Tribes of the Colville Indian Reservation preparatory to submission of proposed legislation for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HORTON:
H.R. 7167. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer or spouse who has had a laryngectomy; to the Committee on Ways and Means.

By Mr. KYL:
H.R. 7168. A bill to save the taxpayers large sums in taxes by providing that the District of Columbia may receive noncash grant-in-aid credits for urban renewal projects only on the same basis as other municipalities, and by requiring that housing (including both residential and commercial structures) in urban renewal project areas which is in good condition, or which can be rehabilitated or restored to good condition, shall not be demolished or included by the District of Columbia Redevelopment Land Agency in the acquisition and assembling of the real property in such areas; to the Committee on the District of Columbia.

By Mr. MILLER of California:
H.R. 7169. A bill to amend the Internal Revenue Code of 1954 so as to exempt from tax musical instruments sold to students for school use; to the Committee on Ways and Means.

By Mr. RIVERS of Alaska:
H.R. 7170. A bill to amend the Alaska Public Works Act to authorize the Secretary of the Interior to collect, compromise, or release certain claims held by him under that act; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN:
H.R. 7171. A bill to provide assistance to certain States bordering the Mississippi River in the construction of the Great River Road; to the Committee on Public Works.

By Mr. WYDLER:
H.R. 7172. A bill to amend section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

By Mr. OLIVER P. BOLTON:
H.J. Res. 494. Joint resolution providing for the recognition of the 50th anniversary of the American Society for Metals; to the Committee on the Judiciary.

By Mr. ST. ONGE:
H.J. Res. 495. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CONTE:
H.R. 7173. A bill for the relief of Chung-Liang Huang; to the Committee on the Judiciary.

By Mr. DEROUNIAN:
H.R. 7174. A bill for the relief of Epifania F. Gamoa; to the Committee on the Judiciary.

H.R. 7175. A bill for the relief of Josefina A. Villanueva; to the Committee on the Judiciary.

H.R. 7176. A bill for the relief of Oscar V. Johnson; to the Committee on the Judiciary.

By Mr. MATSUNAGA:
H.R. 7177. A bill for the relief of (Charles) Chang Kee Hong, his wife, Kerm Soon Hahm (Hong), and their minor daughters Mi Young Hong, Sun Young Hong, and Bo Young Hong; to the Committee on the Judiciary.

By Mr. POWELL:
H.R. 7178. A bill for the relief of William O'Connor Swainson; to the Committee on the Judiciary.

SENATE

THURSDAY, JUNE 20, 1963

The Senate met at 12 o'clock meridian, and was called to order by Hon. BIRCH BAYH, a Senator from the State of Indiana.

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

Eternal Spirit, who in the perspective of the long years, in spite of man's blundering, dost bring forth Thy righteousness as the light and Thy judgments as the noonday: As servants of the public weal, we pause amid draining demands to acknowledge Thy sovereignty and to pray for courage to attempt, power to achieve, and patience to endure.

In this temple of a free people's will, wilt Thou guide with the spirit of understanding these public servants—the few among the many—lifted by their fellows to high pedestals of commanding influence.

By their words and counsel may they bring healing for the open sores of the Nation and of the world.

Forbid that when radiant human hopes are flaming in the skies, we should be blinded by the smoke of our own campfires. Save us from giving ourselves to the dead past, rather than to the living future.

We ask it in the name of the Christ, whose truth is marching on. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 20, 1963.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BIRCH BAYH, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BAYH thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 19, 1963, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 4347. An act to limit the authority of the Veterans' Administration and the Bureau of the Budget with respect to new construction or alteration of veterans' hospitals; and

H.J. Res. 247. Joint resolution to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for legally qualified candidates for the offices of President and Vice President.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

H.R. 131. An act to provide for the renewal of certain municipal, domestic, and industrial water supply contracts entered into under the Reclamation Project Act of 1939, and for other purposes;

H.R. 3574. An act to provide for the withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Cuddeback Lake Air Force Range, Calif., for defense purposes; and

H.J. Res. 180. Joint resolution to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated:

H.R. 4347. An act to limit the authority of the Veterans' Administration and the Bureau of the Budget with respect to new construction or alteration of veterans' hospitals; to the Committee on Labor and Public Welfare.

H.J. Res. 247. Joint resolution to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for legally qualified

candidates for the offices of President and Vice President; to the Committee on Commerce.

LIMITATION OF STATEMENTS DURING MORNING HOUR

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

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. HUMPHREY, and by unanimous consent, the Subcommittee on Air and Water Pollution of the Committee on Public Works was authorized to meet during the session of the Senate today.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 6755. An act to provide a 1-year extension of the eixsting corporate normal tax rate and of certain excise tax rates (Rept. No. 281).

By Mr. JOHNSTON (for Mr. EASTLAND), from the Committee on Agriculture and Forestry, without amendment:

S. 51. A bill to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District (Rept. No. 282); and

S. 1388. A bill to add certain lands to the Cache National Forest, Utah (Rept. No. 283).

By Mr. JOHNSTON, from the Committee on Agriculture and Forestry, without amendment:

S. 400. A bill to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds (Rept. No. 284).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, without amendment:

S. 582. A bill to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended (Rept. No. 285).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 581. A bill to amend the Agricultural Adjustment Act of 1938 to extend for 2 additional years the present provisions permitting the lease and transfer of tobacco acreage allotments (Rept. No. 286).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 623. A bill to provide for a program of agricultural land development in the State of Alaska (Rept. No. 287); and

H.R. 40. An act to assist the States to provide additional facilities for research at the State agricultural experiment stations (Rept. No. 288).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1039. A bill to authorize the Secretary of the Interior to acquire through exchange the Great Falls property in the State of Virginia for administration in connection with the George Washington Memorial Parkway, and for other purposes (Rept. No. 289).

BILLS INTRODUCED

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

By Mr. WILLIAMS of Delaware (for himself and Mr. BOGGS):

S. 1751. A bill to authorize the Administrator of General Services to convey a certain parcel of land to the State of Delaware, and for other purposes; to the Committee on Government Operations.

By Mr. MONRONEY:

S. 1752. A bill for the relief of Lt. Robert C. Gibson; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

FAVORING THE SUSPENSION OR WITHHOLDING OF FOREIGN ASSISTANCE IN CERTAIN CASES

Mr. JAVITS (for himself and Mr. MORSE) submitted a concurrent resolution (S. Con. Res. 50) favoring the suspension or withholding of foreign assistance from countries engaging in activities which endanger the security and independence of the United States or other countries receiving such aid, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

RESOLUTION

AMENDMENT BY GENERAL ASSEMBLY OF THE UNITED NATIONS OF STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Mr. LONG of Louisiana submitted a resolution (S. Res. 166) favoring amendment by the General Assembly of the United Nations of the Statute of the International Court of Justice, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. LONG of Louisiana, which appears under a separate heading.)

WITHHOLDING OF FOREIGN AID ASSISTANCE IF FUNDS ARE USED TO SUPPORT HOSTILE AGGRESSIVE ACTION AGAINST ANOTHER COUNTRY—AMENDMENT TO FOREIGN ASSISTANCE ACT

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Oregon [Mr. MORSE] I submit a concurrent resolution expressing the sense of Congress that the President suspend or withhold foreign aid assistance from any country if he determines that the country is using the aid it receives, either directly or indirectly, to support hostile aggressive action against another country also receiving assistance under the act.

Mr. President, the concurrent resolution is directed to the debate which we had on the floor of the Senate some days ago relating to the situation between the United Arab Republic and Israel. As I shall be testifying before the Committee on Foreign Relations on this subject, the Senator from Oregon [Mr. MORSE] and I deemed it proper to submit a sense resolution on the subject.

I submit also an amendment to the Foreign Assistance Act. The amendment is sponsored by myself together with Senators MORSE, CASE, SCOTT, KUCHEL, and SALTONSTALL. The amendment would bar assistance to any country which would be enabled thereby to take aggressive action against other countries also receiving U.S. aid, unless the President reports to the Congress that the restriction should be waived in the national interest.

I understand fully—perhaps as well as any Senator—the thrust of our foreign aid program. I have fought for it since I was first in the other body in 1948 and 1949.

One of our strongest weapons in helping the developing nations of the world to security and independence on the side of the free world is the Foreign Assistance Act and Public Law 480. These are the means by which we can effectively resist Communist infiltration and aggression and turn back its inroads into the position of the free world.

But while we focus on this important goal, we should not minimize or ignore the actions of those nations which may misuse our funds to strengthen their hostile acts against other countries whom we are also assisting.

It has become evident that we can no longer give unconditional assistance to foreign governments which use it to develop a military potential which threatens the basic objective of our policy. We cannot succeed in our effort for peace in a free world if we continue to assist those whose actions undermine it.

The misuse of our aid by the United Arab Republic has given documentation to the need for legislation in this area. In recent months tension in the Middle East has been considerably increased by huge Soviet-bloc arms shipments to the United Arab Republic and by the country's aggressive acts against other countries in that region. Revolution in Yemen, riots in Jordan, and anti-Government demonstrations in Iran are among the hostile acts for which the United Arab Republic is responsible.

Egypt's principal crop—long staple cotton—has been mortgaged to the Soviet-bloc countries to obtain expensive modern weapons. This cotton could have contributed substantially toward providing the food and housing and higher living standards which are needed by Egypt's millions of underprivileged people. The military establishment of Egypt has undergone vast changes since 1956 and by not placing conditions on our massive aid program to the United Arab Republic we are in effect aiding and abetting Nasser's war machine.

I feel it necessary that we condition our aid on actions which will maintain the peace and will not endanger the security of others. We must give the President maximum flexibility in these delicate areas, but at the same time we cannot allow the aims and objectives of the Foreign Assistance Act to be negated by any potentially hostile force.

We cannot be mawkish about foreign aid, much as we realize its fine character. It thwarts and distorts the fine character if we allow it to be misused in this way.

My colleague from New York [Mr. KEATING] I understand is similarly minded in this area. I hope that we can join together with others in a real effort to include these limiting provisions in the foreign aid act.

The ACTING PRESIDENT pro tempore. The concurrent resolution and the amendment will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 50) was referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President shall suspend or withhold assistance from any country, organization or body eligible to receive assistance under the Foreign Assistance Act of 1961 and under the Agricultural Trade Development and Assistance Act if he determines that such country, organization or body will be enabled thereby to utilize its own resources to further military aggression, subversion or other hostile acts which endanger the security and independence of the United States or other countries receiving aid under such Acts.

The amendment submitted by Mr. JAVITS (for himself, Mr. MORSE, Mr. CASE, Mr. SCOTT, Mr. SALTONSTALL, and Mr. KUCHEL) to the bill (S. 1276) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, was referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

That Section 620 of the Foreign Assistance Act of 1961, as amended, is amended by adding at the end of Section 620 a new subsection as follows :

"(i) Notwithstanding any other provision of law, no assistance shall be furnished under this Act, as amended, or under the Agricultural Trade Development and Assistance Act to any country, government agency or government subdivision which will be enabled thereby to utilize its own resources to further military aggression, subversion or other hostile acts which endanger the security and independence of the United States or other countries receiving aid under this Act. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to the Congress that such waiver is in the national security interest and the reasons therefor."

PROPOSED AMENDMENT BY GENERAL ASSEMBLY OF UNITED NATIONS OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Mr. LONG of Louisiana. Mr. President, I am submitting today a resolution so far reaching in its scope that it could result in one of the greatest strides ever taken toward a lasting world peace.

This resolution would request the President of the United States to instruct our representative at the United Nations to introduce in the General Assembly a plan to be sponsored by the United States of America for reconstitution of the International Court of Justice, to give it uniform compulsory jurisdiction over all nations, without undue surrender of their sovereignty.

This plan was devised by Eberhard P. Deutsch, a nationally known New Orleans lawyer and student of, and writer on, international law, who was for many years a member, and is presently chairman, of the American Bar Association's Standing Committee on Peace and Law through United Nations. Mr. Deutsch's plan is described by him in the leading article of the current issue of the American Bar Association Journal. I request unanimous consent to have this article reprinted in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. LONG of Louisiana. I also ask that an article which appeared in the Pittsburgh Post-Gazette, dated Thursday, May 2, 1963, indicating that the Soviet Union might be disposed to go along with this proposal, be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. LONG of Louisiana. Mr. President, for several years I have insisted upon retention of the Connally reservation to the statute of the International Court of Justice. During this period, I have worked with Mr. Deutsch in the formulation of his plan for reconstitution of that Court, and have studied his final plan carefully. It does not contemplate repeal of the Connally reservation, but will meet the problem in a different fashion when, as, and if the new plan should be adopted and ratified by two-thirds of the members of the United Nations, including all of the permanent members of the Security Council.

Suffice it to say for the moment, Mr. President, that my study of Mr. Deutsch's plan has convinced me that it should be entirely acceptable to the United States, and that, under its provisions, the International Court of Justice can become a realistically effective instrumentality for the preservation and maintenance of world peace through the rule of law.

Ever since the beginning of the 20th century, in the search for world peace, currents which started in the early 14th century have been surging toward a permanent international tribunal for effective adjudication of disputes among nations.

Neither the permanent Court of International Justice, established in 1922 under the Covenant of the League of Nations, nor the International Court of Justice, founded in 1945 under the Charter of the United Nations, has really achieved any definitive progress toward permanent peace.

The frustration of purpose of these tribunals can be traced at once to the fact that their jurisdiction has been dependent on consent of the litigants, which might be withheld altogether, or might be given subject to crippling reservations, such as our own Connally reservation, under which our acceptance of the jurisdiction of the Court excludes such matters as we ourselves consider to lie within our own domestic sphere.

At the present time, of the 110 member states of the United Nations, less than 40 have any declaration of record at all of adherence to the International Court of Justice, and of these, only 2 or 3 are entirely unconditional.

It must be conceded, Mr. President, that the majority of nations of the world have withheld their declarations of adherence from the Court altogether, and that almost all of the remainder have withheld their unconditional declarations, for three principal reasons.

First, most nations have hesitated to agree in advance to submit their important international interests to the Court for adjudication—as stated by Professor Lauterpacht, later Judge Sir Hersch Lauterpacht of the International Court of Justice—"in the apprehension that it would be dangerous to expose such interests to the risks of decision by judges whose impartiality is regarded as problematical."

Second, there has been an understandable reluctance on the part of the so-called great powers, to surrender their sovereignties to the extent apparently necessary for unconditional submission to compulsory jurisdiction of any international tribunal.

Third and finally, there has been an especially marked unwillingness of all nations to entrust a mere majority of a quorum of an international court, with the power to determine whether a matter which a state considers to lie exclusively within its own domestic jurisdiction, falls within the scope of permissible international adjudication.

For some years, Mr. President, as I have stated, Mr. Deutsch has been engaged in preparation of his plan, which provides for reconstitution of the International Court of Justice so that it will be composed of disinterested judges, will have compulsory jurisdiction over all justiciable international controversies among nations, and may confidently be trusted to deny its own right to adjudicate domestic issues, all without undue surrender of sovereignty on the part of any State.

Reconstitution of the Court can be accomplished only by amendment of its statute, which requires "a vote of two-thirds of the members of the General Assembly" of the United Nations, and ratification, "in accordance with their constitutional processes by two-thirds of the members of the United Nations, including all the permanent members of the Security Council."

My resolution proposes that the Senate request the President of the United States to instruct this country's representative to the United Nations to offer in our behalf to the United Nations for its consideration a complete new text for the Statute of the International Court of Justice. A draft of this new statute is annexed to the resolution, and I ask unanimous consent to have them printed in the RECORD immediately following my remarks.

Mr. President, briefly, and in broad outline, this plan for reconstitution of the International Court of Justice, provides that:

First. The judges of the Court are to be appointed for life, and that they and

their wives or husbands are to become citizens of the United Nations with diplomatic immunities in all countries.

Second. A plea to jurisdiction of the Court on the ground that the controversy under consideration is one within the domestic jurisdiction of the State making the plea, could be overruled only by concurrence of 10 judges—two-thirds of the entire membership of the Court.

Third. The right of a permanent member of the Security Council to veto a decision of that body as to enforcement of a decree of the Court on appeal to the Council, would be recognized expressly.

Fourth. Reservations would not be allowed in ratifications of the statute, which would give the Court uniform compulsory jurisdiction under its terms as written, over all members of the United Nations.

Mr. President, I am entirely satisfied that in order for any plan for a permanent international tribunal to be really effective, there must sooner or later also be an effective plan for universal disarmament, which I concede can neither be accomplished nor maintained realistically except subject to effective international controls.

Nevertheless, Mr. President, it is my firm conviction that the proposed revised statute for reconstitution of the International Court of Justice will go far toward attainment of the "Purposes and principles" of the United Nations, as expressed in the first article of the charter, for "prevention and removal of threats to the peace," through "adjustment or settlement of international disputes" in "conformity with the principles of justice and international law."

Mr. President, I accordingly submit the proposed resolution, to which is attached a draft resolution for introduction in the General Assembly of the United Nations, with a copy of the draft revised statute of the International Court of Justice to effect the proposed reconstitution of the tribunal; and ask the resolution be referred to the Foreign Relations Committee for consideration.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution, the draft resolution, and the draft revised statute will be printed in the RECORD.

The resolution (S. Res. 166), draft resolution, and the draft revised statute were referred to the Committee on Foreign Relations, as follows:

Resolved, That the Senate requests the President to instruct the United States Representative to the United Nations to introduce into the General Assembly, and to endeavor to effect adoption of, the annexed draft resolution to amend the Statute of the International Court of Justice, to reconstitute that tribunal in accordance with the terms of the appended text of a revised Statute of the Court.

RESOLUTION OF THE GENERAL ASSEMBLY OF UNITED NATIONS TO AMEND THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Considering that,

During the fifteen years since adoption of the United Nations Charter and the Statute of the International Court of Justice, many nations have declared their recognition of the compulsory jurisdiction of the Court only conditionally, and many have not declared their recognition of such jurisdiction at all, as contemplated under Article 36 of the Statute;

Recognizing that,

By reason of non-acceptance of compulsory jurisdiction of the Court, by many nations, and conditional acceptance thereof by many others, the effectiveness of the Court has been hindered, both directly and indirectly, through application of the principle of reciprocity requiring the placing of parties in a position of equality before the Court;

Believing that

Such non-acceptance and conditional acceptances have been based on doubts as to the impartiality of an international court composed of judges with national allegiances serving for limited terms, fear of adjudication of inherently domestic issues on the assumption that they lose their character as such simply because they affect international relations, and uncertainty as to the wisdom of compulsory submission to determination, by such a judicial tribunal, of compulsory submission to determination, by such a judicial tribunal, of rights and liabilities of nations vis-a-vis each other and the United Nations, rather than by diplomatic negotiation, with possible ultimate resort to force;

Remembering that

The principal purpose of the United Nations is the maintenance of international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; and

Convinced that

Threats to world peace may be removed, and that permanent peace may be achieved within a framework of the principles of justice and international law, by amending the statute of the International Court of Justice to eliminate the possibility of the influence of national interests therefrom, by minimizing the possibility of adjudication of inherently domestic issues therein, and by providing that the jurisdiction of the Court shall be uniform and compulsory as to international disputes among all members of the United Nations, each to stand as to every other in a position of equality before the Court:

We, the members of the United Nations, do now amend the Statute of the International Court of Justice, adopted in 1945, to which reference shall hereafter be made as "the former Statute", to read as follows:

"PROPOSED REVISED STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

"Article I

"Constitution

"The International Court of Justice, established by the Charter of the United Nations as the principal judicial organ of the United Nations, shall be constituted, and shall function, in accordance with the provisions of the present revised Statute.

"Article II

"Composition of the Court

"1—The Court shall be composed of a body of independent judges, nationals, at the time of their election, of members of the United Nations, elected from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

"2—The Court shall consist of fifteen members, no one of whom shall, at the time of his election, be less than fifty-three nor more than sixty-eight years of age, and no two of whom shall have been of the same national origin. A person who, for purposes of membership on the Court, could be regarded as a national of more than one State, shall be deemed to be a national of that one in which he ordinarily exercises civil and political rights.

"Article III

"Election of Judges

"1—The members of the Court shall be elected for life, by the General Assembly and the Security Council, from a list of persons nominated by the members of the United Nations, all as provided hereunder.

"2—The members of the Court, serving as such upon ratification of the present revised Statute, shall be deemed to have been elected for life under the terms of the present revised Statute, with tenure for determination of their retirement pensions, as of the date of their original election to membership on the Court.

"3—Promptly following the occurrence of any vacancy in the membership of the Court, or in anticipation of a forthcoming vacancy to occur by resignation or retirement, the Secretary-General of the United Nations shall invite each of the members of the General Assembly to nominate, within thirty days, for each such vacancy, not more than two persons of any nationality, qualified, and in a position, to serve as members of the Court.

"4—The Secretary-General shall prepare a list, in alphabetical order, of all of the persons so nominated, and shall submit this list to the General Assembly and to the Security Council, which bodies shall proceed, independently of one another, to elect a member of the Court to fill each vacancy thereon.

"5—At each election to membership on the Court, every effort shall be made to reflect in the Court as a whole, a composite of the principal civilizations and legal systems of the world.

"6—The nominee or nominees, equal in number to the vacancy or vacancies to be filled, obtaining the greatest number of votes, and not less than a majority of the votes cast in both the Security Council and the General Assembly, shall be elected; provided that only the eldest among nominees who are nationals of the same State, and who may have received such number of votes, shall be considered to have been so elected.

"7—If, after the first meeting held for such election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

"8—If, after the third meeting, one or more seats still remain unfilled, a Joint Conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing, by vote of a majority of all of the members of the Joint Conference, one name for each seat still vacant, for submission to the General Assembly and the Security Council for their respective acceptances.

"9—If the Joint Conference is unanimously agreed on any qualified person, he may be elected even though he was not included in the list of nominations submitted by the Secretary-General to the General Assembly and the Security Council as hereinabove provided.

"10—If the Joint Conference should not be successful in procuring an election, it shall so advise the General Assembly and the Security Council, and those members of the Court who shall already have been elected shall proceed to fill the vacant seat

or seats, by selection from among those nominees who have obtained any votes either in the General Assembly or in the Security Council. In the event of any equality of votes among the judges, the eldest judge shall have a casting vote.

"11—Any vote of the Security Council, whether for the election of judges, or for the appointment of members of a Joint Conference, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

"Article IV

"Civil Status of Judges

"1—Each person elected as a member of the Court shall, as a condition precedent to his accession to office as such, renounce his or her allegiance to the State of which he or she was a national when elected, and shall be deemed to have become ipso facto, for his natural lifetime, a citizen of the United Nations.

"2—The spouse of each member of the Court shall, as of the date of the judge's accession, be deemed to have renounced (his or) her allegiance to the State of which she was a national when the judge was elected, and shall, during the lifetime of such member of the Court, and for two years thereafter, be deemed to hold United Nations citizenship; but prior to the expiration of such term of two years, such spouse shall be obligated to take, and shall be eligible for, citizenship in any State of her choice, and she shall thereupon surrender her United Nations passport to the Secretary-General.

"3—Members and former members of the Court, and their spouses who shall be deemed to hold United Nations citizenship as in the present Statute provided, shall receive passports as such from the Secretary-General, and may freely enter into, reside in, and depart from, any State which is a member of the United Nations; and they shall enjoy diplomatic privileges and immunities in all such States.

"4—Each judge of the Court, and the spouse of each judge, shall be deemed to have his or her national domicile at the seat of the Court; and each retired judge of the Court and his spouse, as long as they shall be deemed to be citizens of the United Nations as in the present Statute provided, shall be deemed to have his (or her) national domicile at his permanent residence; in each case in so far as, but no farther than, his United Nations citizenship and his diplomatic status and immunities do not fully cover or define his personal status, rights and liabilities.

"5—Whenever the Court determines that any person who is related by blood, marriage, or adoption to a member thereof is being subjected to or threatened with discriminatory treatment by the State in which such person resides, for the purpose of influencing such member in, or retaliating against such member on account of, the discharge of his functions as a judge of the Court, it shall issue such orders as may be appropriate to cause such State to permit the departure of such person therefor, and the granting of asylum to such person by any other State which is a member of the United Nations and to which he applies therefor.

"6—Every member of the Court shall, before taking up his duties as such, make a solemn declaration in open court, that he will exercise his functions conscientiously and impartially.

"7—No member of the Court may exercise any political or other functions, or engage in any occupation whatever, other than as a member of the Court; nor may any member of the Court participate in the decision of any case with which he has had any prior connection whatever, direct or indirect, in any capacity, except that members of a chamber shall be eligible to sit on the full Court on an appeal from the chamber to the full Court, under the provisions of section 4 of Article XVI of the present revised Statute.

"Article V

"Officers of the Court

"1—The Court shall elect its President and Vice President for terms of three years. These shall be eligible for re-election. The Court shall appoint its Registrar, and shall provide for the appointment of such other officials and employees as may be necessary.

"2—The seat of the Court shall be established at the Hague, but the Court may sit, and exercise its functions, elsewhere as it may deem advisable. The President and Registrar shall reside at the seat of the Court.

"Article VI

"Resignations, Retirement, and Dismissal

"1—Any member of the Court may resign at any time, by addressing his resignation to the Secretary-General, upon receipt by whom the resignation shall be effective. Six months after a judge shall have resigned, he and his (or her) spouse shall lose their United Nations citizenship. Within said period of six months, they shall be eligible for, and shall take, citizenship in any State of their choice, and shall surrender their United Nations passports to the Secretary-General.

"2—Any member of the Court who shall, during his tenure of office, have reached the age of seventy years, may retire at any time.

"3—Any member of the Court who shall have reached the age of seventy-five years, shall be retired as of his seventy-fifth birthday; except that such retirement shall not, as to any member of the Court serving as such upon ratification of the present revised Statute, take effect until six months after such ratification.

"4—Any member of the Court may be dismissed, for violation of any provision of the present Statute, of any provision of rules or regulations of the Court, or for conduct in any wise unbecoming a member of the Court, by vote of not less than two-thirds of the members of the Security Council (without distinction as to permanent or nonpermanent members), on trial under impeachment by a majority of the members of the General Assembly.

"5—A member of the Court who has been dismissed, and his (or her) spouse, shall forfeit their United Nations citizenship; they shall revert to the citizenship which they had at the time of his election to the Court; they shall forthwith surrender their United Nations passports to the Secretary-General; and the dismissed judge shall have no right to any pension or other emoluments of his office, effective from the date of his dismissal.

"6—The Registrar may be dismissed at any time by the Court, and any other official or employee of the Court may be dismissed at any time by the appointing authority. Pension and other rights of such dismissed officials or employees of the Court, shall be as fixed under regulations of the General Assembly.

"Article VII

"Salaries and Expenses

"1—Each member of the Court shall receive an annual salary. The President shall receive a special annual allowance, and the Vice President shall receive a special allowance for every day on which he acts as President.

"2—Judges ad hoc shall receive compensation for each day on which they exercise their functions, including days on which they travel in connection with the exercise of their functions.

"3—The salaries and allowances of members of the Court, and the compensation of the judges ad hoc, shall be fixed by the General Assembly, and shall never be decreased during the terms of office of persons for whom fixed.

"4—The salary of the Registrar shall be fixed by the General Assembly on recommendation of the Court, and the compensation of all other officials and employees of the Court shall be fixed by the Court.

"5—Expenses of the members of the Court and judges ad hoc, for their reasonable expenses of traveling to and from, attendance at, and otherwise on business of, the Court, shall be reimbursed to them.

"6—Expenses of the Registrar, and of other officials and employees of the Court, incurred in connection with the exercise of their functions, shall be reimbursed to them.

"7—Members of the Court who shall have retired after not less than ten full years of service, shall receive, for life, retirement pensions equal to their annual salary at the time of their retirement; and members of the Court who shall have retired after less than ten full years of service, shall receive, for life, retirement pensions equal to that portion of their annual salary at the time of their retirement, as the number of years served by them as members of the Court bears to ten.

"8—The widow of a member or retired member or retired member of the Court, who was his wife during his tenure of office as a member of the Court, shall receive a pension for life. In the case of a widow of a member of the Court, this pension shall be one-half of the pension which would have been payable, according to his years of service, to the member of the Court, if he had retired as of the date of his death with not more than ten years of service. In the case of the widow of a retired judge, this pension shall be one-half of the pension to which such retired judge was entitled at the time of his death.

"9—Conditions of retirement, and pensions of the Registrar and other officials, shall be as fixed by the General Assembly.

"10—The salaries, allowances, compensation, pensions and reimbursements of expenses, fixed as provided in the present Statute, shall be free of any and all taxation.

"Article VIII

"Jurisdiction

"1—All members of the United Nations shall be subject to the compulsory jurisdiction of the Court in all justiciable disputes concerning—

"a—The interpretation of a treaty.

"b—Any question of international law.

"c—The existence of any fact which, if established, would constitute a breach of an international obligation.

"d—The nature and extent of any reparation to be made for the breach of an international obligation.

"e—Any matter which, by treaty or convention in force between parties to the present revised Statute, provides for reference thereof to the Court, to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice.

"2—The jurisdiction of the Court shall extend also to

"a—All justiciable cases which the parties may refer to it.

"b—All matters specially provided for in the Charter of the United Nations.

"c—Matters referred to the Court for advisory opinions, as elsewhere in the present revised Statute provided.

"3—The Court shall have no jurisdiction over any matter essentially within the domestic jurisdiction of any State, and nothing contained in the present revised Statute shall be construed as requiring any member of the United Nations to submit any such matter to the Court for adjudication.

"4—Any question or dispute as to the jurisdiction of the Court shall be determined by the Court; but when any State, party to the cause, shall contend that a matter brought before the Court for adjudication is

essentially within the domestic jurisdiction of the State, the Court shall not exercise jurisdiction over the proceeding unless at least ten of its judges (with a full Court of fifteen judges sitting in the cause) concur in holding the matter to be within the jurisdiction of the Court. Any doubt as to whether a matter is essentially within the domestic jurisdiction of a State, shall be resolved by the Court in favor of such domestic jurisdiction.

"5—The Court shall adjudicate disputes before it in accordance with generally accepted, applicable principles of international law, giving due consideration, in its deliberations, to

"a—The provisions of international conventions establishing rules generally recognized among nations;

"b—International customs, as evidence of a general practice accepted as law;

"c—Judicial precedents recognizing legal principles (subject, in all cases, to the provisions of paragraph 6 of Article XVI, that a judgment of the Court shall be res adjudicata only as between the parties to the cause, and as to the cause, in which the judgment was rendered);

"d—General principles of law, equity and justice recognized among nations;

"e—Legal writings of jurisconsults who are recognized authorities in international law.

"Article IX

"Parties

"1—Only public international organizations or States may be parties in cases before the Court.

"2—The Court shall be open at all times to all public international organizations which are constituent agencies, or are created under the terms of the Charter, of the United Nations, and to all States which are members of the United Nations.

"3—The Security Council of the United Nations shall specify the conditions under which—subject to special provisions contained in treaties in force—the Court shall be open to public international organizations which are not constituent agencies, or are not created under the terms of the Charter, of the United Nations, and to States other than those which are members of the United Nations; but in no case shall such conditions place the parties in positions of inequality before the Court.

"Article X

"Institution and Prosecution of Causes

"1—Cases may be brought before the Court by notification of a special agreement, or by application, by one or more parties, addressed in either case to the Registrar, and indicating the subject of the dispute and the parties thereto.

"2—The Registrar shall forthwith communicate the notification or application to all parties immediately concerned therein on the face thereof, and also to the members of the United Nations through the Secretary-General.

"3—The parties shall file pleadings and other documents as required, and within the time fixed, or permitted, by the Court, in its rules, or in each case.

"4—The parties shall be represented by agents, and may have the assistance of advocates throughout the proceedings. The agents and advocates shall enjoy the privileges and immunities necessary to the independent exercise of their duties as such.

"5—Unless otherwise ordered by the Court, or by a chamber before which the cause is to be heard, all oral evidence shall be heard, and all documentary evidence shall be introduced, before a referee appointed by the Court or chamber, by letters rogatory or by deposition de bene esse.

"6—The Court may, at any time, request any individual, body, bureau, commission or other organization to carry out an inquiry and report to the Court, or to give the Court an expert opinion.

"7—The Court may request information relevant to cases before it, from public international bodies, and shall receive any information transmitted to it by such bodies on their own initiative.

"8—Copies of all documents filed by a party in proceeding, shall be given to every other party to the cause.

"9—All notices shall be served on the advocates of the parties, in person, by delivery at, or by mail addressed to, the places at which they are to be found, elsewhere as the Court may direct, or through the government of the State upon whose territory the service is to be effected.

"Article XI

"Intervention

"1—Whenever the construction of a constituent instrument of a public international organization, or of an international convention adopted thereunder, is in question in a cause before the Court, the Registrar shall notify the public international organization concerned, and shall transmit to it copies of all the written proceedings. Such public international organization may intervene of right, by declaration, in the cause.

"2—Whenever there are parties to a convention whose construction is at issue in a cause between other parties, the Registrar shall notify the parties to the convention which are not parties to the cause, of the pendency of the action. Each such party so notified may intervene of right, by declaration, in the cause.

"3—Whenever a public international organization or a State considers that it has a legal interest which may be affected by the decision of a cause, such public international organization or State may apply to the Court for permission to intervene in the cause, and the granting of such application shall be discretionary with the Court.

"4—A judgment in any cause shall be binding on all intervenors, as well as on the original parties to the cause.

"Article XII

"Provisional Measures

"1—Pending hearing and determination of a cause, the Court may, ex proprio motu, or on application of any party, if it considers that circumstances so require, specify any provisional measures to be taken to preserve, pendente lite, the respective rights of any party or parties.

"2—Notice of the provisional measures so specified by the Court, shall be given forthwith by the Registrar to the parties and to the Security Council, which may, if it deems necessary, decide upon measures to be taken to give effect thereto.

"Article XIII

"Sessions of the Court

"1—The Court shall remain in session permanently, except during judicial vacations as fixed by the Court. Members of the Court shall have periodic leave as fixed by the Court, and shall, except when prevented by compelling reasons, hold themselves permanently at the disposal of the Court.

"2—The full Court shall sit in each cause, except as expressly otherwise provided in the present revised Statute. By general rule, or by special ruling of the Court in any case, a member of the Court may be dispensed from sitting in special circumstances, provided that, except as stipulated in paragraph 6 of this Article, the number of judges available to constitute the Court shall not thereby be reduced below 11, and that a quorum of 9 judges shall suffice to constitute the full Court.

"3—From time to time, or at any time, the Court may form one or more chambers, to consist of three or more judges, to hear and determine, for the Court, any case or cases by summary or other procedure as the chamber may direct.

"4—A case shall be heard by a chamber only at the request, or by the consent, of all parties to the cause, or by direction of the Court; and a chamber may, at such request, or by such consent or direction, sit and exercise its functions elsewhere than at The Hague.

"5—By direction of the Court, ex proprio motu or at the request of any party or parties thereto, a case may be transferred for hearing or determination, at any time after institution of the proceeding and prior to judgment, from the Court to a chamber, or from a chamber to the Court.

"6—Any question as to the jurisdiction of the Court may be considered and determined only by the full Court, with not less than fifteen judges sitting.

"7—If a member of the Court feels that he should not, for any reason, take part in the decision of a particular case, he shall so advise the President; or if any member of the Court feels that, for any reason, any other member of the Court should not sit in a particular case, he shall so advise the President. Any party to a cause before the Court may suggest to the Court that, for a particular reason given, a member of the Court should not take part in the decision of the case. The member in question shall not participate in the adjudication of any such case, in the absence of any difference of opinion in that regard. The Court shall determine any dispute as to whether a member should be allowed or required to take part in the decision of any case, the questioned member not participating in such determination.

"Article XIV

"Completion of the Court

"1—Whenever, for any reason, it shall not be possible to have the required number of judges for the Court or for any chamber thereof, in any particular cause, or if, for any reason, no regular judge is available for designation as an additional judge under paragraph 1 of Article XVI of this Statute, the Court may designate as a judge or judges ad hoc, a retired member or members of the Court who may be willing and able to participate in the determination of the case; or, if such retired member or members should not be available, the Court shall designate, as a judge or judges ad hoc, some other person or persons from among those theretofore nominated—although never elected by the United Nations—to serve as a judge of the Court.

"2—A judge or judges ad hoc, appointed by the Court from among persons nominated, but never elected by the United Nations, to serve as judges of the Court, shall not be of the nationality of any party to the cause, and shall retain his or their nationalities.

"Article XV

"Hearings

"1—Whenever any party fails to defend its case or to appear before the Court, any other party may call upon the Court to decide the controversy against the defaulting party; provided that before entering a judgment against a party in default, the Court shall determine that it has jurisdiction of the case, and that the claim or claims of the nondefaulting party or parties are well founded.

"2—Unless otherwise ordered by the Court or chamber before which the cause is to be heard, the hearing before the Court shall consist of an oral presentation by the advocates of the parties.

"3—Memorials and counter-memorials may be filed before and after oral presentation, pursuant to the rules, or to orders, of the Court.

"4—The official languages of the Court shall be English and French, and, unless

otherwise ordered by the Court at the request of any party, the pleadings shall be drawn, and the proceedings shall be conducted, in either English or French.

"5—Hearings before the Court and chamber shall be public unless the Court or chamber shall direct otherwise.

"6—The President, or if he is unable to preside, the Vice-President, and if the latter should not be able to preside, the senior judge present, shall preside over sessions of the Court. The senior judge present shall preside over sessions of a chamber.

"7—Minutes of each session of the Court shall be maintained by the Registrar, and these alone shall be the authentic evidence of the proceedings.

"8—The deliberations of the Court shall take place in private and shall remain secret.

"Article XVI

"Decisions

"1—All questions (except a question raised by the contention of a State party to a cause, under paragraphs 3 and 4 of Article VIII of the present revised Statute, that a matter before the Court is essentially within that State's domestic jurisdiction) and all cases, shall be decided by a majority of the judges sitting; and, in the event of an equality of votes, the Court shall designate an additional judge or judges to sit with the Court or chamber for rehearing and determination of the question or cause.

"2—The Court or chamber shall render an opinion in support of its judgment. If the opinion is not unanimous, it shall state the names of the judges concurring therein, and both concurring and dissenting judges shall be entitled to render separate opinions.

"3—Opinions and decisions of the Court shall be rendered in both English and French, the Court designating which of the texts is to be considered authoritative.

"4—A judgment given by a chamber shall be considered as rendered by the Court; except that any party which may have objected to a hearing before a chamber shall have a right, within sixty days from rendition of an adverse judgment by a chamber, to appeal therefrom to the full Court, on which the members of the chamber which decided the case shall be eligible to sit. Except as otherwise ordered by the Court, the presentation of a case on appeal shall be on the record made up before the chamber.

"5—The judgment of the Court, and a judgment of a chamber which is not subject to appeal, shall be signed by the President and Registrar of the Court. Subject to the provisions of Article 94–2 of the Charter of the United Nations, there shall be no appeal from any judgment of the Court, nor from any judgment of a chamber except as provided in the preceding paragraph of this Article.

"6—Judgments shall have no binding force as res adjudicata, except between the parties to the cause and intervenors therein, and in respect of the cause in which rendered. In the event of a dispute as to the meaning or scope of a judgment, the Court or chamber which rendered it may construe it upon application of any party to the cause.

"7—Any party may apply to the Court for revision of a judgment, on discovery of a fact of such a nature as to warrant revision, provided that such fact was unknown to the party, without negligence on its part, prior to judgment.

"8—An application for revision of judgment must be made within six months of discovery of the new fact on which it is based; but such application may not be made, in any event, after the lapse of ten years from the date of judgment.

"9—The granting of a hearing on such application for revision of a judgment, shall be discretionary with the Court, which may require previous compliance with the terms of the judgment as a condition precedent to the proceedings for revision.

"10—Recommendations made, or decisions rendered, by the Security Council, under paragraph 2 of Article 94 of the Charter of the United Nations, upon measures to be taken to give effect to a judgment of the Court, shall be made or rendered by an affirmative vote of seven members including the concurring votes of the permanent members.

"Article XVII

"Costs

"1—The expenses of the Court shall be borne by the United Nations in such manner as shall be determined by the General Assembly.

"2—Each party to a cause shall bear its own costs, unless otherwise decreed by the Court.

"3—The Court shall, by its rules, fix the charges, fees, and costs which parties shall pay in connection with proceedings before the Court.

"4—When a public international organization which is not a constituent agency of the United Nations, or a State which is not a member of the United Nations, is a party to a cause, the Court shall fix the amount which such party is to contribute toward the expenses of the Court in addition to the charges, fees and costs payable by all parties.

"Article XVIII

"Advisory Opinions

"1—The Court shall give an advisory opinion on any legal question laid before it by any body which may be authorized by, or in accordance with, the Charter of the United Nations to make such request.

"2—Questions upon which the advisory opinion of the Court is requested, shall be laid before it in a written application, accompanied by all documents which may be of assistance in reaching an answer to the question.

"3—The Registrar shall forthwith give notice of any request for an advisory opinion to all public international organizations or States which, on the face of the request, have, in his opinion, an apparent interest in the question.

"4—The Registrar shall also forthwith give notice of any request for an advisory opinion, through the Secretary-General, to all other public international organizations which are constituent agencies of the United Nations, and to all States which are members of the United Nations.

"5—Any public international organization or State which feels that it has an interest in the determination of a question which has been submitted to the Court for an advisory opinion, or which feels that it may be in a position to furnish information helpful in the determination of such question, may, under such rules as the Court may prescribe, file memorials and counter-memorials with the Court, and, with leave of Court, make an oral presentation on the question before the Court.

"6—In the exercise of its advisory functions, the Court shall be guided, in addition to the provisions of the within Article, by the provisions of the present revised Statute, and of its own rules governing controverted cases, in so far as applicable.

"Article XIX

"Rules and Regulations

"1—The Court shall make all rules necessary or advisable for the conduct of proceedings pending before it, including rules to cover all matters provided by the present revised Statute, to be governed by such rules.

"2—The rules of the Court may provide for assessors to sit with the Court or with any of its chambers, but assessors shall not have the right to vote.

"Article XX

"Ratification and Amendment

"1—Reservations shall not be admissible in ratifications of the present revised Statute, which shall come into force unconditionally, as written, for all members of the United Nations, after it shall have been adopted by a vote of two-thirds of the members of the General Assembly, upon deposit with the Secretary-General of instruments of ratification thereof, without reservations, in accordance with their respective constitutional processes, by two-thirds of the members of the United Nations, including all of the permanent members of the Security Council. A protocol of the instruments of ratification deposited shall thereupon be drawn up by the Secretary-General, who shall communicate copies thereof to all of the members of the United Nations, and to all States not members of the United Nations who shall then have become parties to the former Statute of the International Court of Justice.

"2—Amendments to the present revised Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendment to that Charter.

"3—The Court may propose such amendments to the present revised Statute as it may deem necessary or advisable, by written communication to the Secretary-General, for consideration pursuant to the first paragraph of the within Article."

EXHIBIT 1

[From the American Bar Association Journal, June 1963]

A PLAN FOR RECONSTITUTION OF THE INTERNATIONAL COURT OF JUSTICE

(By Eberhard P. Deutsch of the Louisiana bar (New Orleans))

(NOTE.—The capacity of the International Court of Justice to adjudicate international disputes has been circumscribed by the failure of some nations to adhere to the Court's jurisdiction and the adherence of most others only subject to narrow reservations. Mr. Deutsch proposes that the Court be reconstituted with international judges who are citizens, not of their nations, but of the United Nations, and are elected for life. He also proposes other significant changes in the structure and competence of the Court, protected by all of which, he suggests, nations will no longer be reluctant to submit, in advance, to unreserved compulsory jurisdiction of the tribunal.)

Ever since the beginning of the 20th century, and to some extent even earlier, there have been strong currents—engendered by a deep-seated human yearning for world peace—moving toward establishment of a permanent international tribunal, with compulsory jurisdiction over all nations of the world, for definitive peaceful adjudication of their disputes.

Many of the great statesmen who labored assiduously in the vineyards of international organization at the Hague Peace Conferences of 1899 and 1907, at Versailles in 1919 and at San Francisco in 1945 were striving to lay firm foundations for the support of sturdy structures to house the idealistic concept of the international tribunals they were endeavoring to create as instruments to achieve their ultimate ideal of permanent peace.

The most extreme visionary among us would not presume to assert that their ideal has yet been approached even closely, much less achieved; nor would the starkest realist deny that there has been substantial progress in the direction of that distant goal. All would agree, however, that the permanent international tribunals established in the 20th century as agencies for the attainment of world peace—with jurisdiction dependent on consent of the litigants, which may be

withheld altogether or given subject to emasculating reservations—could never achieve the high destiny which their creators envisioned for them.

COURTS HAVE HAD ONLY LIMITED JURISDICTION

The Permanent Court of International Justice, organized in 1922 under a statute adopted by the Assembly of the League of Nations pursuant to article 14 of its covenant, unquestionably rendered some noteworthy decisions and delivered some scholarly opinions which have become significant milestones along the tortuous paths of international law. But that article of the covenant merely provided that the "Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it"; and the Permanent Court must be conceded never really to have become competent to serve or actually to have served as an effective instrument for the preservation of world peace.

Article 92 of the Charter of the United Nations declares that "the International Court of Justice shall be" its "principal judicial organ," and it provides that the Court is to "function in accordance with the annexed statute, which is based upon the Statute of the Permanent Court of International Justice." Under article 36 of the present statute, only states which file declarations of adherence are subject to the jurisdiction of the Court—and then only under the conditions stipulated in their own declarations.

At the present time, of the 110 member states of the United Nations, less than 40 have of record any declarations of adherence to the International Court of Justice, and only 2 or 3 of these may truly be said to have submitted themselves completely and unconditionally to the compulsory jurisdiction of the Court.

Under these conditions, it must be conceded that the International Court of Justice, while also handing down learned opinions on the inadequately charted seas of international law, has been impotent, largely through necessity, as an instrument intended to further the "purposes and principles" of the United Nations (as set forth in the first article of the charter) for "prevention and removal of threats to the peace" through "adjustment or settlement of international disputes" in "conformity with the principles of justice and international law."

Rightly or wrongly, most nations have withheld their declarations of adherence altogether or their unconditional adherences for three principal reasons.

First, most countries seem to have hesitated to submit their important international problems to judges whose strong national allegiances may divert their judgments from disinterest to expediency. As stated in 1933 by Prof. Hersch Lauterpacht, later a judge of the International Court of Justice, "the real difficulty lies not in the ability of international law to protect important interests of states, but in the apprehension that it would be dangerous to expose such interests to the risks of a decision by judges whose impartiality is regarded as problematical."

Second, there has been an understandable reluctance on the part of the so-called great powers to surrender their sovereignties to the extent apparently necessary for unconditional submission to compulsory jurisdiction of an international court.

Finally, there has been an especially marked unwillingness of all nations to entrust to a mere majority of a quorum of an international tribunal the power to determine whether matters which a state considers to lie within its domestic jurisdiction fall within the scope of permissible international adjudication.

PLAN FOR RECONSTITUTED COURT IS DISCUSSED

For some years the writer has had under intensive study and has now brought to fruition a plan for reconstitution of the International Court of Justice—to be composed of disinterested judges, with compulsory jurisdiction over all justiciable international disputes among nations, confidently to be trusted to deny its own right to adjudicate domestic issues, all without undue surrender of sovereignty on the part of any state, certainly not beyond that already surrendered by adherence to the Charter of the United Nations itself.

With universal disarmament, "adjustment or settlement of international disputes" in "conformity with the principles of justice and international law" can be achieved, beyond question, by establishment of a universally acceptable international tribunal, having compulsory jurisdiction over all nations, for disposition of justiciable controversies among them. The difficulty lies in fixing the conditions under which disarmament is to be accomplished, the Court established, and both maintained with a minimal surrender of national sovereignty.

Disarmament need merely be mentioned in passing. Suffice it to say that universal disarmament can neither be accomplished nor maintained realistically except subject to effective international controls.

In his annual report for 1955 to the General Assembly of the United Nations, Dag Hammarskjold, its then Secretary General, submitted that "it is surely in the interest of all member states to restrict as much as possible the sphere where sheer strength is an argument, and to extend as widely as possible the area ruled by considerations of law and justice. In an inter-dependent world, a greater degree of authority and effectiveness in international law will be a safeguard, not a threat to the freedom and independence of national states."

A decade earlier, the First Committee (on the International Court of Justice) of Commission IV (on Judicial Organization) in its report at the San Francisco Conference early in 1945 ventured "to foresee a significant role for the new Court in the international relations of the future. * * * It is confidently anticipated that the jurisdiction of this tribunal will be extended as time goes on, and past experience warrants the expectation that its exercise of this jurisdiction will command a general support."

Realistic principles of justice under international law can never be established and maintained except by an impartial tribunal that is composed of judges owing no national allegiances and that is bound scrupulously to avoid determination of any but genuinely international issues among nations in positions of absolute equality in the assertion of their rights before the Court.

The plan discussed herein for reconstitution of the International Court of Justice, under which the Court is to have compulsory jurisdiction, without reservations, over all member states of the United Nations, will strengthen the authority of the Court, while removing from it (as far as it can humanly be done) every vestige of possible partiality of its judges, and prohibiting its assumption of jurisdiction over domestic or quasi-international issues; and will involve no surrender of sovereignty, except to the bare extent of submission to the decretal jurisdiction of the Court.

PLAN REQUIRES AMENDMENT OF STATUTE

Reconstitution of the International Court can be accomplished only by amendment of the statute of the Court, which requires "a vote of two-thirds of the members of the General Assembly," and ratification "in accordance with their constitutional processes by two-thirds of the members of the United Nations, including all the permanent members of the Security Council." It is apparent that any proposed reconstitution of the International Court, in order to be acceptable to all governments, must be so devised as to give rise to no fear of abuse of the Court's power. It is recommended that the proposal be put into effect through the revision of the present statute by a complete new text embodying principles which, it is submitted, will accomplish the desired result.

The most important single factor in purging an international tribunal of possible bias or suspicion of bias of its judges is internationalization for life of the members of the Court. The late Judge Lauterpacht of the International Court of Justice, one of the world's greatest modern scholars in the field of international law, stated in the latest edition of his "Development of International Law by the International Court," published in 1958, only 2 years before his death: "If government by men, and not by laws, is resented within the state by individuals, any appearance of it is likely to be viewed with even greater suspicion on the part of sovereign states in relation to judges of foreign nationality. The problem of judicial impartiality, however exaggerated it may be on occasions, is an ever-present problem in relation to international tribunals."

The proposed revised statute of the International Court of Justice provides that the Court "shall be composed of a body of independent judges." Those are the identical words used in article 2 of the original statute of that Court and in the same article of the original and revised statutes of the Permanent Court of International Justice, into which they were incorporated from similar language in The Hague project of 1907 for a court of arbitral justice.

By use of the term "a body of independent judges," the 1920 Committee of Jurists, which drafted the original Statute of the Permanent Court of International Justice, intended that the judges of that Court were (insofar as humanly possible) to be absolutely independent of the governments of which they were nationals.

In September 1927, a committee of judges of the Permanent Court of International Justice, in a report rendered with reference to the advisability of permitting appointment of judges ad hoc by litigants in cases submitted for advisory opinions, themselves conceded that "of all influences to which men are subject, none is more powerful, more persuasive or more subtle, than the tie of allegiance that binds" judges "to the land of their homes and kindred, and to the great sources of the honors and preferments for which they are so ready to spend their fortunes and to risk their lives."

As early as 1920 Minéitcirô Adatci, a distinguished international scholar and diplomat and a member of the Committee of Jurists which drafted the Statute of the Permanent Court of International Justice, whose President he was destined to become, expressed the view that the judges of that Court should be required on appointment to "deify themselves," a status which he suggested might be achieved by means of their internationalization.

In 1923, Judge Edwin B. Parker, of the United States, was appointed umpire of the Mixed Claims Commission to adjudicate claims between the United States and Germany. Shortly after Judge Parker's death in 1929, Prof. Edwin M. Borchard, of the School of Law of Yale University, wrote of him in the American Journal of International Law that he "early made it clear that" in his official capacity "he regarded himself as denationalized."

STATISTICS SHOW BIAS OF NATIONAL JUDGES

Some interesting statistics on inherent prejudices of national judges of the Permanent Court of International Justice were gathered by Professor Lauterpacht and published in 1933 in "Function of Law in the International Community," after due "consideration of the expediency and appropriateness of this line of investigation." He found "that in no case have national (ad

hoc) judges voted against their state," a circumstance which "cannot be regarded as a mere coincidence," but was on the contrary "profoundly disturbing," particularly in light of the fact that in several cases the dissenting opinions of national judges were "delivered against the unanimous or practically unanimous view of the Court."

More recent statistical data disclose that on 12 occasions from 1922 to 1960 a national judge—ordinarily a judge ad hoc—has formed a minority of one on the side of his own country—a "coincidence" even more "profoundly disturbing."

Professor Lauterpacht had concluded in 1933 that the indispensable impartiality of the judges of any permanent international tribunal "presupposes on their part the consciousness of being citizens of the world."

To this end, it is proposed in the new revised statute that each judge of the International Court of Justice be required to renounce his nationality upon his accession and be deemed to have become a citizen of the United Nations for life, with diplomatic status in very country of the world. It is proposed also that the spouse of each judge be presumed to have renounced her (or his) nationality upon the judge's accession and be deemed also to have become a citizen of the United Nations, with correlative worldwide immunities, for the life of the judge. The spouse would be considered to have retained United Nations citizenship for 2 years after the death of the judge, being eligible for and obligated to take citizenship in any country of her choice on loss of United Nations citizenship.

The United Nations, however, is not itself a state. It accordingly has no domestic laws for the government of matters of personal status, rights, and liabilities of members of the court and their wives—such as marital community, devolution and inheritance and capacity to contract and innumerable similar relationships, rights and liabilities.

To fill this gap, it is proposed that each judge and his spouse are to be deemed to have their national domicile at the seat of the court and each retired judge and his spouse, as long as they may be deemed to be citizens of the United Nations as provided in the statute, are to be considered to have their national domicile at the judge's permanent residence. This is to apply in each case insofar as but no further than their personal status, rights and liabilities may not be defined by their United Nations citizenship.

LIFE APPOINTMENT FOR JUDGES PROPOSED

As a concomitant of the suggested internationalization of judges, it is proposed that their election be for life (with certain retirement privileges and requirements), instead of for 9 years in overlapping groups of five as under the present statute. As further assurance of the independence of the judges, the proposed statute retains the provisions of the original statute that the salaries and allowances of judges may not be decreased during their tenure and remain free of any and all taxation.

Under the proposed statute the Court would remain at 15 members, there being no apparent reason for any change in their number.

Much has been said and written about the possibility of retrograding the caliber of the Court through the provisions for election of its members in groups for fixed terms, as under the present statute, but it has never been suggested that any of the present members of the Court leave anything to be desired in individual scholarly attainments in international law and in absolute personal and judicial integrity. With the possible exception of a suggestion of a moderate Latin American predominance over other world areas, there has been no strong criticism of regional distribution of membership on the court.

It is proposed accordingly that the judges in office at the time of amendment of the statute as suggested be automatically retained in office for life under the terms of the new statute.

Life tenure of the judges under the proposed amended statute will minimize the necessity for revision of the present substantive method of filling vacancies on the court. Instead of election of five judges en bloc every 3 years as at present, elections will take place only to fill vacancies and rarely for more than a single judgeship.

Election of one or possibly more, but certainly fewer than five, judges may nevertheless give rise to national or regional alinements and difficulties in securing majorities, especially perhaps, in light of the recent radically increased membership of the United Nations. Under these circumstances it is advisable to modify the present election machinery to establish a simplified procedure, somewhat along the lines of such a change as has been suggested for election by pluralities to avoid any possible impasse in achieving bloc majorities.

Vacancies would then simply be filled by election as heretofore by the Security Council and General Assembly, without right of veto, from nominations which each nation would be privileged to make directly. But election would be by plurality among nominees receiving a majority of votes cast in both bodies, without the necessity of "absolute majorities" of entire memberships.

If judges are to have life tenure it is advisable to fix age limits for nominees for judgeships. Absolutism or relative statistical certainty of result in setting age limits for judges are impossible of attainment; but it is suggested as a fair basis for assuring adequate maturity with full physical and mental vigor that judges be between the ages of 53 and 68 when elected.

Article 18 of the original statute of the Court provides that "no member of the Court may be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfill the required conditions." It has not been necessary to test whether this provision is sufficient, since the present limited 9-year term gives some assurance of ultimate control by the General Assembly and the Security Council.

But in view of the proposed life tenure under the new statute, it is preferable to provide that a judge may be dismissed, on impeachment by a majority of the General Assembly, by a vote of two-thirds of the members of the Security Council, without right of veto. Dismissal of a judge will carry with it loss of United Nations citizenship for himself and his spouse, with automatic reversion to their citizenship at the time of his election, and loss of emoluments of office and pension rights.

The new statute provides, as does the present, that a judge may resign at any time, except that it is now proposed that a judge may not resign while he is under impeachment. On resignation the judge forfeits United Nations citizenship of himself and his spouse. They will be eligible for and must within 6 months take citizenship in a State of their choice.

It is proposed that judges shall have the right to retire at any time after reaching 70 and that they shall be retired automatically at 75. On retirement the judge is to receive for life his full salary if he has served 10 years or more, or a ratable portion if he has served less than 10 years at the time of his retirement.

REQUIRED RECUSATION PROVISIONS ARE BROADENED

As an added safeguard to the guarantee of fair hearings—in view of the new paramount requirement for compulsory, unreserved submission to the jurisdiction of the Court—the provisions for required recusation of judges are broadened considerably under the proposed statute.

Any member of the Court may at any time request that he be recused for any reason from participating in a cause. Any member may suggest that for any reason any other member of the Court should not sit in a particular case and any party may suggest to the Court that for a stated reason any member should not sit.

In the event of a dispute as to whether a judge should be allowed or required to recuse himself from participation in hearing and determination of a cause, the matter is to be decided by the Court, but the judge whose recusation is under consideration is not to participate in this decision.

The provision of the present statute for a quorum of 9 judges to constitute the Court is retained subject to its provision—to which further reference will be made hereunder—that a full Court of 15 judges must sit for hearing and determination of any question as to the jurisdiction of the Court over any proceeding before it.

CHANGE IN PROVISIONS ON AD HOC JUDGES

The present statute of the International Court of Justice provides, as did the statute of the Permanent Court, that if the panel of the Court does not include a national of a party to a case before it, the party (or both parties, if there is no national of either on the bench) may designate a judge (or judges) ad hoc to sit with the Court and to "take part in the decision on terms of complete equality with their colleagues."

There is no present provision for appointment of judges ad hoc to meet other contingencies, such as the absence of a quorum, it being provided in the rules of the Court that judges ad hoc "shall not be taken into account for the calculation of a quorum" and that, in the absence of a quorum, a session is simply to be adjourned "until a quorum has been obtained."

While the present statute contains no requirement that a judge ad hoc be of the nationality of the appointing party, judges ad hoc have been nationals or the states by which they were appointed, except on rare occasions. This has been the inevitable consequence of the premise that the very purpose of the provisions for designation of judges ad hoc is to place representatives of the parties themselves on the bench for determination of a particular case.

On the other hand, the whole idea of national judges is completely foreign to the basic concept of the proposed new statute, under which there will be no national judges at all; so no need is recognized for national judges ad hoc. Only when additional judges are required to complete a quorum or to break a tie will there be any need for judges ad hoc. Then they are not to be designed by the parties and may not be nationals of the countries litigant.

It is therefore simply provided in the proposed statute that whenever there is an insufficient number of judges to constitute the bench, or the judges are equally divided in their votes as to decision of a case, the Court itself is to designate a judge or judges ad hoc from retired judges willing and able to serve or from persons, not of the nationality of any party to the cause, theretofore nominated for judgeships on, but not elected to the Court.

Like the present statute, the new statute requires that all questions before the Court or any chamber thereof (except as to whether the Court may exercise jurisdiction over a proceeding against a contention that its subject matter is essentially within the domestic jurisdiction of a state party to the cause) are to be decided by a majority of the judges who participated in the hearing. In the event of a tie vote, the Court is to designate an additional judge or judges to sit with the Court or chamber for rehearing and determination of the question

or cause, instead of allowing a second, or casting, vote to the president of the Court as at present.

The new statute, like the old, provides for the rendition of written opinions—both majority and dissenting, as well as separate concurring opinions—the names of the judges subscribing to each being stated.

CHANGES ARE PROPOSED AS TO CHAMBERS

Some changes are proposed with reference to the constitution and functioning of chambers of the Court to hear and determine particular causes. The provision for a standing chamber for summary disposition of cases referred to it is retained. While the Court has never had occasion to form a chamber to hear a particular case or categories of cases, its right to do so is retained in the proposed new statute, except that any question as to the Court's jurisdiction must be heard and determined by the full Court.

The proposed statute provides, however, that a case is to be heard before a chamber of the Court only at the request or by the consent of the parties, or by direction of the Court, provided that any party which shall have objected to hearing before a chamber is to have a right of appeal to the full Court from the judgment of the chamber. In the event of an appeal, the members of the chamber which determined the cause are to be eligible to sit as members of the full Court on the appeal, which will be presented on the record as made up before the chamber, except as otherwise ordered by the Court.

No change is proposed in the parties to have access to the Court, except that in addition to states (both members and nonmembers of the United Nations) the jurisdiction of the Court over public international bodies is spelled out expressly. The Court will continue to be without jurisdiction over private parties—as complainants, respondents, or otherwise.

JURISDICTION OF SUBJECT MATTER IS UNCHANGED

Jurisdiction of the Court, ratione materiae, remains unchanged under the proposed new statute, except for clarification of and emphasis on the absence of any jurisdiction over essentially domestic issues as such.

The jurisdiction of the Court as to subject matter will extend to (a) the interpretation of treaties; (b) questions of international law; (c) the determination of any fact which, if established, would constitute a breach of an international obligation; (d) the nature and extent of any reparation to be made for the breach of an international obligation; and (e) any matter which, under any international agreement, is to be referred in event of dispute to the Court or to any predecessor international tribunal.

The jurisdiction of the Court will also continue to extend to (a) any justiciable matter referred by the parties to the Court for determination; (b) all matters specially provided for adjudication by the Court under the Charter of the United Nations; and (c) matters referred to the Court for advisory opinions by the General Assembly, the Security Council or other organs or agencies of the United Nations that may be authorized by the General Assembly to request opinions.

MATTERS WITHIN DOMESTIC JURISDICTION ARE EXCLUDED

The proposed statute provides explicitly that "the Court shall have no jurisdiction over, and nothing contained in the present statute shall be construed as requiring the members of the United Nations to submit to the Court for adjudication, any matter essentially within the domestic jurisdiction of any State."

The principal criticism of the Court has been that its jurisdiction over States has, in effect, been at their own option—subject first to the filing by each State of a declaration of its acceptance of the Court's jurisdiction, and second to any conditions which a State might see fit to attach to its declaration.

Thus, for instance, a number of States have from time to time conditioned their acceptance of the jurisdiction of the Court by excepting matters they may themselves deem to fall within their own domestic jurisdictions. The Connally reservation to the declaration of adherence of the United States falls within this category and is typical of conditions attached by other nations to their acceptances of the Court's jurisdiction.

In addition, by application of the principle of reciprocity, each State subject to the jurisdiction of the Court is permitted to limit that jurisdiction as to any other State vis-à-vis which it is called to appear before the Court by any condition which the other State may have attached to its own acceptance of the Court's jurisdiction.

Unquestionably, much of the virility contemplated for the court has been lost through these emasculating reservations. It is not suggested that the reservations were unjustified, although it has frequently been argued that they were. But whether warranted or not, there can be no question that they have rendered the Court impotent in many situations in which it should have been in a position to function effectively.

Much less can be said in support of optional or conditional jurisdiction of the International Court of Justice, however, when constitutional assurance is given to all nations that the Court is to be so constituted as to guarantee an objective attitude toward the cause of every nation, although the Court is to be the sole arbiter of its own jurisdiction in the determination as to whether a matter placed before it is one of domestic or of international concern.

On the assumption, therefore, that proponents of optional or conditional jurisdiction of the Court would concede the absence of any need for its safeguards in light of assurances of the tribunal's impartiality, the proposed statute provides that any "dispute as to the jurisdiction of the Court shall be determined by the Court".

But it goes further. It provides that the Court is not to exercise jurisdiction over a cause in the event that a state which is party to a cause objects that the proceeding is one essentially within its own domestic jurisdiction, unless at least 10 judges (two-thirds of the Court's entire membership) concur in holding that the matter under consideration is within the Court's jurisdiction. The proposed statute also contains the mandatory directive that "any doubt as to whether a matter is essentially within the domestic jurisdiction of a state, shall be resolved by the Court in favor of such domestic jurisdiction".

JUDGES' LEGAL BACKGROUNDS MAY BE DIFFERENT

Much has been said about the asserted impossibility of the dispensation of truly impartial justice among nations compelled to appear before an international tribunal if it is to be composed of judges, whatever their bona fides, trained under different judicial systems and adhering to different—even completely incompatible—jurisprudential philosophies.

Again, with all that has been said and remains to be said on both sides of this question, it must be remembered that the world is growing ever smaller. Civilized concepts of the inalienable rights of freemen and of free nations are finding their way into what were once the far corners of the earth. Public international law is falling more and more into universally recognized patterns.

In this annual report for 1955, Mr. Hammarskjold conceded that "one may recognize that the reluctance of governments to submit their controversies to judicial settlement stems in part from the fragmentary and uncertain character of much of international law as it now exists. * * * However, the begnnings of a 'common law' of the United Nations, based on the Charter, are now apparent; its steady growth will contribute to stability and orderliness."

With an international tribunal whose members are almost certain to display objective points of view toward international disputes laid before them, it would seem safe to blueprint the guides for determination of questions giving rise to the disputes. These guides are set out in the original statute and are carried forward with some modification into the proposed statute.

For instances, the Statute of the Permanent Court of International Justice did not direct that tribunal to be guided by general principles of international law in reaching its decisions. The Court had to assume that this directive was to govern its deliberations in applying certain specific legal criteria to the adjudication of questions before it, as the statute did expressly require it to do.

When the present statute of the International Court of Justice was drafted, its framers supplied this legislative omission by providing, at least parenthetically, that the Court, "whose function is to decide in accordance with international law, such disputes as are submitted to it", is to apply to the adjudication of such disputes substantially the same legal criteria enumerated in the former statute.

GUIDELINES FOR ADJUDICATION ARE SPELLED OUT

The proposed statute provides affirmatively that the "Court shall adjudicate disputes before it in accordance with generally accepted, applicable principles of international law, giving due consideration, in its deliberations, to" the stated criteria, which are somewhat modified under the provisions of the new statute.

For example, among the criteria to be applied by the Court under its present statute are "the general principles of law recognized by civilized nations." On the assumptions that the term "principles of law" should now be broadened and that all nations are more or less civilized today, the comparable provision of the proposed statute speaks instead of "general principles of law, equity and justice recognized among nations."

These guidelines, which the Court would be directed to apply in reaching its conclusions under the proposed statute, are (a) provisions of international conventions establishing rules of international conduct expressly recognized among nations; (b) international custom, as evidence of generally accepted practice; (3) judicial precedents recognizing principles of international law; (d) general principles of law, equity and justice recognized among nations; and (e) legal writings of recognized authorities in international law.

The proposed statute omits the provision of the old that the Court is to have power "to decide a case ex aequo et bono, if the parties agree thereto." This power, essentially one of judicial legislation, is not considered to constitute a proper judicial function in any case.

As the Court is authorized to do and has done under its present statute, it will be empowered to make rules of procedure to implement the new statute.

COURT WILL POSSESS ONLY DECRETAL AUTHORITY

That the proposed statute of the International Court of Justice involves, in the last analysis, no undue surrender by any nation of its national sovereignty must be evident from the Court's mere decretal authority, with no power to enforce its decrees.

The court itself is authorized, under article 36 of the present statute and by a provision carried forward into the proposed statute, to determine "the nature or extent

of the reparation to be made for the breach of an international obligation," and under article 94 of the Charter of the United Nations each member state "undertakes to comply with the decision of the International Court of Justice in any case to which it is a party." But article 94 concludes that "if any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment."

Clearly, if the Security Council deems that it is not necessary that measures be taken "to give effect to the judgment," it need not decide on such measures and need make no recommendations. No less clearly, if the Security Council deems it necessary to do so, it may shape the "measures to be taken to give effect to the judgment" according to its own concept of how and to what extent that judgment should be carried out, and it may make its recommendations accordingly.

The proposed statute states expressly that "there shall be no appeal from any judgment of the Court," except, significantly, "subject to the provisions of article 94–2 of the charter" (which provides, as stated, for "recourse to the Security Council"), demonstrating clearly that such "recourse" is in the nature of an appeal—as to "measures to be taken to give effect to the judgment."

By a provision of the proposed statute, "recommendations made, or decisions rendered by the Security Council, under paragraph 2 of article 94 * * * upon measures to be taken to give effect to a judgment of the court, shall be made or rendered by an affirmative vote of seven members including the concurring votes of the permanent members." This removes any doubt, sometimes expressed, as to the right of veto over these recommendations or decisions.

These provisions constitute the Security Council, in effect, the ultimate appellate tribunal for determination of the disposition to be made of the decrees of the International Court of Justice, with assurance of retention by the permanent members of the Security Council of the right to exercise the veto power in the performance of this quasi-judicial, appellate function.

Suffice it to say that under the proposed statute a judgment of the International Court of Justice is not enforceable until the Security Council, with the concurrence of all of its permanent members, shall have found it necessary to "make recommendations or decide upon measures to be taken to give effect to the judgment" and shall actually have made recommendations or shall actually have decided on measures.

Decrees of the Court accordingly are not self-executing. Submission to the Court's jurisdiction, with an undertaking to comply with its decisions, does not involve surrender of sovereignty because a measure of appeal to the Security Council's diplomatic forum, where the right of veto remains effective, is retained.

PROPOSED STATUTE IS NOT A PANACEA

It is not suggested, of course, that the proposed statute is equivalent to a handbook of scientific formulae, coupled with an infallible electronic computer, by which complex international problems can be solved with mathematical precision to the entire satisfaction of all concerned; or even that there will not be occasional or even frequent dissenting opinions among members of the Court in the determination of issues before the tribunal.

It is simply submitted that under the proposed statute any nation of the world may safely agree in advance to lay its disputes with any other nation before the Court for adjudication, without reservations, and with full confidence in the integrity of that body to give fair answers to the questions at issue, under universally recognized equitable principles.

On May 28, 1951, the International Court of Justice, in response to a submission by the General Assembly of the United Nations, rendered its advisory opinion as to the nature and effect of reservations in ratifications of a treaty—the draft Convention on Genocide. The Court found that "the appraisal of a reservation and the effect of objections depend upon the circumstances of each individual case," and that "in the absence of an article in the convention providing for reservations, one cannot infer that they are prohibited."

Following rendition of this opinion, the Assembly at a plenary session in Paris on January 12, 1952, adopted a resolution recommending "that organs of the United Nations, specialized agencies and states should, in the course of preparing multilateral conventions, consider the insertion therein of provisions relating to the admissibility or nonadmissibility of reservations and to the effect to be attributed to them."

Much, if not all, of the reason underlying optional or conditional jurisdiction of the International Court of Justice is dissipated when the statute of the Court assures completely objective judges, of unquestionable integrity, appointed for life, declining to adjudicate any but genuinely international questions, and determining real international issues as fairly as human frailties will permit.

COMPULSORY JURISDICTION WOULD BE REALIZED

The proposed statute seeks to attain that end. It contains no provisions for adherence with reservations. On the contrary, it provides expressly that reservations shall not be admissible in ratifications of the statute, which is to come into force unconditionally, as written, for all members of the United Nations after adoption by two-thirds of the members of the General Assembly, and upon deposit with the Secretary General of instruments of ratification, without reservations, by two-thirds of the members of the United Nations, including all of the permanent members of the Security Council. Jurisdiction of the Court over international disputes, would be compulsory as to all member states of the United Nations. All conditions heretofore attached to declarations of acceptance of the jurisdiction of the Court under its present statute would serve no further purpose.

Nothing contained in the proposed statute of the Court contemplates either repeal or retention of the Connally reservation by the United States. But when, as and if such a statute should be adopted by the United Nations and ratified by two-thirds of its members, including the United States and all of the other permanent members of the Security Council, the Connally reservation would no longer have meaning or effect.

With adoption and ratification of the proposed statute "effective collective measures" will indeed have been taken, in the words of the first article of the Charter of the United Nations, to achieve "international peace and security" through "prevention and removal of threats to the peace," by bringing about "adjustment or settlement of international disputes" in "conformity with the principles of justice and international law."

EXHIBIT 2

[From the Pittsburgh (Pa.) Post-Gazette, May 2, 1963]

SOVIET LAWYER SPEAKS: RUSSIA SEEN RECOGNIZING WORLD COURT IF UNITED STATES DOES

(By John Lofton)

A Russian law professor who is visiting Pittsburgh this week believes that the Soviet Union would accept the compulsory jurisdiction of the World Court if the United States agreed to be bound by decisions of that tribunal.

Prof. J. A. Kerimov, of Leningrad State University, offered this opinion as he was interviewed during a break in the crowded schedule of his 6-day stay in the city.

The main purpose of his Pittsburgh visit was to acquire firsthand knowledge of the work of the information retrieval project at the Health Law Center of the University of Pittsburgh. This project, utilizing electronic computing machines for legal research, is under the direction of Prof. John F. Horty and is a part of Pitt's Graduate School of Public Health.

Professor Kerimov, who is using electronic equipment at his own institution, wanted to observe operations here, share ideas with Professor Horty and his staff and meet the faculty and students of Pitt's School of Law for an exchange of views on legal questions and on the study of law.

With Prof. Eberhard M. Fels, of Pitt's mathematics department, serving as interpreter, the Russian legal scholar answered all questions quickly and without qualification. The question about the World Court was put to him because at present neither the Soviet Union nor the United States has agreed to accept the authority of that tribunal on questions of international law and treaties. Professor Kerimov said he is unequivocally in favor of the rule of law and of accepting the authority of the International Court of Justice, an organ of the United Nations.

When told that the American Bar Association's Committee on World Peace Through World Law was working to get nations to accept the compulsory jurisdiction of the Court, he said he thought this was an effort in which Russian lawyers would collaborate. He added that the community of lawyers in the Soviet Union would surely back any trend that would make peaceful international relations more likely.

Asked how Soviet citizens could seek redress when they have grievances against officials, Professor Kerimov replied that they: (1) might appeal to the erring official's superiors, or (2) go to the district attorney and file a complaint, or (3) sue the official in court. He observed that at the present time authorities are very sensitive about safeguarding the rights of individuals and a consistent battle is being fought against officials who are not conscious of such rights.

In response to a query about the nature of law in his country, Professor Kerimov explained that all Soviet law is codified (from statutes) and that judicial opinions (as precedents) are not sources of law, as they are in the United States. After a law has been applied for some time by the lower courts, the Supreme Court of the Soviet Union may, he said, observe certain shortcomings in its application, whereupon it issues guidelines for the proper interpretation of the law.

Relating the purpose of his Pittsburgh visit to his own work, he noted that he is applying cybernetic techniques to legal research with the objective of retrieving information on legal draftsmanship and on how laws originate linguistically. He said he is interested in streamlining the codification process and in statistical analysis of legal decisions and of arbitration and administration in practice. He also would like to apply the techniques of cybernetics to criminology to: (1) explore the motivation for crimes and (2) to coordinate various kinds of expertise in criminology. (Cybernetics, in this case, is the use of computing machines to "think" and predict in the field of law.)

Having observed the use of computing machines in legal research here, Professor Kerimov said it is his fond hope to establish close collaboration between Professor Horty's health law project and his own. This hope is shared by Professor Horty, who expects to

maintain liaison with the organization headed by Professor Kerimov. It is called the Cybernetics and Law Section of the Soviet Academy of Sciences' Advisory Council on Interdisciplinary Problems of Cybernetics.

With Pittsburgh the second stop (after Harvard) on a tour of American institutions, Professor Kerimov, a specialist in the philosophy of law and the author of nine books, said he was impressed with what he saw here and enjoyed his visit.

CLARIFICATION OF PART IV OF INTERSTATE COMMERCE ACT—AMENDMENTS

Mr. MILLER submitted amendments, intended to be proposed by him, to the bill (S. 684) to clarify certain provisions of part IV of the Interstate Commerce Act and to place transactions involving unifications or acquisitions of control of freight forwarders under the provisions of section 5 of the act, which were ordered to lie on the table and to be printed.

AMENDMENT TO FOREIGN ASSISTANCE ACT—AMENDMENTS

Mr. KEATING. Mr. President, I submit, for appropriate reference, amendments to the Foreign Assistance Act of 1961 (S. 1276), the principal purpose of which is "to insure that U.S. funds are not used to subsidize aggressive military ventures and purchases of Soviet military equipment on the part of aid recipients."

Last year Representative HALPERN and I introduced legislation providing as follows:

It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those countries which share the view of the United States on the world crisis and which do not, as a result of United States assistance, divert their own economic resources to military or propaganda efforts, supported by the Soviet Union or Communist China, and directed against the United States or against other countries receiving aid under this act.

This amendment was accepted by both Houses of the Congress, and became part of the law.

The amendment being introduced by me today strengthens the one enacted last year, by providing mandatory language to put necessary teeth into last year's language, which was only a "sense of Congress" provision.

Mr. President, I am glad to note that this year the purpose and concept behind this amendment has the support and backing, not only of Representative HALPERN, but also of a number of other Members of this body who are submitting similar language.

Mr. President, I welcome the efforts and help of other Senators in bringing this serious problem to the attention of the Foreign Relations Committee and the Congress. The text of the language which I am offering today provides for the suspension of assistance to any government which purchases or contracts to purchase from any Soviet bloc nation military equipment in quantities requiring a significant diversion of its own domestic resources from the economic development which is the purpose of this act, or expends a substantial portion of its own domestic resources on military preparations, subversion, or propaganda directed against any other country receiving assistance under this act.

The American taxpayers should not be called upon to subsidize activities of this kind—although that has been done in the past, and in the absence of language of this sort would be done. Where national security considerations are involved, the President would have the authority to waive this language upon the submission of full reports to the Congress. My bill also calls for annual report to the Congress as to the extent of spending by aid recipients for Soviet military equipment or military and propaganda activities.

Mr. President, I am very glad that the Foreign Relations Committee will have before it this concept in a number of different legislative forms, because it is my feeling that the language we added to the Act last year has not been sufficiently effective; and certainly it is my hope that the Foreign Relations Committee will put its weight behind a stronger provision than that one.

Mr. President, I am informed by the Agency for International Development that the major recipients of significant amounts of Soviet military equipment have been: Indonesia, United Arab Republic, Syria, Iraq, and Afghanistan. Nations receiving lesser amounts of Soviet military equipment are: Algeria, Ghana, Guinea, India, Mali, Yemen, and Yugoslavia.

Negligible amounts have also been received by Nepal, the Sudan, and the Somali Republic. Not all of these countries are using this assistance to menace their neighbors. But for those that are, such as, for example, the United Arab Republic, it is high time that the Congress of the United States make clear that U.S. foreign aid should not be used either directly or indirectly, for military equipment, subversion, or propaganda against other nations receiving U.S. aid. The purpose of our foreign-aid program is directly subverted when this happens, and the objectives for which the American people are taxed are distorted completely out of their original intent.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the RECORD; and, due to the interest expressed by other Senators, I ask that the amendment be held at the desk for a period of 1 week in order that Senators who may wish to join in sponsoring it may have an opportunity to do so.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD, and will remain at the desk, as requested by the Senator from New York.

The amendments were referred to the Committee on Foreign Relations, as follows:

On page 8, beginning with line 13 strike out through the word "amended" in line 14 and insert in lieu thereof the following:

"SEC. 301. Chapter I of Part III of the Foreign Assistance Act of 1961, which contains General Provisions, is amended as follows:

"(a) Amend section 611 (b)".

On page 8, line 15, strike out "is amended."

On page 8, between lines 17 and 18 insert the following:

(b) Amend section 620, which relates to prohibitions against furnishing aid to certain countries, by inserting at the end thereof a new subsection as follows:

"(i) The President shall suspend assistance to the government of any country to which assistance is provided under this Act when the government of such country or any governmental agency or subdivision within such country on or after January 1, 1963—

"(1) purchases or contracts to purchase from any country referred to in subsection (f) military equipment in quantities requiring a significant diversion of its own domestic resources from the economic development which is the purpose of this Act, or

"(2) expends a substantial proportion of its own domestic resources on military preparations, subversion, or propaganda directed against any other country receiving assistance under this Act,

unless the President determines that such suspension would be contrary to the national security and promptly notifies the Committee on Foreign Relations, the Committee on Appropriations of the Senate, and the Speaker of the House of such determinations and the reasons therefor.

"The President shall include in his recommendations to the Congress for programs under this Act for each country an estimate, with respect to the fiscal year for which the recommendation is made and for the preceding fiscal year, of the extent of such country's military purchases made or contracted for from any country referred to in subsection (f), and the extent of its expenditures for military preparation, subversion, or propaganda against other countries receiving assistance under this Act."

NOTICE OF POSTPONEMENT OF HEARING

Mr. JOHNSTON. At the request of interested parties, I wish to announce that the hearings before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary scheduled to begin June 26, 1963, at 10:30 a.m., in room 2228 of the New Senate Office Building on the bill, S. 747, to amend the Immigration and Nationality Act, have been postponed until further notice.

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. SALTONSTALL:

Remarks of Secretary of the Interior Stewart L. Udall delivered before the World Food Congress, Washington, D.C., June 6, 1963.

MIGRATORY LABOR LEGISLATION

Mr. HUMPHREY. Mr. President, last week the Senate made clear that it has not become inured to the hardships and injustices that daily afflict our Nation's migratory farm families. On voice votes, the Senate passed six migratory labor bills of major significance. As was pointed out in a June 18 editorial of the Washington Post:

The fact that voice votes sufficed for passage of most of the bills bears witness to the careful work of the subcommittee and the informed advocacy of Mr. WILLIAMS.

Of course that refers to the distinguished Senator from New Jersey [Mr. WILLIAMS], who has done outstanding work in this area of legislation.

As a cosponsor on this sound and worthy legislation, I am thoroughly acquainted with the many difficulties that had to be overcome by Senator WILLIAMS and his subcommittee in their struggle to bring social justice and human dignity to the migrant farm citizen. I wish to commend the Senator from New Jersey. His performance displayed dedicated leadership, patience, and careful and sustained workmanship. The work of the subcommittee under his chairmanship went on day by day, without headlines and without any public notice; but the subcommittee performed admirably its public duty and responsibility.

Most important, the performance of the Senator from New Jersey demonstrates again the merit of the proposition that legislative accomplishments are not born of oratory or study alone. Perhaps one of the most perceptive discussions on this point is contained in a May 9 article entitled, "Vagabond Kings," published in the Reporter.

Mr. President, I ask unanimous consent that the Reporter article and the Washington Post editorial be printed at this point in the RECORD.

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

[From the Reporter, May 9, 1963]

THE VAGABOND KINGS

What makes an issue an issue, and when is it no longer one? This year most of our worrying is concentrated on the tax structure. Last year medical care for the aged was the big thing. The year before it was Federal funds for public schools. Typically, a period of intense concern is followed by either legislative failure or sudden indifference, or both. We do not pretend to understand this phenomenon, but it has occurred to us that the very paraphernalia of concern—that sudden spate of articles, speeches, studies, and pledges—may function as a substitute for action rather than as a stimulation to action. In other words, as soon as everyone has made his position clear, we are free to turn our attention to something else.

Any number of national problems have been disposed of in this fashion, but none more flagrantly so than that of the migrant farm workers—remember them?—who were the objects of so much solicitude and attention just 3 years ago. Whatever happened to them? The answer is: practically nothing—some new state laws, a few benefits from general legislation. "The long-standing, brutalizing facts of the migratory labor problem are rediscovered every few years," Senator HARRISON WILLIAMS, Democrat, of New Jersey, told a Senate subcommittee recently. "Each rediscovery prompts a surge of study, doggedly followed by a horde of recommendations. The migratory farm families, having prompted countless studies, continue to live almost in a state of medieval poverty."

What the studies have shown is, by now, pretty familiar stuff: being uneducated, unskilled, and unprotected by most modern welfare and labor legislation, some 400,000 migrant farmworkers plus their families continue to live in substandard housing, to be paid substandard wages, to enjoy substandard health, and to be treated by many of their employers with substandard decency.

The recommendations have become almost as familiar as the studies. The proposals considered most bold and least likely to succeed are extension of the minimum-wage law and of NLRB coverage to migrant workers. Those considered politically more feasible are Federal registration of crew leaders; Federal grants to States to improve education, housing, health, sanitation and day-care facilities; establishment of a national advisory council; establishment of a farm-employment service; and finally an extension of child-labor legislation. All these measures have in fact been incorporated into bills and introduced by Senator Williams over the past few years. One, authorizing the Federal Government to spend $3 million annually in grants to the States for health care has been enacted into law but in its first year of operation it is already being trimmed by the House Appropriations Committee. The others were defeated and have been introduced again this year.

The problem of translating good intentions into effective political action is very much on everyone's mind in Washington these days, and a history of the unsuccessful efforts to ameliorate the lot of the migrants provides some useful lessons. One is that double-talk, apathy, and laziness on the part of many in both Congress and the administration who are verbally committed to migrant-labor legislation has cost just as dearly as organized opposition. Last October, for example, after WILLIAMS had maneuvered his child-labor provisions through the Senate and after the necessary strength appeared to have been mustered in the House, the House ended up by amending it to death. Why? "It was an election-year Thursday," one Senator aid explained. "It got late and the liberal Congressmen from the East went home to campaign."

Being the constituents of no one in particular, the migrant workers depend as much on the seriousness of "do-good" lobbies as they do on the seriousness of "do-good" Congressmen. But except for certain church groups, particularly the National Catholic Welfare Conference and the National Council of Churches, and for one or two unions such as the Amalgamated Meat Cutters, whose legislative representative, Arnold Mayer, happens personally to be particularly interested in migrant legislation, most of the labor and social-welfare lobbies have done little beyond testifying when called upon. The same, unfortunately, cannot be said of the American Farm Bureau Federation and the various growers' associations that oppose most of the prospective legislation. Some people may leave Washington to campaign when the chips are down, but the farm lobbyists have a way of arriving by the planeload. And all year 'round they keep up a steady attack on the Williams bills, mainly on the ground that they will seriously restrict the liberties and prosperity not only of the grower but—yes—of the migrant laborer, too. In a package of suggested news releases, editorials, speeches send out by the National Farm Labor Users Committee and accompanied by careful instructions (substitute the name of a local association and individual for the name of the National Users Committee), one typical editorial described the proposed farm-employment service as a grant of "authority to recruit American citizens into work gangs." America, the romantic editorialist writes, "was built by people who like to roam from place to place as their desires moved them."

Not only is the migrant laborer depicted as a sort of vagabond king, but those seeking to pass child-labor laws are depicted as a menace to the migrant child's health and happiness. "There are no sweat shops on the farms of America," Congressman HAROLD COOLEY, Democrat of North Carolina, declared on the floor of the House. "On the farms of our Nation, children labor with their parents out under the blue skies." Such irrelevant nonsense may not stand up well against the statistics on farm accidents involving children under 13, but the lobbyists have not counted on intellectual persuasion so much as on a mere show of political strength to achieve their ends. When lobbyists have been aroused and have succeeded in arousing a sufficient number of farm-State legislators, supporters of the Williams measures in Congress and in even higher places have tended to back off, with the excuse that there were other legislative priorities to be considered and that the situation was by and large impossible anyway. In 1954, for example, former President Eisenhower established a President's Committee on Migratory Labor to give administrative leadership to the battle. It is composed of the Secretaries of Labor, Agriculture, Interior, and Health, Education, and Welfare plus the Administrator of the Housing and Home Finance Agency; it has met exactly three times since 1954. Two of its meetings were held during Eisenhower's time, but the second one hardly counts since only Secretary of Labor James Mitchell is said to have showed up. Under the Kennedy administration there were high hopes that it would become an effective body. Unlike Ezra Taft Benson, Secretary of Agriculture Orville Freeman has supported the proposed legislation, and the committee last year even issued a report backing some of the Williams program. That was in January. But increased pressure from the growers later in the year caused a tactical retreat, and it was reportedly decided to lay low and consolidate such gains as had been made.

A reorganization in the Labor Department, where the committee is based, further reduced the committee's activities. At the present time it has no staff except a secretary.

While we do not question the good intentions of those in the administration and in Congress who consider the migrant problem hopeless for the time being and even a liability to the rest of the President's program, we suspect that in this as in other domestic issues there is a fundamental confusion about what leadership really means. It does not necessarily involve a suicide attack on the Congress. It does involve more than speeches. And above all, it is not simply a futile exercise of idealism against the so-called realities. The activities of Senator WILLIAMS and his subcommittee in fact illustrate most of the virtues of effective leadership: shrewdness, patience, and sustained hard work are a few. Their triumphs have not been oratorical. Rather they have consisted of such unlikely feats as persuading Senator HARRY BYRD, Democrat, of Virginia, of the merits of some of their proposals and even making a few inroads into the opposition of the lobbyists, who are said to have relaxed a bit this year, at least on the social measures. With Secretaries Wirtz and Celebrezze both strongly committed, this could even be the year for a little progress. Every May, the President said a while back, commenting on the rhythm of the issues, " * * * there are those stories about Presidential leadership." We are happy to open the season.

[From the Washington Post, June 18, 1963]

PROGRESS ON MIGRANTS

The Senate deserves a salute, and Senator HARRISON A. WILLIAMS a battle star, for striking a significant blow gainst the squalid conditions in which many migrant workers toil. All told, the Senate passed 6 bills that could bring the country's 2 million or more migratory laborers closer to civilized working standards. Each bill warrants a sentence.

S. 521 would provide financial assistance to the States to improve educational opportunities for migrants and their children.

S. 522 would amend the Children's Bureau Act in order to help States in providing day-care service for children of migratory workers.

S. 523 would amend the Fair Labor Standards Act to extend child labor provisions to certain children employed in agriculture (the bill would not restrict children from working for their parents on a family farm).

S. 524 would provide for the registration of crew leaders of migrant work teams.

S. 526 would amend the Public Health Service Act so as to help farmers provide adequate sanitation facilities for migrants.

S. 525 would create a 15-member National Advisory Council on Migratory Labor.

These bills do not constitute the whole program presented by Senator WILLIAMS' Migratory Labor Subcommittee but they do represent a meaningful start. The fact that voice votes sufficed for passage of most of the bills bears witness to the careful work of the subcommittee, and the informed advocacy of Mr. WILLIAMS. In the Senate at least, there is no quarrel with the proposition that more than indignation is needed to improve the cruel lot of farmworkers.

But the House is another story. Last year, a group of substantially similar bills perished on the vine despite Senate approval. Will the House let this harvest wither again—thereby suggesting that compassion is confined to the Senate?

THE HOUSING GAP IN LATIN AMERICA—ADDRESS BY SENATOR HUMPHREY

Mr. HUMPHREY. Mr. President, recently I addressed the 81st annual convention of the National Association of Plumbing, Heating, Cooling Contractors, held in Chicago, Ill. In that address I dealt particularly with the challenge, which exists in Latin America, to provide adequate housing for the many millions of the ill-housed citizens of our neighboring Latin American Republics. I ask unanimous consent that excerpts from this speech be printed in the RECORD.

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

EXCERPTS FROM REMARKS BY SENATOR HUMPHREY BEFORE 81ST ANNUAL CONVENTION, NATIONAL ASSOCIATION OF PLUMBING, HEATING, COOLING CONTRACTORS, CHICAGO, ILL., MAY 31, 1963

Today, I want to go on record in support of legislation introduced by Senator PAT MCNAMARA, requiring separate contracts for mechanical specialty work in public buildings.

This bill, S. 1556, is sound and fair legislation. It would bring greater efficiency to the construction of public buildings. It would end an all-too-frequent practice of job-shopping. And it would protect the opportunities and operations of smaller contractors who have services to offer in the construction or alteration of public buildings.

I commend you and the officers of the National Association of Plumbing, Heating, Cooling Contractors for your support of and work for this bill. With your continued efforts and support, Senator MCNAMARA's bill will pass.

Right now I turn to a subject which has commanded increasing attention from me in the past 2 years.

I speak of the Alliance for Progress in Latin America.

Just before I arrived here, a friend warned me that I should not speak about such a "far off subject" (those were his words) before a group of contractors. He suggested that you would not be interested in my comments on housing needs and opportunities in Latin America.

I disagree. You are not just plumbing, heating, or cooling contractors. You are Americans—with a stake in the policies and programs of your Nation and the fight for freedom and progress the United States is waging in this hemisphere.

The Alliance for Progress is a vital and dynamic tool in your Nation's effort to give Latin American nations a real chance for progress, and to give the people of Latin America a solid opportunity to build the foundations of freedom.

I believe that you—more than any other group in America—understand the basic importance of housing to a nation's economy, progress and living standards. And I believe that you will grasp the importance of the message and report I offer today.

In less than 2 years I have traveled to Latin America three times. I have visited almost every country of Central and South America. And I have concluded that one of the most pressing needs in many Latin American nations today is for new housing programs.

Thanks to your skills and ingenuity, North Americans are the best-housed people in the world. As specialists, you will be interested in the programs designed to provide similar housing for 200 million people south of the border.

The need for housing in Latin America is so vast that it can scarcely be measured. One figure that has been put forward is the Chase Manhattan Bank's estimate of a need of 12 to 14 million units at a cost of $10 to $13 billion.

Two common misconceptions about Latin America are: That housing is important for social reasons, only, and has no economic significance; and that there is no capacity in Latin America to save, and that all housing must be Government-financed from external sources. These misconceptions have in the past deterred the establishment of private savings institutions for housing, have helped prevent the investment of private U.S. capital in housing in Latin America, and have led to defeatist attitudes toward the ability of the peoples of Latin America to house themselves.

The results of the lack of housing in Latin America are widespread unproductivity, social unrest, fertile ground for violent political upheavals, and dissatisfaction with the competitive, free enterprise society which we are attempting to encourage through our program of foreign aid. On those grounds alone, financial assistance for housing is justified. Nevertheless, housing can stand on its own as a means of fostering economic developments.

In the developed countries—social needs aside—home building is an important and integral part of the national economy.

Year after year the relationship between business cycles and the home construction industry has been widely acknowledged. Now, Congress, in the past several Foreign Assistance Acts, has recognized that technical and financial assistance in the field of housing is a proper tool in economic, as well as social development abroad. AID, in formulating its housing policy to carry out congressional intent, has, in effect, recognized that consideration must be given to housing as necessary for, and complementary to, industrial and agricultural development. It has acknowledged the urbanization effect of economic development and the economic waste of the lack of planning, housing's relation to productivity, housing's contribution to full employment and housing as a means of encouraging savings.

One of the most persuasive arguments for economic assistance for housing in the lesser developed countries is that housing development stimulates industrial and agricultural development, and the development of roads, power, railroads, and other tools of progress.

Economic development means new factories and new agricultural settlements. New centers of industry require new housing to shelter the necessary labor force.

Aside from the need to service industrialization, housing is needed to shelter the new town population. Economic development results inevitably in urbanization and in country-to-town movements. Urbanization increases the need for a greater emphasis on the supply of housing.

In addition to the housing supply to attract and retain labor, the condition of existing housing can reduce productivity by affecting the physical health and mental attitude of labor.

Housing programs stimulate employment. In developed countries, the home construction industry offers three types of employment. In the United States, for example, each housing unit provides between 2½ and 3 man-years of employment: 1 man-year on the job, 1 man-year in the factories producing building materials, and an additional half to a year in related fields.

In countries which are underdeveloped but which have a formal, organized construction industry, as is the case of so much of Latin America, housing plays as substantial a role in the national economy as in the so-called developed countries. In Chile, for example, construction represents a substantial portion of the entire economy and home construction is the major part of all construction. Some 110,000 persons are engaged in direct construction, with another 150,000 persons occupied in producing building supplies.

There is no lack of a market for housing in Latin America. Housing itself is needed, and the ability to pay for housing does exist—provided long-term mortgage money is made available. The essential requirement is long-term credit, a commodity that is lacking in most less-developed countries. The need is largely for local currency, not foreign exchange, because abundant labor exists in most less developed countries, and local materials are used most of the time.

Long-term credit is the key to a solution to a large part of the problem.

Also, we cannot expect, with U.S. resources alone, to solve Latin America's housing problem. Thus AID has concentrated on helping the governments and peoples of Latin America create savings institutions whose sole function is the accumulation of the savings of the many and the channeling of those savings into housing. We have utilized the advice and counsel of public-spirited U.S. savings and loan officials, many known to you, to advise such countries as Argentina, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Jamaica, Nicaragua, Panama, Peru, Uruguay, and Venezuela. Their efforts have already resulted in the creation of home savings and institutions in Chile, the Dominican Republic, Ecuador, Peru, and Venezuela and the prospects of similar legislation in Argentina, Colombia, El Salvador, and Panama.

The success of home savings plans, however, requires, the impetus of initial capital. Without it, the slow rate of savings accumulation at the beginning will delay the flow of mortgage loan funds and enthusiasm for saving will wane. Even in the United States, in the early days of Federal savings and loan associations, governmental participation was deemed essential to support initial saving and permit early lending.

Therefore, we have been providing "seed" capital loans for savings and loan institutions initiated with our technical assistance. "Seed" capital loans have been made to savings and loan systems in Chile ($5 million plus a $5 million grant and $1.5 million of Public Law 480 funds), Dominican Republic

($2 million), Ecuador ($5 million), Peru ($9.5 million) and Venezuela ($10 million). Other such loans are contemplated for Argentina and Colombia. These loans are being funneled into the savings and loan system through forms of Federal home loan bank boards. Generally, these loans are matched by funds of the country involved.

These systems and loans are already bearing fruit. In Chile, as of October 1962, there were 20 private savings and loan associations with 19,000 savers and approximately $16 million in savings. An additional $35 million of savings has been accumulated in the savings department of the Banco del Estado. Some 2,000 loans had been approved for a total of $20 million on an average of approximately $7,000 per loan. In Chile, we suggested a linkage of savings and loans to a wage index to offset inflation. This has been a prime factor in increasing savings and is a technique we are hopeful of introducing throughout Latin America.

In addition to these "seed" capital loans, we have also made loans for direct Government action: $12 million to Colombia primarily for aiding self-help projects, $400,000 for a union project in Honduras, $2.5 million to Panama's Banco de Ahorros for relending purposes, $5 million to the Mendoza Foundation of Venezuela and $30 million for slum clearance in Venezuela. Consideration is also being given to housing loans for Jamaica and Uruguay. This means that, to date, over $100 million of AID funds have been committed or under serious consideration for housing in Latin America. Add to this U.S. funds in the amount of $150 million transferred to the Inter-American Development Bank for housing loans and you have $250 million of U.S. funds being channeled into the home construction and home financing industry in Latin America.

Another form of assistance is the all risk investment guarantee which authorizes AID to guarantee $240 million of U.S. capital invested abroad, against virtually any risk, with $60 million of this $240 million specifically earmarked for housing in Latin America. A subsidiary of Carl M. Loeb, Rhoades & Co., of New York, is making the first housing loan to be guaranteed under this program.

There is a proposal known as S. 582 to create an International Home Loan Bank within the Federal Home Loan Bank Board. This bill, introduced by Senators SMATHERS and SPARKMAN, with a similar bill proposed by Senator DIRKSEN, and by Representative WRIGHT PATMAN in the House would authorize domestic savings and loan institutions and foreign home loan banks. This would provide a potential $800 million for investment in housing abroad. Recently Senator SPARKMAN said of this proposal that "a good base can be laid for favorable consideration of the International Home Loan Bank during the coming Congress." I fully support this bill.

I have been particularly interested in the use of housing cooperatives as a means of providing less expensive, better maintained and better constructed housing. I am glad to see that my efforts in that direction are beginning to bear fruit. AID has enlisted the efforts of two organizations to help develop the housing cooperative movement in Latin America, the Foundation for Cooperative Housing and the American Institute for Free Labor Development. The FCH has sent teams of cooperative housing experts to Colombia, Ecuador, Honduras, and Venezuela, and is preparing to send other teams to Peru and Bolivia. As a result of an excellent report by David L. Krooth, an old friend of mine who has long fought for housing in this country, recommending the creation of a Central Housing Cooperative Institute for Honduras, I understand that assistance may be provided toward development of such an institute. Also, a study is to be made of the feasibility of a Central American Housing Cooperative Institute. The AIFLD, in its turn, is helping develop a union housing project for AID in Honduras and is studying the possibility of similar union-oriented housing projects elsewhere throughout Latin America. The AFL–CIO is investigating, too, the possibility of lending union pension funds to union-sponsored housing cooperatives in Latin America.

The importance of housing to a national economy was recognized by the Congress of the United States in 1949 when it declared our national policy at home to be "the production of housing in sufficient volume to enable the housing industry to make its full contribution to an economy of maximum employment and purchasing power." This same policy should prevail for Latin America.

CIGARETTE ADVERTISING REFORM—A BEGINNING

Mrs. NEUBERGER. Mr. President, yesterday a limited but significant start was made toward the voluntary reform of cigarette advertising and promotion practices. This morning's New York Times reports:

> Most of the major cigarette manufacturers have decided to stop advertising in college newspapers, magazines, and football programs.

This decision is no idle gesture on the part of the tobacco companies. Last April the Wall Street Journal reported that cigarette advertising accounted for a staggering 40 percent of all national advertising in college newspapers.

And advertising was merely one facet of the tobacco companies' campus blitz. The Brown & Williamson Co. had assigned to colleges 17 salesmen whose sole duties were to give away samples of Viceroys, Kools, and Raleighs, and plan special promotions. Philip Morris paid student representatives on 166 college campuses $50 a month to spread good cheer and complimentary Marlboros. No student rally, no fraternity party nor tea for foreign students could escape the beneficence of Philip Morris.

The R. J. Reynolds Co. simply recruited college public information officials to insure that the Camels advertised in the college football programs could be seen, admired, and purchased in every quarter of the college. By hawking Camels, the public information officials earned the right to participate in a contest of their own, with foreign cars as their reward for soliciting their student charges.

Probably no single aspect of cigarette advertising has been more offensive than this callous pursuit of the custom of young college students. Hopefully, yesterday's announcement will mean an end to this sorry chapter in American advertising history.

However, advertising reform limited to college campuses is hardly sufficient. Cigarette advertising is a twin-edged sword, and both blades need badly to be blunted. On the one hand, there is the unabashed resort to the psychology of appeal by including the youth-oriented cast of a major segment of the advertising matter. On the other hand, quite aside from content, there is the repeated publication of the ads, which tends to convince the smoker that the Government does not consider the threat of smoking sufficiently severe to warrant restriction of cigarette advertising. Advertising thus serves both to amplify the lure of smoking for the nonsmoker and to reassure the smoker.

Cigarette advertisers in Great Britain are already voluntarily complying with guidelines established by the British Independent Television Authority. Through these guides, advertisers are enjoined to avoid all advertisements which fall within the following five classes of objectionable advertising matter.

First. Advertisements that greatly overemphasize the pleasure to be obtained from cigarettes.

Second. Advertisements featuring the conventional heroes of the young.

Third. Advertisements appealing to pride or general manliness.

Fourth. Advertisements using a fashionable social setting to support the impression that cigarette smoking is a "go ahead" habit or an essential part of the pleasure and excitement of modern living.

Fifth. Advertisements that strikingly present romantic situations with the pleasures of smoking.

Surely the American cigarette advertisers can, in all good conscience, do no less.

Dr. Daniel Horn, of the American Cancer Society, was asked at a recent symposium of the Queensboro Tuberculosis and Health Association in New York, "How many Americans die annually and how many become disabled on account of their smoking habit?" His answer furnished a grim portrait of the total debilitating effect of smoking on American health:

> What would be the situation if there were no smoking compared to what it is today? My best guess is that as far as mortality is concerned there would be somewhere in the neighborhood of 300,000 to 500,000 fewer deaths per year if it were not for smoking * * * it represents about one-sixth of the 1.8 million deaths which we have in this country. Not that these deaths would not occur * * * but they would occur later.
>
> As far as the morbidity (incidence of illness) is concerned * * * we don't have relative figures on morbidity in general, particularly when talking about diseases like emphysema and chronic bronchitis where there is no formal reporting. But these are increasing and increasing rapidly and probably constitute at least 5 or 6 times as many people as are subject to mortality risk * * * we probably have somewhere around a million to 2 million people in this country who are disabled to some degree by the effect of smoking of cigarettes.

Clearly it will take more than voluntary advertising reform to alter this portrait.

The Surgeon General's Advisory Committee on Smoking is presently preparing what promises to be a definitive study of the medical aspects of smoking.

I did not believe, at the time the committee was formed, that there was need for a new study. There has been no shortage of comprehensive and exhaustive studies by the very soundest authorities, each concluding without equivocation that smoking represented a major health hazard.

Nonetheless, it is clear that a strong report by the Surgeon General's Committee is essential to provide the requisite stimulus to administrative and legislative action.

I am firmly convinced that the administration does not need new legislation in order to mount an effective program to combat the rise in smoking-connected diseases. As soon as the advisory committee has lodged its report, which I understand will be in the late fall, I intend to press for the following immediate administrative action: First, a massive program of child and adult education; second, expanded research into both the biological effects of cigarette smoking and the technology of producing less hazardous cigarettes; third, a Federal Trade Commission requirement that cigarette ads and commercials contain affirmative warning of the hazards of smoking; and fourth, broad and meaningful cigarette labeling, including warnings and tar and nicotine yields or ratings, under the provisions of the Hazardous Substances Labeling Act.

I also intend at that time to introduce comprehensive remedial legislation to include: First, a ban upon the distribution of free cigarette samples to minors; second, restriction of the permissible tar and nicotine yields from cigarettes; and third, provision for a moderate increase in cigarette taxes to finance programs of cigarette education—to include television advertising—and research.

Mr. President, I ask unanimous consent that certain editorials on the subject be printed at this point in my remarks.

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

[From the Wall Street Journal, Apr. 2, 1962]

CIGARETTE MAKERS WOO COLLEGE SMOKERS WITH VARIETY OF CONTESTS—PACKAGE HOARDERS GET PRIZES FROM PHILIP MORRIS; RISING ENROLLMENT SPURS CAMPAIGNS

(By Richard A. Lewis)

By collecting 76,000 empty packages of cigarette brands made by Philip Morris, Inc., Alpha Delta Delta Sorority at the State Teachers College in Cortland, N.Y., last year won a high-fidelity phonograph. It was the first prize in a package saving contest sponsored by Philip Morris.

Such promotions are being used increasingly by major cigarette producers to grab a bigger share of the fast-growing U.S. college market. To win students' loyalties, tobacco companies, who already account for 40 percent of all national advertising in college newspapers, also are offering cash and other prizes to collegians for such things as submitting football score predictions along with cigarette wrappers, or constructing models of buildings from "crush proof" boxes.

The intensified competition for college smokers is spurred by the fact that tobacco companies today are promoting about 20 brands on campuses, up from only 6 a decade ago. Many cigarette men are more convinced than ever that a person who starts with a certain brand in college is likely to stick with that brand long after graduation.

"EVERYBODY SLUGGING

"The total cigarette marketing effort in the colleges has doubled in the last 5 years," says Robert M. Stelzer, president of Student Marketing Institute, which specializes in selling various products to collegians all over the country. "Now, everybody is in there slugging."

"Students are tremendously loyal," says John Manasco, director of Philip Morris' college sales department. "If you catch them, they'll stick with you like glue because your brand reminds them of happy college days."

Liggett & Myers Tobacco Co. is giving away eight British Sprite sports cars during the 1961–62 school year to students in New England colleges who answer a quiz on sports cars and furnish the last line of a limerick. All entries must include the bottom panels from five packages of the company's Chesterfield, L&M or Oasis brands. Heralding the contest in college newspaper ads, Liggett & Myers urged students: "Enter incessantly! Because there are eight Sprites up for grabs, dad. * * * Keep trying! Win, man!"

Last fall, students on 98 campuses entered a football score guessing contest sponsored by Brown & Williamson Tobacco Corp., makers of Viceroy, Kool, Raleigh, and other brands. The closest guessers, who submitted empty packages of Brown & Williamson cigarettes with their predictions, won cash prizes ranging from $10 to $100. Brown & Williamson recently assigned 17 salesmen to colleges to give away samples of its cigarettes and plan special promotions.

Philip Morris, which sells both Marlboro and Parliament cigarettes in crush-proof boxes, is the company which gives prizes to collegians for constructing models of buildings, using the empty boxes as blocks. A Columbia University student won one of these contests with a replica of the United Nations headquarters, made from 6,000 boxes. Philip Morris pays student representatives $50 a month to stir up enthusiasm for such contests on 166 campuses.

SOARING ENROLLMENT

These firms, and P. Lorillard Co., American Tobacco Co. and R. J. Reynolds Tobacco Co., are counting on such aggressive college marketing efforts to help them build sales during the next decade. Total college enrollment has increased by more than 30 percent in the last 5 years to around 3.8 million, Government officials estimate. And they expect, as the bumper crop of post-war babies comes of age, enrollment will reach about 7 million by 1970.

Tobacco company spokesmen explain that they're trying to lure students with contests because some collegians often pay relatively little attention to many standard advertising media; they're generally too deeply involved in their campus activities. The National Advertising Service, Inc., which places ads in college newspapers, estimates that the average college student watches television only 17 minutes a day, compared with 2 hours and 57 minutes for noncollegians.

Some students may be discouraged from smoking before they come to college by efforts of some groups to convince youths that smoking endangers their health. Last July the joint health-education committee of the American Medical Association and the National Education Association called for the home and school to initiate education that would curb smoking at the ages prior to the usual beginning of the practice. In the past 2 years the American Cancer Society has distributed an anticigarette film strip to more than 21,000 secondary schools.

[From the Washington Post, Apr. 3, 1962]

CANCER TIED TO SMOKING IN YOUTH

(By Nate Haseltine)

Keep your children away from cigarette smoking through their late teens, and they probably won't develop lung-cancer smoking habits.

That's the advice gleaned from a report here yesterday on the differences between early and late-starting smokers. Reporting was E. Cuyler Hammond of New York, biostatistician of the American Cancer Society. He was one of five cancer research experts who spoke at a special luncheon at the National Press Club in a panel program on "Man Against Cancer—Progress and Hope."

Hammond reported preliminary findings of a special 1959 survey on cigarette smoking habits.

Survey results so far, he said, are showing a direct correlation of early cigarette smoking with heavier and deeper smoking in later years. Those who start smoking in adulthood smoke fewer cigarettes and inhale more casually.

Some 1.1 million American male cigarette smokers were interviewed in the ambitious survey, and only the first patterns are beginning to emerge from machines digesting the information, Hammond said.

The results showed, he reported, that the early starters become the excessive smokers and the ones who inhale most deeply. This is important, he explained, in view of the belief that heavy and deep cigarette smoking appears more conducive to lung cancer than light and casual smoking.

Hammond didn't give the figures, but said a surprising lot of heavy cigarette smokers in 1959 said they had started to smoke cigarettes before the age of 10. It was difficult he said, to find heavy smokers who did not start before the age of 15.

Hammond noted that pipe and cigar smokers show only a slightly higher risk of developing lung cancer than nonsmokers. This, he said, may well be due to the fact that pipe and cigar smokers usually inhale less than inveterate cigarette smokers.

[From the New York Times, June 22, 1962]

CANCER SOCIETY CALLS ON COLLEGES TO CURB CIGARETTE ADVERTISING

CHICAGO, June 22.—The American Cancer Society decided today to urge college presidents and the Federal Trade Commission to help curb the promotion of smoking among college students.

The society's 74-member board of directors voted unanimously for a proposal aimed at the apparently intensified promotional campaign in colleges to increase the sale of cigarettes to college students.

The proposal said that the sponsoring of televised college athletic events by tobacco companies resulted in advertising appeal to the very age group which the society is most anxious to prevent from being subject to the persuasion to smoke.

The board authorized its staff to send letters to the presidents of about 100 major universities telling them that in view of the evidence of the deleterious effects of smoking on health, the propriety of supporting athletic events in colleges by such means be conscientiously considered.

The staff was ordered to write the Trade Commission to ask whether it approved of campus promotion of cigarettes and whether it had any jurisdiction in the matter.

Although the board made no official change in its cautiously stated opinion of 2 years ago in the cigarette-cancer dispute. It did endorse the recent report of the Royal College of Physicians in Britain. The board called the report the outstanding event since the last meeting of the board and said it admired the college's unequivocal position.

The college urged the British Government to warn its people that there is convincing evidence linking cigarette smoking with lung cancer.

Dr. Howard C. Taylor, Jr., of New York, chairman of the society's committee on tobacco and cancer, said that his group believed that cigarette smoking was a major cause of lung cancer. He said that the British study was especially important because it came from a conservative organization.

Dr. E. Cuyler Hammond, director of the society's statistical research section, said

that his studies for the last 10 years had convinced him that the only cause of one of the common forms of lung cancer was inhaling irritants such as cigarette smoke, uranium dust or asbestos dust.

Smokers account for most of the deaths from that type of lung cancer, he said, since more people smoke than work with uranium or asbestos.

"All studies have shown exactly the same results: nonsmokers have the lowest death rate; pipe and cigar smokers not much higher, cigarette smokers a much higher death rate, and heavy cigarette smokers the highest death rate," Dr. Hammond said. "Cigarette smoking more than doubles the death rate."

Of the increased death rate among smokers, he said, lung cancer accounts for only 13 percent of the increase while heart disease accounts for more than half. Other causes are cancers of the mouth and throat and various lung ailments.

INDUSTRY IS SILENT

The Tobacco Institute withheld comment last night on the action of the cancer society's board of directors.

[From the New York Times, Oct. 20, 1960]

ADVERTISING: CIGARETTE MEN BIG ON CAMPUS

(By Robert Alden)

Many a man carries memories of his college days that include along with the clinging ivy and the Saturday football afternoons fading into dusk, thoughts of Philip Morris wrappers and evenings spent searching for them about the streets.

The college market is one of the most important as far as the cigarette companies are concerned. Smoking habits formed there often have an enduring quality.

Making this market even more important to them is the fact that the number of undergraduates is expanding rapidly—237,500 in 1900; 900,000 in 1933; 3,500,000 at the present time.

Philip Morris, Inc., says it was among the first merchandisers in the country to recognize the special quality of the college market and to try to exploit it with the establishment of a full-scale campus sales promotion program.

A COLLEGE MAN MOVES UP

J. M. Cahn, now vice president of the company's oversea division, was a member of the class of 1934 at the University of California when he joined the Philip Morris organization as its first college representative. He continued with the company after graduation. For many years he was in charge of the college program.

Under the program, Philip Morris maintains full-time college supervisors in each of the company's basic sales regions. These men hire and train undergraduates to act as student representatives for the program.

The college representatives distributed samples at fraternity meetings and the like. They saw to it that college boys planning visits to New York would get tickets to Philip Morris sponsored broadcasts. The college representatives would try to make certain that no college function would lack a complimentary supply of Philip Morris cigarettes.

As the competition in the college market became fiercer, particularly in the area of advertising in campus newspapers, the college representatives arranged many kinds of contests—almost all of them revolving around saving Philip Morris wrappers. For example, fraternities competed against each other in trying to guess the greatest number of football scores correctly. Each score had to be written on the back of a Philip Morris wrapper.

SEARCHING FOR WRAPPERS

Pledges to fraternities spent long afternoons and evenings trying to find wrappers. Often fraternity houses and dormitory basements were filled with them. Prizes ranged from trips to Europe to phonograph sets and ping pong tables. Once, in California, a fire engine was awarded as a prize.

Since the war, Philip Morris' college program has become more closely integrated with the rest of the company's operation. The cigarette company's personnel men visit college campuses and pick promising juniors for summer training with the company.

These trainees then serve in their senior year as campus representatives and, if they fulfill their promise, they are offered positions with the company. Many of these have now advanced to key executive posts with Philip Morris.

With recruitment of promising personnel now a serious problem, this program is serving the company well.

In the early nineteen fifties the company felt it necessary to revise its collegiate sales strategy. Advertising space in college newspapers had become more expensive and the effect was diluted because undergraduates were being exposed more and more to outside media.

MAX SHULMAN HIRED

It was noted by the company that Max Shulman, the author, was being imitated by many college columnists who were attempting to write a humorous column.

The company hired Mr. Shulman to write a column for Philip Morris that now appears regularly 26 times a year on 225 campuses. Readership response has been excellent and the column requires less space than conventional advertising.

The company has raised the salaries of its campus representatives and their training has been stepped up so that they now receive regular instruction in merchandising, sales promotion and advertising.

With 165 undergraduate representatives for the company now serving on campuses across the country, Philip Morris' interest in the college market is at the kind of pitch that promises it will be sustained far into the future.

OHIO OUTLAWED SECRECY IN GOVERNMENT YEARS AGO AND PROSPERED

Mr. PROXMIRE. Mr. President, recently I spoke on the floor of the Senate in support of the freedom-of-information bill, the principal sponsor of which is the distinguished junior Senator from Missouri [Mr. LONG]. In speaking in favor of that bill I said that Wisconsin was the only State in the Union that flatly outlawed secret meetings of any kind.

I find that I was mistaken. The alert executive director of the Ohio Newspaper Association has called the oversight to my attention and pointed out that Ohio has had such a law for some time. It is my understanding that the law was passed in its original form in the administration of the distinguished senior Senator from Ohio [Mr. LAUSCHE]. It is an excellent law.

It has worked very well in Ohio, according to the information that I have. Incidentally, a fine Representative from Ohio, CHARLES MOSHER, was one of those who pushed the measure hard in the Ohio Legislature.

I should like to read an excerpt from the law, because it is the kind of thing that I believe should put at rest the fears of Members of Congress who feel that we cannot adopt such a law here without great difficulty. In Ohio, as well as in Wisconsin, the law is as follows:

All meetings of any board or commission of any State agency or authority or of any agency or authority of any county, township, municipal corporation, school district or other political subdivision are declared to be public meetings open to the public at all times. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of any board or commission of any such agency or authority.

The newspapers have said that they are free to go to any such meeting in Ohio. They have been able to do so for years. The law has worked very well. It has not in any way inconvenienced the operations of government.

I ask unanimous consent that a copy of the letter from Mr. Oertel, the executive director of the Ohio Newspaper Association, and excerpts from the law, be printed at this point in the RECORD.

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

OHIO NEWSPAPER ASSOCIATION,
Columbus, Ohio, June 17, 1963.

Senator WILLIAM PROXMIRE,
U.S. Senator from Wisconsin,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: I noted in a Sunday AP release your comments on the freedom of information bill (S. 1666) which you are cosponsoring with Senator LONG of Missouri.

You are to be commended as a sponsor of this measure and for your excellent comments on the importance of keeping Government departments and agencies operating openly in the public interest.

As a small sidelight to your comment about Wisconsin's 1959 open meetings law, I think you should know that other States have had such a law for some years. For instance, our association supported and obtained such a law applying to all State agencies, etc., in 1953, and then had the law extended to all public bodies and all levels of government within the State and all political subdivisions in 1955.

Enclosed is a copy of the 1955 law as it now stands and a summary of the legislative steps toward its enactment.

One of the Members of Congress and an Ohio weekly newspaper publisher, Representative CHARLES A. MOSHER, of Oberlin, Ohio, was instrumental in aiding passage of this legislation while he was serving as a State senator in the Ohio General Assembly.

We further extended the area of freedom in 1959 with passage of a right-to-advertise law which, in effect, provides that no State agency can ban by rule or regulation advertising that is proper, acceptable, decent, and nonfraudulent. I also enclose a copy of this law.

I should add that the passage of these laws to guarantee open meetings and the right to advertise have caused absolutely no problems or hardships for anyone, but rather have insured that the rights of the public in these areas will be upheld and not made subject to governmental rule or decree. Please keep up your efforts in behalf of freedom of information for the public at the Federal level.

Kindest regards,

WILLIAM J. OERTEL,
Executive Director.

EXCERPT FROM "OHIO NEWSPAPERS AND THE LAW"

(A handbook and digest of Ohio laws and other material related to editing and writing for newspapers and other media, assembled and arranged by James E. Pollard, director, School of Journalism, Ohio State University)

2. THE OPEN MEETINGS LAW

At the urging of the Ohio Freedom of Information Committee on behalf of the Ohio Newspaper Association, the Ohio General Assembly during the 1953 session adopted an open meetings law. Under this statute all State boards, agencies, commissions, and other public bodies, except the pardon and parole commission, are required to hold open meetings so that the public and the press may attend if they desire and, in particular, so that public business is actually done in public and not behind closed doors. This does not prevent the holding of executive sessions but no final or definitive action can be taken except in public or open meetings, with the single exception of the parole commission.

At the next regular session of the general assembly in 1955, the freedom of information committee urged the extension of these provisions to the local level so as to cover county, township, and municipal bodies and agencies. There was no opposition to the proposed amendment and it was passed.

The revised law, which is of great practical importance to the press and other mass communications media as well as the public, reads as follows:

"SEC. 121.22. All meetings of any board or commission of any State agency or authority or of any agency or authority of any county, township, municipal corporation, school district, or other political subdivision are declared to be public meetings open to the public at all times. No resolution, rule, regulation, or formal action of any kind shall be adopted at any executive session of any board or commission of any such agency or authority.

"The minutes of a regular or special session or meeting of any board or commission of any such agency or authority shall be promptly recorded and such records shall be open to public inspection.

"The provisions of this act shall not apply to the pardon and parole commission when its hearings are conducted at a penal institution for the sole purpose of interviewing inmates to determine parole or pardon."

So far no serious issues have arisen to challenge the new law in any way although there have been some questionable situations involving executive sessions. By indirection, however, the law permits such sessions but the important part is the provision that no formal or final action may be taken at any such session but must be done in open meetings.

A recent survey of all Ohio daily and weekly newspapers showed that since the passage of the law no newspaper had encountered serious difficulty in gaining admittance to meetings nor have the minutes of meetings been purposely delayed or withheld as occurred sometimes before the enactment of this law. The law, in short, seems to have achieved its purpose adequately and admirably with only a few exceptions.

Originally there was some question whether the law included legislative bodies after such specific wording was deleted from the amended version before it became law. But legislative bodies are generally regarded as authorities and as such are covered by the law as passed by the general assembly. By longstanding practice, moreover, the meetings of legislative bodies are generally open to the public, including the press, although this is less true of some legislative committees. Until such time, therefore, as a court might decide otherwise—and this seems unlikely—it seems safe to assume that legislative bodies are included in the open meetings law as authorities.

EXCERPT FROM OHIO NEWSPAPER AND PUBLICATION LAWS

121.22 Meetings of governmental bodies to be public; exception

All meetings of any board or commission of any State agency or authority and all meetings of any board, commission, agency or authority of any county, township, municipal corporation, school district or other political subdivision are declared to be public meetings open to the public at all times. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of any such board, commission, agency or authority.

The minutes of a regular or special session or meeting of any such board, commission, agency or authority shall be promptly recorded and such records shall be open to public inspection.

The provisions of this act shall not apply to the pardon and parole commission when its hearings are conducted at a penal institution for the sole purpose of interviewing inmates to determine parole or pardon.

OHIO'S RIGHT TO ADVERTISE LAW

119.061 Agency with rulemaking power may suspend license; limitation on power to limit advertising right.

Every agency authorized by law to adopt, amend or rescind rules shall have the power to suspend the license of any person, over whom such agency has jurisdiction within the purview of sections 119.01 to 119.13, inclusive, of the revised code, following a conviction of such person under section 2911.41 of the revised code of Ohio. Except as otherwise expressly provided by law existing as of the effective date of this act, no agency shall have the power to make rules which would limit or restrict the right of any person to advertise. (Effective November 2, 1959.)

THE FREEDOM TO ADVERTISE

Ohio has long been a leader for greater freedom for her citizens, as an example to America and the world of how well responsible freedom can work when people are kept well-informed.

Ohio's 400 daily and weekly newspapers have pioneered or encouraged many laws and programs designed to insure that Ohio citizens will always be freely and fully informed, especially concerning governmental matters. Working through the Ohio Newspaper Association, the newspapers of the State backed legislation to provide that newspapermen did not have to reveal the source of their information.

After an extensive survey showed many public meetings were being closed to the public, open meetings laws were passed to guarantee that no public meetings at any level of government in Ohio could be closed to the taxpaying public or the press, acting on behalf of the public.

The ONA and many Ohio newspapers currently are informing the public about the importance of public notices (or legal advertising) to help insure that tax money will be spent properly and so the public knows how important it is for public officials to keep taxpaying citizens fully informed in our system of freedom and democracy.

Newspapers also are participating in a statewide Committee on Public Information, which is surveying all State government departments and agencies to determine how their operations and methods of keeping the public informed can be improved by education or legislation, if needed.

Another law—now 1 year old—was the Ohio right-to-advertise law, which became effective November 2, 1959. During the past year this law has served to decrease false, fraudulent, and undesirable advertising in Ohio, while at the same time encouraging greater use of honest, truthful, acceptable advertising. Although the amount of undesirable advertising is small—less than one-half of 1 percent of all advertising—newspapers and advertising groups in Ohio have active programs for reducing adverse advertising even more. Newspapers warn readers and reject much unacceptable advertising. Advertisers are sponsoring a truth-in-advertising program with advertising clubs and better business bureaus taking the lead.

Freedom for Americans was not an accident, but a carefully and prayerfully drafted set of guaranteed rights and liberties to preserve and protect freedom for all in our Nation, providing we uphold and support our Nation and Constitution.

The freedom to work in a business or job of your choice without undue restriction by government has helped build America's efficient and productive economy. The freedom to advertise—to inform people and give them facts and prices about services and merchandise for sale—has helped toward an economy of abundance.

To fully enjoy the results of our free system, business has developed highly skilled marketing, distribution, merchandising, promotional, and advertising techniques. Only when these have the fullest freedom to be used in a responsible manner can they be best used to stimulate and sustain our growing economy.

Advertising, like freedom itself, works best when it is unchained and unrestricted. Ohio's right-to-advertise law provides that violators of good advertising will be properly punished, but that otherwise advertising will be allowed the fullest range of responsible use for the benefit of informing the general public, keeping business moving, and building our economy of abundance and our top-rank standard of living even higher under a system based on freedom for all.

PRESIDENT KENNEDY'S GREAT APPEAL TO THE CONSCIENCE OF AMERICA ON CIVIL RIGHTS

Mr. PROXMIRE. Mr. President, yesterday the Washington Star published what I believe was a very fine and remarkable editorial on the President's fight for civil rights—not merely his proposal, which was, as the Senator from Oregon [Mr. MORSE] stated yesterday, a historic proposal to the Congress for civil rights legislation, but on the whole broad sweep of the President's fight for civil rights. The Washington Star pointed out:

Since this speech—

Which the President made a week or so ago—

the President has been trying to translate his eloquent appeal into action. He has talked with business leaders. He has talked with representatives of labor unions. On Monday 243 clergymen and laymen met with Mr. Kennedy at the White House. Before the week is out he will have conferences with State Governors, educators and lawyers. And his civil rights legislation message is due in Congress today.

No other President has done as much as this, and, of course, no other President has been faced with a racial problem of comparable dimensions. What impresses us most, however, is the way the President keeps

hammering on the point that this is not something to be ultimately settled with laws and police measures—that this is at bottom a moral issue which must finally be resolved through an appeal to the conscience of America.

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

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

APPEAL TO CONSCIENCE

In his admirable talk to the Nation last week the President put the racial problem in this perspective:

"We face, therefore, a moral crisis as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time to act in the Congress, in your State, and local legislative bodies and, above all, in our daily lives."

Since this speech, the President has been trying to translate his eloquent appeal into action. He has talked with business leaders. He has talked with representatives of labor unions. On Monday, 243 clergymen and laymen met with Mr. Kennedy at the White House. Before the week is out he will have conferences with State Governors, educators, and lawyers. And his civil rights legislation message is due in Congress today.

No other President has done as much as this, and, of course, no other President has been faced with a racial problem of comparable dimensions. What impresses us most, however, is the way the President keeps hammering on the point that this is not something to be ultimately settled with laws and police measures—that this is at bottom a moral issue which must finally be resolved through an appeal to the conscience of America.

It is in this respect that his meeting with the churchmen assumes special significance. Perhaps nothing of consequence will come to the principal decision, taken at the conference, which was that the churches should take the lead in forming biracial groups on the community level to search for solutions to the problems. One or two Southern pastors (about 20 percent of the group were from the South) spoke of their fear of miscegenation. A Negro leader from Atlanta said the proposed biracial approach would be like putting vaseline on a cancer.

These, however, are the extreme attitudes. We hope, and we believe, there is a good chance that something worthwhile will emerge from what might be called the President's appeal to that great majority of both white and colored people who stand between the extremes on both sides. At least, the possible gains are worth the effort.

INTERNATIONAL BALANCE OF PAYMENTS

Mr. JAVITS. Mr. President, the U.S. balance-of-payments situation is one of the most critical problems facing this country today. The subject is hotly debated among businessmen, bankers and within the Government. It has been the subject of congressional scrutiny and will be so again in hearings before the Joint Economic Committee on July 8 and 9. Yet up to now the main results of the debate and investigation have been measures which, rather than meeting this problem head on, obscure fundamental, structural weaknesses in the U.S. balance of payments. The fact is that we are not meeting our balance-of-payments problem and that the measures we are taking are insufficient to the need and will continue to prove to be insufficient. While the U.S. balance-of-payments deficit has declined between 1961 and 1962 from $2.4 billion to $2.2 billion, during the first quarter of this year the deficit was running at a seasonally adjusted annual rate of $3.3 billion.

On May 15, in an attempt to take a new measure of our Government's thinking on the payments deficit situation, I wrote identical letters to Secretary Dillon and Secretary Rusk requesting their comment on six questions based on questions raised by Armand Erpf of Carl M. Loeb, Rhoades & Co. at the April 22 dinner of the Economic Club of New York. I have now received both of their replies which I believe will be of great interest to my colleagues. I, therefore, ask unanimous consent that my letter of May 15 together with their responses of May 28 and June 7 be printed in the RECORD at this point of my remarks.

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

MAY 15, 1963.

Hon. DOUGLAS DILLON,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR "DOUG": At the Economic Club dinner on April 22, 1963, Mr. Armand Erpf, of Carl M. Loeb, Rhoades & Co., asked several questions on the U.S. balance-of-payments situation which he was good enough to send me as well.

I found his questions very interesting and I would very much appreciate having your comments to the following ones. In case Mr. Erpf's questions are not readily available I am repeating them below:

1. How high a priority does restoring the balance-of-payments deficit command on the list of major national issues?

2. What, in your view, is the proper allocation between private sector and public sector spending overseas? The payments balance of the private sector is already favorable, can anything further be done to reduce our public cash expenditures overseas without endangering our foreign economic and military programs?

3. Do the State Department and the Defense Department discuss what steps each or both could undertake to curb or restrict cash spending overseas which between the two tends to contribute heavily to the disequilibrium of the payments equation? What discipline do they discuss or invoke, or is it left to the financial agencies, the Federal Reserve, and the Treasury to cope with the problem? Is this matter just left to the inevitability of gradualness? Does the Cabinet Committee on Balance of Payments have any say over the oversea spending policies of U.S. Government agencies?

4. The technical work of the Treasury and the Fed in the form of Roosa's arrangements, borrowing abroad, currency swaps, and whatnot is undoubtedly of current benefit in holding off gold outflow and discouraging short term runs on currency. You have rejected the view that they are "coverups" that cause us to lose sight of the underlying need for payments equilibrium, or that the Treasury or the Federal Reserve might consider them substitutes for needed remedial action. Is it possible that beyond their short term benefits they might be considered first tentative steps toward a truly international system of banking, painfully slow because of political resistance to the implied abandonment of anachronistic national prerogatives?

5. If we raise current interest rates here to make investment in the United States more attractive and counteract the tendency of funds to go abroad, would this (a) vitiate our growth plan, (b) trouble the position of England and thus unduly bring trouble to the second of the two currencies that finance virtually all world trade, or (c) hurt countries such as Germany and Japan where surpluses on current account disguise the continued thinness of capital formation and capital markets which has brought them into our capital markets to the tune of $1 billion a year?

6. If the problem is solved and we cease to have a significant or worrisome international payments deficit, do you think that the world can satisfactorily finance an expanding world trade, or will we face contraction and deflation? If so, what should be the basic approach: Roosa's deals, Bernstein's ideas, or the Triffen or Stamp plans? And do you think that the Fed and the Government will be prepared to cope with this new problem, or will we only get at it when crisis is upon us?

I will appreciate having your comments on these questions.

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

THE SECRETARY OF THE TREASURY,
Washington, D.C., May 28, 1963.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR JACK: I welcome the opportunity to comment on the questions, raised at a recent economic club dinner in New York, which were cited in your letter of May 15.

The first of these questions relates to the priority being given to correction of our balance-of-payments deficit relative to other major national issues. I can assure you we are continuing to give this problem the very high priority which was clearly given to it in the President's February 6, 1961, message to the Congress on the "U.S. Balance of Payments and Gold Outflow from the United States." As you may recall, the President then referred to our balance of payments as "one of the key factors in our national economic life," stressing that we must "in the decades ahead, much more than at any time in the past" take our balance of payments into account when formulating our economic policies and conducting our economic affairs.

The second question asks about the proper roles of private and governmental expenditures abroad, respectively, in our program for correcting the payments deficit. Our overall deficit cannot logically be blamed on any particular category or form of expenditures, private or public, and any feasible and appropriate increase in earnings or reduction of expenditures in either sector will be equally useful in correcting this deficit. As indicated on page 4 of the enclosed copy of my report of March 1962 to the President on the balance of payments, our first line of attack on the payments deficit has consisted of a series of measures to curtail the outflow of dollars stemming from the activities of Government itself. This has included, notably, a vigorous and continuing effort by the Defense Department to economize on oversea military expenditures and to negotiate what have been termed "offset" agreements involving increased purchases of U.S. military equipment and services by major allied countries, and also a broad and determined effort to minimize the balance-of-payments impact of our foreign aid programs by maximum feasible emphasis under these programs on the procurement of United States-produced goods and services. We are continuing and intensifying these efforts wherever it appears that this can be done without impairing the effectiveness of our programs for free world defense and economic development. In addition, it should also be noted that about $2.3 billion of our

$20½ billion of nonmilitary merchandise exports in 1962 were directly financed by Government grants and capital; and that large additional private sector receipts are made possible by other Government expenditures abroad. It is our belief, moreover, that the private sector of the American economy certainly has the capability, and should be expected, to generate a surplus sufficient to support and finance this country's military and other responsibilities as the leader of the free world.

The third question you cited was concerned with the adequacy of the efforts being made by various individual agencies within the executive branch to minimize the balance-of-payments impact of their oversea programs or expenditures and the manner in which our detailed policies on this are developed and implemented within the executive branch. I have already referred above to the broad and vigorous programs which the Defense Department and the Agency for International Development have been carrying out to minimize the net international payments under their programs. In addition, we have also established within the last year a procedure for the reporting and control, through the Bureau of the Budget, of the international payments and receipts of all Federal agencies. I might add that the President himself has, from the beginning of his administration, given close attention to the development and implementation of this aspect of our balance-of-payments program and that the interdepartmental coordination and continued improvement of these efforts is also one of the major functions of our Cabinet Committee on Balance of Payments. Through these efforts we have, for example, already reduced net military expenditures affecting the balance of payments from a level of $2.7 billion in 1960 to about $1.9 billion in 1962, and dollar payments to foreign countries and international institutions under our foreign aid and other grant and capital programs have been reduced despite a substantial increase in the size of the total aid program. Larger reductions in dollar outflows are expected as expenditures under old programs cease. Over four-fifths of fiscal year 1963 AID funds are expected to result in procurement of U.S. goods and services.

The fourth question, referring to the new techniques we have developed in the area of Treasury and Federal Reserve foreign exchange operations and sales of special Treasury securities to foreign monetary authorities, poses the subject of the possible longer-term implication of these innovations for an improved international payments banking system. In the context of current world payments situation, we regard these new technical developments as significantly bolstering and improving the international payments system. While their longer-term usefulness and importance under changing circumstances can only be tested and demonstrated as we go along, it is our belief that their long- as well as short-term usefulness as a practical means of improving the world payments system is much increased by the fact that they represent a practical, evolutionary approach which builds upon existing procedures and arrangements, and which has resulted in fuller participation of other countries in the operation of the international payments system.

The fifth question deals with the relation of interest rates and our monetary policy to international capital movements including possible adverse effects of action in this area either on our own domestic economic situation or on the payments position or rate of capital formation in major foreign countries. Our domestic objective, of course, is to bring about the sort of conditions in which the abundant supply of savings now seeking longrun investment abroad can be utilized more fully and productively at home. Under such conditions, increases in interest rates here would be a natural reflection of the improved productivity of investment at home. As measures to promote this general objective, the investment credit enacted into law by Congress last year and the new depreciation guidelines are already proving their effectiveness. A most important further step is the reduction in corporate income taxes and the improvement in the tax structure incorporated in the tax revision proposals now under consideration by the Congress.

I have long suggested the need for efficient, fully effective capital markets in Europe, freely open to potential foreign borrowers. The initial reexamination by some European countries of their capital market mechanisms is encouraging. As their capital markets develop, there should be some reduction in their long-term interest rates, narrowing the present gap between the level of rates in most other industrial countries and those here. Even if long-term rates here rose above those in Europe and Japan, we would expect foreign governments and corporations, particularly those needing relatively large amounts of money, to resort to the highly developed U.S. market.

Some short-term capital movements appear to be more directly influenced by interest rate differentials. By and large, our present fiscal and monetary policies have been reasonably successful in raising short-term rates here—and hence reducing the differential between the United States and most foreign rates—without placing any upward pressure on long-term rates, so much more significant for our own domestic growth. In this area there is a clear need for continued and increased international monetary cooperation to insure that measures taken here and in the other principal financial centers all contribute to stability and do not, in the pursuit of perhaps conflicting domestic objectives, result in measures damaging to other countries.

The final question is concerned with the possibilities for expanded world trade and adequate liquidity in a world where the U.S. balance-of-payments problem has ceased. On these scores I believe that we have grounds for considerable optimism. The international cooperation which has been developed in the past several years has made it possible to weather successfully major strains on the international payments system, such as those involving Britain in 1961, and Canada in 1962. In addition, following the convertibility of the major European currencies, the European Monetary Authority has contributed effectively to international liquidity; the quotas in the International Monetary Fund have been sharply increased; and $6 billion in new resources have been provided for under the special borrowing arrangements of the IMF. We have said we would be willing to accumulate currencies of other leading countries, should this become desirable at some future time to maintain adequate world liquidity.

Much has been contributed to this question by international financial experts both inside and outside of the U.S. Government. We will continue to welcome discussion of these questions which are so important to the maintenance of a secure and strong free world economy.

With best wishes,

Sincerely,

DOUGLAS DILLON.

DEPARTMENT OF STATE,
Washington, D.C., June 7, 1963.

HON. JACOB K. JAVITS,
U.S. Senate.

DEAR SENATOR JAVITS: The questions posed in your letter of May 15, acknowledged in my letter of May 22, have provided a welcome stimulus to discussion and analysis in the Department. The Department's reactions follow:

1. The elimination of the deficit in U.S. balance of payments is one of the major objectives of our policy. Among other major objectives are the maintenance of defense forces abroad to meet the requirements of national security, the support of a free and growing economy at home, the maintenance of a liberal system of international trade and payments, and the encouragement of the economic development of the less developed areas of the free world. The task, admittedly a difficult one, is to achieve the balance-of-payments objective and other major objectives at the same time. To put these objectives in a system of priorities would imply that we are prepared to sacrifice one in favor of another, but this is not what our policy contemplates.

2. The question about the proper allocation between private sector and public sector spending overseas suggests that it is possible to draw a line between the two sectors in the balance of payments, that the private sector is in good shape since its payments balance is apparently favorable, and that the oversea spending of the private sector as well as the public sector is allocable or subject to governmental regulation. However, the payments performance of the private sector is affected by what happens in the public sector. A significant fraction of our private exports of goods and services is directly financed by U.S. Government funds provided bilaterally and multilaterally, and additional amounts of our exports may be possible only because foreign countries enjoy the dollar receipts attributable to our governmental programs.

The U.S. Government does not, of course, allocate or control private spending overseas. The United States has a free economy, and the Government can only influence such spending. The influence of the Government is important, but the constructive role the Government can play, for example, in stimulating investment at home rather than abroad takes time.

The foregoing observations, of course, do not mean that we fail to recognize the importance of Government expenditures in the balance of payments or that we are not concerned with their magnitude and trend. As indicated in response to the third question below, the Government has an organized, continuing program for reducing its net oversea expenditures. It is not possible to be precise, however, about how far we will eventually be able to go in achieving additional savings or in what sectors these savings will be found. We can say without qualification, however, that under the leadership of the President the executive branch has been and will be pressing hard for the maximum, sensible reduction of net governmental expenditures abroad through the elimination of expenditures found to be dispensable, the transfer of procurement to the United States, and the negotiation of arrangements to offset our expenditures (the sale of military equipment and supplies to other countries).

3. The third question concerns the procedures within the U.S. Government for reducing net governmental expenditures abroad. The level of spending by individual U.S. agencies is the outcome of a procedure designed to insure coordinated action by the Government as a whole. Information on current and prospective expenditures abroad by each agency is periodically collected and analyzed by the Bureau of the Budget with a view to setting individual agency targets for future expenditures. These targets are reviewed from time to time by a Cabinet-level Committee, which includes representatives of the Treasury, State, Defense, and Commerce Departments as well as AID, the Bureau of the Budget, and the Council of Economic Advisers. Where appropriate, the views and rec-

ommendations of this Committee are sent to the President for his consideration.

4. The fourth question concerns the implications for a longrun improvement in the international monetary system of the technical arrangements now being employed by the Treasury Department and the Federal Reserve System to conserve our gold stock. We cannot be sure at this stage how these new arrangements will evolve. Even now, on a limited, bilateral basis they have added a new and significant dimension to the monetary system under which the world economy finances international transactions. We are optimistic that as the soundness and efficacy of the new arrangements are demonstrated in practice, and become appreciated by other governments and the public, their application on a broad base will become readily accepted. While we do not expect that they can provide the whole answer to the questions that have been raised about the adequacy of the system in the long run, they should help to establish the readiness and ability of other countries to participate constructively in the evolution of the system. Before leaving this question, it is worth noting that international monetary cooperation has matured and deepened to an unprecedented degree during the last few years.

5. Our principal concern about the raising of interest rates in the United States in order to influence the capital sector of our balance of payments lies in its possible effect on domestic investment and growth. Over the past 2 years, as the result of the debt management policies of the Treasury and the open market operations of the Federal Reserve System, short-term rates have generally been kept higher than they had been in comparable periods of the economic cycle while long-term rates have remained at an encouragingly low level. This situation reflects our desire to moderate the outflow of short-term funds on account of international interest rate differentials without dampening domestic growth trends. The cautious and modest actions thus far taken in this area must be differentiated, however, from the actions that could well be required to register any sharp upward shifting of rates.

If, as the result of external considerations, we were successful in achieving a sharp upward shift in longer-term interest rates we could hurt our growth prospects. As the fifth question implies, such action in the shorter-term area could add to the balance-of-payments problems of the United Kingdom. Also, as far as other countries are concerned—you mentioned Germany and Japan, and Canada might be added—it may very well be that, if they had a pressing need for capital imports, they would continue to use our capital market even at higher interest rate levels. In fact it is the relative insensitivity to interest rate changes of many of the foreign demands on the U.S. capital market that tends to discourage resort to higher interest rates as an effective means under present circumstances of improving our payments position.

6. The Department is not pessimistic about the financial basis for an expanding world economy. There is no apparent shortage of international liquidity today, and we see no reason why the world should be unable to provide necessary liquidity after the United States has achieved payments equilibrium. Many good minds in and outside of government, here and abroad, are at work on this question, and the spirit of international cooperation among governmental and central bank officials is excellent. It is most encouraging that so much thought is being devoted to international liquidity and the proper long-run functioning of the international monetary mechanism well in advance of the possible emergence of a serious problem. If the past is any guide for the future, we can take comfort from the fact that the United States and the rest of the world did not wait for a crisis to increase member quotas in the International Monetary Fund a few years ago, nor did the world wait for a crisis to provide the general borrowing arrangements for the Fund, amounting to $6 billion, that came into effect in 1962.

The Department is appreciative of your constructive interest in sending us your letter of May 15, and we hope that our observations will help to illuminate the issues you raised with us.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary
(For the Secretary of State).

Mr. JAVITS. Mr. President, I believe that certain of the technical moves taken by the Treasury to protect against a raid on the dollar have shown the type of imagination needed to go to the root of the problem. Other steps such as the urging of our allies to share a larger burden of military defense and of economic assistance to the developing nations and reduction of the duty-free foreign purchases of U.S. tourists have indicated the right direction.

But, these replies raise some hard questions which I have asked the Treasury to answer once again, as follows:

First. What is the Government doing to shift the burden for Western defense to those of our allies with balance-of-payments surpluses or those whose military expenditures are a much smaller proportion of their gross national product than ours, for example, West Germany, France, and Japan?

Second. What is the executive branch doing to increase the flow of foreign tourists to the United States to counterbalance the oversea dollar expenditures of U.S. tourists? The net deficit on travel account increased from $772 million in 1961 to $915 million in 1962.

Third. What is our Government doing to provide effective incentives to our businessmen to export? Why cannot the administration explore the feasibility of granting tax incentives to our exporters, or, if tax incentives in the export field constitute an export subsidy and are illegal under the GATT, at least take a firm stand against the proliferation of special export incentives devised by our European competitors?

Fourth. How effective has the 3-month-old gold budget been in reducing the impact of the Government's oversea expenditures and in identifying new courses of action to reduce the deficit?

Fifth. Why is our Government opposed to broadening existing international financial institutions into a truly international banking system, while eager to conclude a network of informal and ad hoc arrangements which are tentative and provisional?

Mr. President, the conclusion to which the inquiry and the very informative replies bring us is an understanding that we must on a much wider and bolder basis than heretofore if we are to deal effectively with this potentially dangerous balance-of-payments problem. The hard questions are raised as to what we are doing to reduce the imbalance of payments in the field of shifting the defense load to some extent to Western Europe; in regard to the outflow of foreign exchange attributable to the fact that many fewer tourists come to America than we send abroad; in respect to the lag in our export situation, which acts so heavily against us in the imbalance of international payments; and in respect to the arrangements which we are making with other central banks in order to help us with this situation.

The series of questions have been put to Secretary Dillon. I will bring back the answers to the Senate so that attention may continue to be focused upon the urgent need for our doing much more than we are now doing to solve this potentially dangerous problem.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Gerald F. Tape, of New York, to be a member of the Atomic Energy Commission; and

Glenn T. Seaborg, of California, to be a member of the Atomic Energy Commission.

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

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the nominations be considered beginning with "New reports."

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

THE U.S. COAST GUARD

The legislative clerk proceeded to read sundry nominations of persons to be appointed to the U.S. Coast Guard.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the U.S. Coast Guard will be considered en bloc; and, without objection, they are confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXCELLENT REPORT ON THE ARTS AND THE NATIONAL GOVERNMENT

Mr. HUMPHREY. Mr. President, last week President Kennedy established the Advisory Council on the Arts. As I said on the Senate floor at that time, the creation of this Advisory Council represents a historic step forward in building a more productive and enlightened relationship between the Federal Government and the artistic and cultural life of this country.

The President should be congratulated for his vision in establishing the Advisory Council. Many Members of Congress, including the senior Senator from Minnesota, have been attempting to establish such a Council by statute. While we will continue in this effort, it is most heartening that a Council does exist and will be functioning during the interim period.

Congratulations are also in order for the President's able and distinguished Special Consultant on the Arts, August Heckscher. Mr. Heckscher bore the primary responsibility for coordinating the numerous administrative duties associated with the creation of this Advisory Council.

Mr. Heckscher, in his capacity of Special Consultant to the President, has now submitted a comprehensive and challenging report, "The Arts and the National Government." This report on the various artistic and cultural activities of the Federal Government has been needed for many years. We often hear that the Federal Government has no legitimate reason to be concerned with such matters as esthetics and culture. But, as Mr. Heckscher points out, every time the Federal Government builds an office building, post office or embassy, prints a postage stamp or poster, publishes a book or pamphlet, approves a program of urban renewal or decorates the interior of a public building, factors related to art and culture become the direct concern of the Federal Government.

Mr. Heckscher makes an excellent point when he says:

> There has been a growing awareness that the United States will be judged—and its place in history ultimately assessed—not alone by its military or economic power, but by the quality of its civilization.

The lessons of history are quite clear on this point: The great civilizations have been those which have recognized and encouraged the creative impulse that is the basis for all artistic and cultural endeavors. We should never forget that these are qualities which are uniquely human and which involve the uniquely human capabilities of imagination, creativity, and abstraction.

Too often the criteria observed by the Federal Government in its varied activities are solely functional and, as Mr. Heckscher points out:

> The public agencies seem content with the production of governmental objects which fall below the standards set by private enterprise or by European states.

Mr. Heckscher recommends a number of specific steps that the Federal Government can take to improve the quality and quantity of its legitimate artistic and cultural concerns. But the limited nature of these concerns is also properly stressed:

> It is a limited policy; for Government's role in this area must always be marginal. It is a policy not copied after European models, but keyed to the particular conditions of diversity and decentralization prevailing in the United States.

This observation is extremely well-taken and should be considered by those persons who allege, quite incorrectly, that supporters of the Advisory Council and the National Arts Foundation seek to encourage Government control of the arts. Nothing could be further from the truth.

I was especially pleased that Mr. Heckscher recommends in his report the permanent establishment of the Advisory Council on the Arts, the National Arts Foundation, and the creation of the post of Special Advisor to the President. The National Arts and Cultural Development Act (S. 1316) provides for each of these recommendations contained in Mr. Heckscher's report. This legislation was prepared with the close collaboration and assistance of the distinguished Senator from Rhode Island [Mr. PELL] and the distinguished Senator from New York [Mr. JAVITS]. I know they share my pleasure in finding the substance of this bill contained in the recommendations of the Heckscher report.

I also point out that S. 1316 provides that annual reports of the Advisory Council and the National Arts Foundation will be submitted to the Congress. These public reports would serve as an annual review of the Government's activities in regard to the arts and culture, in effect providing an annual updating of the Heckscher report. I believe it is important to provide something similar to an annual inventory, that is, a document that would summarize the progress of the past year and indicate the future plans of both the Advisory Council and the National Arts Foundation.

Finally, Mr. President, I know I speak for many persons in Washington and elsewhere who express profound regret at Mr. Heckscher's decision to resign the position of Special Consultant to the President. He has remained at this task until two principal objectives were achieved, the creation of the Advisory Council and the completion of the report on "The Arts and the National Government." These are two significant achievements and Mr. Heckscher deserves the commendation and praise of every American for his unselfish and devoted service. Let me simply echo the closing sentence in President Kennedy's recent letter to Mr. Heckscher accepting his resignation:

> I have no question that your work in these past months will be regarded as a milestone in the process by which our Government has begun to fulfill its responsibilities to our culture.

On Monday the distinguished Senator from Rhode Island [Mr. PELL] inserted in the CONGRESSIONAL RECORD the full text of "The Arts and the National Government" beginning on page 10938. I urge every Member of Congress to read this excellent report. I do, however, ask unanimous consent to have printed in the RECORD at this point a summary of the report, an editorial entitled "Grace of State" that appeared in the Washington Post for June 17, 1963, and a news story from the New York Times of the same date commenting on this fine document.

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

The beginning of a "new phase in the history of art and Government" has been opened, according to a report made to President Kennedy today by August Heckscher, the President's Special Consultant on the Arts. The appointment made in March 1962—"modest in scope and tentative in form though it was"—made it plain, Mr. Heckscher said, that Government would be concerned with the progress of the arts as they affect "the well-being, the happiness, and the personal fulfillment of the citizens of our democracy."

In submitting his report, Mr. Heckscher offered his resignation to the President, noting that he had originally expected to serve for a 6-month period. The President, in thanking Mr. Heckscher, said, "I accept your resignation with great regret. As Special Consultant for the Arts, you have initiated a new function in the Executive Office of the President. The best tribute to the success of your work is the decision to establish this function on a full-time and, I hope, permanent basis. I am sorry that you cannot take on the continuing assignment yourself; but I know your desire to return to your duties at the 20th Century Fund, and I am grateful for your willingness to stay until a successor has been named."

"Your report on 'The Arts and the National Government'," the President continued, "opens up what I am confident will be a new and fruitful relationship between Government and the arts."

Mr. Heckscher's report was made after more than a year during which he has served in an unprecedented capacity. Describing the work of his office, he notes that it has involved the following areas: collecting information on the arts, keeping abreast of legislative activities in the field, and surveying relevant Federal programs. In addition, the report notes, there have been "normal duties relating to White House concern with the arts," including representation at cultural functions and visits to cities engaged in significant cultural enterprises.

"Together they add up to a body of work which serves a significant public interest and requires sustained and continuous attention." In his recommendations, Mr. Heckscher urges that the post of Special Consultant be continued and that consideration be given to making it full-time. "Detailed day-by-day attention is necessary," he noted, "if governmental operations, often seemingly unrelated to the arts, are to be brought to the standards advocated by this report."

Other recommendations include the establishment of an Advisory Council and a National Arts Foundation. "What is sketched here," the report states, "* * * could become a permanent policy giving form to the relationship between government and the arts."

"It is a limited policy; for government's role in this area must always be marginal. It is a policy not copied after European models, but keyed to the particular conditions of diversity and decentralization prevailing in the United States."

In stressing the role of government in the arts Mr. Heckscher states "There has been a growing awareness that the United States will be judged—and its place in history ultimate-

ly assessed—not alone by its military or economic power, but by the quality of its civilization."

Despite this awareness, the report continues, "The condition of the professional arts in the United States is not in all regards satisfactory * * *. A longstanding weakness in what might be called the cultural infrastructure has led to institutions inadequately supported and managed."

A principal emphasis of Mr. Heckscher's report is on the government's responsibility for the total environment, including "preservation of the cultural heritage."

"To shape an environment which meets the needs of men and women for a civilized existence is a long-range Federal interest." Mr. Heckscher points out that "through the varied programs providing financial and technical assistance to private and public housing and to community development the Federal Government has many such opportunities and responsibilities." In particular, he commends the increasing attention given to cultural and esthetic factors in the programs of the Urban Renewal Administration and the various agencies concerned with housing and urges that their importance be fully recognized and encouraged as a matter of basic policy.

"Public buildings, if they are to be genuinely significant, must not only be well designed but must be part of a setting in which life can be lived with some sense of spaciousness, dignity, and esthetic delight."

The major portion of the report is given to an examination of Federal programs and policies as they affect the arts. In his letter to the President, Mr. Heckscher emphasized that "in the course of the work it became evident that Government policies and programs affecting the arts are far more varied and extensive than is generally supposed."

In the normal course of its operations Government acquires art, creates and designs objects ranging from postage stamps to public buildings, and shapes the cultural and esthetic environment. Thus, "Government is a patron of the arts. It creates a market for the work of the artist; it sets an example; * * * it is a builder on a grand scale."

"Too often, unfortunately," Mr. Heckscher notes, "the criteria observed are solely functional * * * and public agencies seem content with the production of governmental objects which fall below the standards set by private enterprise or by European States."

One recommendation of the report is that "the Federal Government make it an objective to increase substantially the number and worth of the works of art which it acquires * * * If the Federal Government is niggardly in this regard," Mr. Heckscher asks, "can we expect any better of our States and municipalities?"

Specifically the report recommends that the Federal institutions concerned be given the funds and mission to create collections "truly representative" both of our "artistic heritage" and "contemporary American art"; that adequate funds be provided for the commissioning of fine arts in connection with public buildings; and that American art be made available to American Embassies to help them fulfill their role as "important cultural outposts."

The importance of raising and maintaining design standards is stressed throughout the report. Mr. Heckscher cites Government posters as an example of the way in which "a seemingly utilitarian process—in this case the communication of simple facts or ideas—can be raised to the level of art."

A basic assumption of the report, he says, is that good design does matter whether it be of posters, postage stamps, or public buildings. "Everything done by the Government bears either the marks of excellence which we like to think characteristic of a free and great people, or else in some measure it betrays the Government and degrades the citizen."

"The first requisite for improving design," Mr. Heckscher states, "is that men in responsible positions be encouraged to concern themselves * * * to have an awareness of the need for the highest quality in all that the Federal Government produces or sponsors."

Other recommendations for improving design include:

1. The use of advisory committees composed of the best professional talent, in all programs where design factors and the arts are involved.

2. A top-level advisory panel on architectural design of public buildings.

3. The vigorous implementation of the President's directive of May 23, 1962, on Guiding Principles for Federal Architecture.

4. A positive program of encouraging and recruiting outside talent, through competitions and other means, and of recognizing imagination and excellence.

The responsibility of the Government is not discharged, Mr. Heckscher asserts, with the mere creation and acquisition of works of art. "To be enjoyed and appreciated by the people and to make the contribution they should to our cultural life they must be available and accessible."

The report makes a number of recommendations to carry out this objective in both the visual and the performing arts. These include: (1) a greatly expanded educational and presentation program on the part of Government museums and libraries so that the great resources of our national collections may be made available "for the benefit and enjoyment of all the people throughout the country." (2) Increased attention to the production of catalogues and publications of distinction and high esthetic standards; (3) much more extensive and imaginative use of public buildings for graphic arts displays and distribution of Government publications; (4) an across-the-board effort to encourage and assist the development of facilities for the performing arts throughout the country.

The creation of the National Cultural Center and the development of a wider-ranging and imaginative artistic program is stressed as a key factor in helping the Government fulfill its role in "stimulating and supporting the performing arts throughout the country." Not only will it present the best of our professional talent but it will also "reach out through competitions, festivals, youth programs, and commissioned works into the heart of the Nation's cultural life."

The report emphasizes the role played by general policies, such as taxation, disposition of surplus Government property, community development, etc., in encouraging or inhibiting the arts. "There is a broad range of general Government policies which are designed to accomplish objectives not primarily or specifically related to the arts, but which do affect and concern the state of the arts and the position of the individual artist, often adversely and mainly through inadvertence."

Of these, Mr. Heckscher says, "the impact of the tax laws is undoubtedly the most important." A number of specific recommendations in regard to tax policy are made including: (1) revision of the income tax to provide for more "realistic and equitable" treatment of the artist (2) repeal of the admissions tax (3) extension of the 30-percent ceiling on deductible contributions to all nonprofit cultural institutions and (4) establishment as a matter of basic policy of complete tax deductibility for contributions to nonprofit cultural organizations.

Other recommendations urge the revision of the copyright laws, the maintenance of low postal rates for cultural materials, equal consideration with schools and libraries in obtaining surplus Government property, and recognition of the importance of cultural facilities in public works and community development programs.

The report also recommended that the role of the Government in developing and supporting educational television be increased.

As the National Capital of the country, the city of Washington is recognized as having special importance in any national policy and program relating to the arts. Mr. Heckscher suggests "it should be an example to the rest of the country, a symbol of the finest in our architecture, city planning and cultural amenities, and achievements—a symbol in fact of what the environment of democracy ought to be."

The report points out that although the Federal Government has traditionally been concerned with education and research, "the arts are given a low priority." It recommends that a much larger share of the Government's support to education go to the arts and the humanities. "The predominent emphasis given to science and engineering implies a distortion of resources and values which is disturbing the academic profession throughout the country."

Mr. Heckscher found that "a major obstacle to the assessment of the problems and needs of the arts and the formulation of sound and realistic public policies is the lack of adequate up-to-date factual and statistical information." To help remedy this situation, he recommends that funds be made available to appropriate Government agencies to collect basic information on the arts on a much more systematic and detailed basis.

The report also dealt with the problem of appropriate recognition for outstanding achievement or contribution to our cultural life and recommended that suitable forms be carefully studied by the Advisory Council.

In his letter to the President, Mr. Heckscher stressed that "in many of the areas surveyed the major need is for greater awareness of the possibilities for esthetic improvement and of a more sharply defined responsibility to the arts. Increased expenditures are secondary. Elsewhere new programs and additional funds should be authorized, if Government's concern with the arts is to be effectively expressed. Even these sums are comparatively small—yet a relatively small amount of money may make all the difference between mediocrity and excellence."

In concluding his report, Mr. Heckscher emphasized that "Although Government's role in the arts must always remain peripheral, with individual creativity and private support being central, that is no reason why the things which the Government can properly do in this field should not be done confidently and expertly."

[From the Washington (D.C.) Post, June 17, 1963]

GRACE OF STATE

"Americans," H. L. Mencken once snapped, "have a passion for ugliness." The assertion is no longer so persuasive. More and more Americans have joined in the quest for beauty, whether in music, in painting or even in the unencumbered majesty of a national park. But the Government has lagged behind the times, and the passion for ugliness still sadly prevails in the entrenched fortress of the Federal bureaucracy.

This is what makes the special report to the President on the arts and the National Government worth more than a routine nod. The author, August Heckscher, is winding up a too brief tenure as a part-time White House consultant on the arts. In a long and thoughtful report, Mr. Heckscher surveys all the points at which the Government touches the sphere of culture—everything from post office posters to tax policy.

Without proposing any alteration in the traditional relationship between the state and the artist, Mr. Heckscher argues that the Government should do better what it has to do anyway in the field of arts. He shares the uncomprehending astonishment that our best-designed public buildings should be invariably reserved for foreigners. Why should embassies, which few Americans see, have grace and dignity, while the local post office is so often a model of dingy mediocrity? He points—rightly—to Dulles International Airport as an example of what can be done under public auspices to blend good taste and official function.

His strictures on improving the appearance of Washington will be locally applauded, and his warning against "a hodgepodge of poorly placed and ill-designed statues and memorials" hits home. His arguments for dropping the 10-percent Federal admissions tax on theater tickets are persuasive. So is his case against the present proposal to set a limit on charitable deduction provisions in the new income tax law. As an author himself, Mr. Heckscher speaks with special warmth about the injustice of a tax system that allows, at most, a 3-year income spread for royalties on a book that a writer may have taken a decade to complete.

But we doubt whether the Government should, as Mr. Heckscher suggests, give some kind of awards for excellence in the arts. We have prizes enough already, and a presidential medal might smack of the same statist paternalism as the Lenin Prize. We emphatically agree, however, that the office of consultant in the arts should be permanent and preferably combined with the chairmanship of the about-to-be-formed Council on the Arts. Mr. Heckscher's own useful report supports his recommendation.

[From the New York (N.Y.) Times, June 17, 1963]

U.S. Role in Arts Called Narrow in Heckscher Report to Kennedy

(By Tom Wicker)

Washington, June 16.—An 80-page report sweepingly critical of the Government's attitude toward the arts was made public today by the White House.

The critique was submitted by August Heckscher, President Kennedy's special consultant on the arts. It listed steps by which Washington might foster high cultural standards. Replying to Mr. Heckscher, the President wrote:

"Your report opens up what I am confident will be a new and fruitful relationship between Government and the arts."

Mr. Heckscher's report was accompanied by his resignation from the part-time post, not as a protest but because he had served more than twice as long as the 6 months to which he had agreed.

The resignation evoked a response from Mr. Kennedy headed "Dear Augie." The letter said, "The best tribute to the success of your work is the decision to establish this function on a full-time and, I hope, permanent basis."

Mr. Heckscher was appointed in March 1962, as the first cultural coordinator between the President and governmental and private agencies. A successor to Mr. Heckscher, who is director of the 20th Century Fund, is expected to be named soon.

Mr. Heckscher couched his report in terms of how the Government should stimulate artistic achievement, make the lot of artists easier, and improve American esthetic values.

But the sweep of his recommendations—from the design of recruitment posters to the architecture of governmental buildings, from tax policies to critical evaluation of television programing—pointed to the narrow limits within which Mr. Heckscher found the Government's cultural efforts.

Yet Mr. Heckscher wrote in his letter: "Government policies and programs affecting the arts are far more varied and extensive than is generally supposed. Many Government policies ostensibly having nothing to do with the arts affect them in a substantial way—often adversely."

And in his report, he observed:

"Often inadvertently, Government has imposed obstacles to the growth of the arts and to the well-being of the individual artist."

"Everything done by the Government," Mr. Heckscher added, "bears either the marks of excellence which we like to think characteristic of a free and great people, or else in some measure it betrays the Government and degrades the citizen."

The report concluded:

"Although government's role in the arts must always remain peripheral, with individual creativity and private support being central, that is no reason why the things which the Government can properly do in this field should not be done confidently and expertly."

This reflected Mr. Heckscher's view that the Government's major concerns in the arts arose from programs it was already conducting, such as the construction of buildings. Though he suggested many new activities, few involved subsidies to artists or other forms of direct patronage.

Mr. Heckscher reserved the capital for special criticism and a major portion of his report.

"The original conception of the city was in every sense magnificent," he wrote, "but for long periods Washington was allowed to grow without order, design or a true appreciation of its esthetic potentialities. Federal architecture has been largely second rate, with the new State Department building standing as a particular monument to false functionalism and false grandeur."

PLANNING HELD OBSOLETE

Washington, he said, has outgrown "not only the original plan but also the political and administrative system which has been relied on to date to guide its development and maintain its distinction."

He listed seven agencies and commissions that have jurisdiction over buildings and other fine arts in Washington. He charged that overlapping resulted, and he suggested "an imaginative new approach which will realize the concept of a capital city fully expressing the standards and values of the Nation."

Mr. Heckscher urged that Washington's planned National Cultural Center function not just locally but as an example to other cities—in providing wide cultural opportunities and in demonstrating how government, community and private agencies can work together.

HINTS ON U.S. ERRORS

Again and again, Mr. Heckscher hinted, through his recommendations, at adverse Government influence. For example, he wrote:

"The Department of Justice should make every effort to put into effect simpler and more realistic entry requirements, thus encouraging the holding in this country of international conferences, competitions, and festivals.

"It must be hoped that ways will be found for providing the funds which other countries authorize for hospitality to foreign visitors at such gatherings. At present, due largely to legislative obstacles and stringencies, international groups rarely meet within the United States."

Occasionally the report was more directly critical—as in remarks on displays of visual and graphic arts. "As a practical matter," he wrote, "they are generally inadequate and haphazard."

The report cited lack of funds, limited exhibit spaces, duplication and ineffective coordination and liaison between the different government agencies involved, and above all the absence of any positive policy and program to make our national collections more available to the public."

ADDITIONAL SUGGESTIONS

Mr. Heckscher's report also included the following major recommendations:

The Government should "increase substantially the number and worth" of the works of art it acquires, and should establish a great national collection of American art.

Government art—from posters, stamps, and coins to huge buildings—should reflect "a concern for esthetic standards, for the quality of good design and good workmanship."

A qualified panel should oversee the design of buildings—"the most striking and enduring objects created by Government."

Esthetic as well as functional standards should apply to public housing and other federally supported projects.

Where possible, Government buildings should include auditoriums suitable for the arts.

Funds should be furnished for oversea showings of American programs.

Support of research and education in the arts should be increased.

Tax laws ought to permit artists to average their incomes over a number of years. Theater tickets should be tax free, and contributions should remain fully tax deductible.

The President's Advisory Council on the Arts should report periodically on the advance or decline of cultural and artistic television programing.

Educational television ought to be encouraged as a source of quality programing.

A national arts foundation should provide grants-in-aid to States and to institutions of the arts.

"THE BEAUTY OF MAINE"—POEM BY JERRY L. PEARCE

Mrs. SMITH. Mr. President, Mr. Jerry L. Pearce, of 12041 Claridge Road, Wheaton, Md., last year went to Damariscotta, Maine, on a research assignment for the Research Analysis Corp., of Bethesda, Md. His time was spent at the Lincoln Academy there.

He found Maine to be such a wonderful place that he has written a lovely poem about the loveliness of Maine and the warmth and character of Maine people.

This past Saturday he delivered to me that poem in a mounted, beautiful graphic art form. While I cannot convey the beauty of that graphic art form to Senators, I can present the poem to them.

It is in this spirit that I ask unanimous consent that the poem of Mr. Pearce be placed in the body of the Record at this point.

There being no objection, the poem was ordered to be printed in the Record, as follows:

Lying in the haze of midsummer days
Are these misty isles of Maine
And the sweetness in the air, should your fancy take you there,
You may search for, but may never find again.
There's a quietness in the people,
A gentle strength that doth belie
The firmness in their handshake
As they look you in the eye,
For the faith they've been endowed with
Is like this coast, rockbound,
So steadfast, sure, you'll come to know

That this is hallowed ground.
For with thoughtful hand, seen everywhere,
God shaped this land with loving care
That you and I might understand
Why it is called "Vacationland."

—*Jerry L. Pearce.*

THE NATIONAL SERVICE PROGRAM

Mr. KENNEDY. Mr. President, on June 4, an editorial appeared in the Boston Herald discussing the necessity and importance of a domestic version of the Peace Corps, called the National Service program. The timing of this article coincides with hearings that have been held in subcommittees of both the Senate and the House of Representatives. As a member of the Senate subcommittee, I have been able to study the proposal. I certainly believe that this program would render an invaluable service, and be well worth the small appropriation being asked of Congress.

I think that it would be valuable if this editorial were widely read, and therefore, I ask unanimous consent to have it printed in the RECORD.

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

PEACE CORPS AT HOME

In the summer of 1961 a number of doubting Congressmen expressed the wish that instead of sending the newfangled Peace Corps overseas we try it out at home. Impelled by a fear of amateur meddling in sensitive oversea posts, they thought we could judge the new idea by seeing it at work in our own backyard.

The oversea corps, despite setbacks and unexpected difficulties, electrified jaded world travelers with its sincerity, its ambitiousness, and its commonsense approach to the common man.

This past week hearings by subcommittees in both Houses of Congress explored the merits of a domestic version of the Peace Corps—the National Service Program.

Witnesses testified on the remarkable similarity of the problems facing 32 million Americans—the poor, the sick, the weak, the the unmotivated. Indian experts, migratory-worker experts, slum-school experts, all testified on the need for person-to-person work with these 32 million.

We cannot wait on the progress made by our social workers, teachers, and community compassionates. Their mighty efforts are, in a way, a hard run to keep from losing ground. The free economic system that gives the race to the swiftest, cannot abandon those that do not or cannot run as well as the rest. A free enterprise system, like all others, is judged by how it performs for all of the people.

The selfless efforts of idealistic Americans offer ways to communicate with our less fortunate brethren that paid professional cannot. Perhaps a young National Service recruit can motivate a slum child where a teacher cannot. Perhaps a Federal corps of volunteers can give personal warmth to our ineffective migrant worker programs and Indian projects.

As Congress debates this new legislation, the opinions of those at home can guide their thinking. A domestic version of the oversea Peace Corps is worth a try. Why not tell your Congressmen where you stand?

McNAMARA PUSHES WAR ON WASTE

Mr. DOUGLAS. Mr. President, I wish to bring to the attention of this body a column entitled "McNamara Pushes War on Waste" which appeared in the Washington Star of June 19, 1963, by the well-known and very capable economic columnist, Sylvia Porter.

The article describes the cost-reduction program which Secretary McNamara has launched which is expected to create annual savings to over $3.4 billion by fiscal 1965. After hearing Secretary McNamara's testimony before the Procurement Subcommittee of the Joint Economic Committee, I am sure the objective will be reached and exceeded.

I think, Mr. President, that all Members who are interested in defense and fiscal responsibility should give unstinted support to the cost-reduction program which Secretary McNamara has begun even though their own prize oxen may be gored from time to time.

I ask unanimous consent to insert the column in the RECORD.

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

McNAMARA PUSHES WAR ON WASTE

(By Sylvia Porter)

"I personally consider you to be a great Secretary of Defense," Senator DOUGLAS, Democrat, of Illinois, and chairman of the Senate Subcommittee on Defense Procurement, said to Secretary of Defense Robert S. McNamara.

"Yours is an extraordinary achievement," Senator JAVITS, Republican, of New York, a committee member, said to Mr. McNamara.

"You're an unusual Secretary of Defense," Senator PROXMIRE, Democrat, of Wisconsin, another committee member, said.

Why this praise from economy-conscious Senators in view of the fact that Mr. McNamara has submitted the biggest peacetime defense budget ever? Because Mr. McNamara openly agrees with the Senators that there is enormous waste, duplication and extravagance in the defense budget; because he has initiated major new programs to cut the excesses; because programs he has launched are already producing annual savings of $1.9 billion and Mr. McNamara expects to step up the rate of annual saving to over $3.4 billion by fiscal 1965; because he has had the courage to put through reorganizations which, in the words of an earlier Defense Secretary, are "no more painful than backing into a buzz saw."

Mr. McNamara isn't promising that the defense budget won't rise to alltime peaks—on the contrary. He is, though, trying to curb the costs of defense by eliminating bad practices and malpractices—in the face of stern opposition and dedication to the traditional ways of doing things in the Defense Department. Thus, the compliments of the budget-cutting Senators.

METHODS OUTLINED

Mr. McNamara's most significant single cost-cutting move has been the creation of the Defense Supply Agency to buy, stock and sell supplies common to all the services.

By weeding out excess inventory items—the Defense Department has 4 million items valued at $40.6 billion, of which $13 billion is excess or "long stocks"—by slashing surpluses and by controlling purchases, the Defense Supply Agency, Mr. McNamara says, is saving $1 million a week over the previous system. A minor but memorable illustration: In 1961, each service was buying a different type of butcher smock in several sizes, a total of 18 different inventory items; today, the services stock only 2 types in fewer sizes, a total of 7 different inventory items.

Also of fundamental importance has been Mr. McNamara's drive to change the method of awarding defense contracts from negotiation and cost-plus-fixed-fee to formal or competitive bidding wherever feasible.

In 1962, almost 87 percent of all military purchases were still by negotiation. The estimate is that 25 cents can be saved on each dollar shifted from noncompetitive to competitive buying and that shifts underway will be saving nearly $500 million a year by fiscal 1965. The changes are starting. In 1961, only 15 percent of aircraft spare parts were bought competitively; in 1962, the percentage was doubled to 30 percent, and the trend is upward.

The cost-cutting probe is touching the most delicate areas—duplicate weapon systems, research and development. As a dramatic illustration of what this can mean, basic to the now famous controversy over the TFX experimental tactical fighter plane is not just the question of awarding of defense contracts. Basic is the fact that Mr. McNamara chose General Dynamics over Boeing because he insists that the General Dynamics design was closer to a "common plane" usable both by the Air Force and Navy and that Boeing's design actually was two different planes which would have made an award to Boeing far more costly.

SENATORS GRATIFIED

The Defense Department is asking today not only, "What will it cost?" but also, "Is it worth it?" and, "Are we buying only what we need?" This is why Senator DOUGLAS and his committee are so "extremely gratified" and Senator DOUGLAS said a few days ago "a good beginning has at long last been made * * * to make the economies which are desirable and possible."

Involved in the size and content of the 1964 defense budget will be even more than our military power and economic strength. Also deeply entwined will be the fate of tax reduction-reform, for many Congressmen really mean it when they say they'll vote against tax cuts unless there are signs the budget is being controlled.

The schedules today indicate the defense budget and the tax bill will be reaching crucial congressional voting dates around the same time—which will dramatize Mr. McNamara's war on scandalous waste.

RESPONSIBILITY FOR INTEGRATION RIOTS

Mr. THURMOND. Mr. President, there has been much speculation recently whether or not the Communists are involved in the present integration riots. A study of Communist techniques reveals that the pattern is being followed throughout the United States. The Communists realistically go to the heart of the matter in a way which individuals can understand and act upon. Lunch counters are a good example since this is a way people can grasp that abstract ideal called freedom. Also, it gives them something specific to do.

The political actionists behind the lunch-counter movement have realistically geared their propaganda aims to practical power goals. They have established the following:

First. A devoted and fanatical following for certain organizations such as NAACP and CORE.

Second. A pattern of internal rioting which can be activated to coincide with an international crisis or a controversial move in foreign policy.

Third. Precedents for shifting jurisdiction of most local laws from local

courts to Federal courts by enlarging the legal definition of civil rights.

Fourth. Legal, social, and political precedents for using the Army against the citizenry.

Fifth. A change in the emphasis of the law from "do not" to "do."

Sixth. A transformation of our Government from representative of the citizens' morality to director of the citizens' morality.

The leadership of these domestic disturbances seem unconcerned that although they gain the ability to sit at a lunch counter, they, along with the rest of us, may lose more freedoms than they gain.

The Paris edition of the New York Times for May 31, 1963, carried a front page story about the classes of instruction conducted in Jackson, Miss., for persons who were to participate in demonstrations. These classes included instructions, according to this report, on such things as how to knock a white girl off a restaurant chair. The instructor on street riots directed the students not to tense up or they would receive the full impact of the blows.

We have all seen the pictures of riots by youth in South Korea, Turkey, and Japan. The tactics we are witnessing in the current Negro demonstrations and riots are familiar. The similarities are striking.

For those who are not familiar with the nature of Communist interest in the riots by youth and the tactics used, there is an enlightening article in the August 1960 issue of Political Affairs, one of the Communist Party organs. Every American, and particularly every Member of the Congress, should read this article, entitled "American Youth on the Move," which is nothing less than a Communist blueprint for conquest. I, therefore, ask unanimous consent that this article be printed in the body of the RECORD.

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

AMERICAN YOUTH ON THE MOVE

(By Dan Ross)

Recently the world has marvelled at the magnificent mass action of youth and students in South Korea, Turkey, and Japan. U.S. youth are also on the move, though not as fully as in those countries. In numbers, militancy, and self-sacrifice, the present movements in the United States can be compared only with the youth activities of the 1930's. What are these movements? Why have they developed at this time? What is their significance? What are their prospects? What contribution can Communists and progressives make to them? This article will make a start at such an examination.

THE SIT-INS

First, and foremost, of course, is the sit-in movement begun February 1 in Greensboro, N.C. There is no need to repeat here the analysis and reporting of recent Political Affairs articles on the sit-ins. A few summary figures and conclusions will suffice. As many as 200,000 southern Negroes have participated in sit-ins, picketing, mass marches, and meetings. Negro students from some 60 colleges and a score of high schools have supplied the manpower and punch for the actions in nearly 100 communities. Qualities of heroism, determination, selflessness, and discipline have marked the youths' efforts. They have had to face school expulsions, 2,000 arrests, bombings, beatings, fire hoses, and tear gas. Truly they are participants in a movement that will not stop till full equality is won and the unfinished bourgeois democratic tasks of the Civil War are completed.

There are a number of factors contributing to the scope and depth of the movement. In their own explanations Negro students point to the 1954 Supreme Court decision and growing loss of confidence that this or other forms of Federal intervention alone were going to make a substantial change. Magnificent African freedom struggles inspired them. The Montgomery bus boycott familiarized them with direct action and passive resistance techniques of struggle. Lack of jobs in their chosen fields for growing numbers of college graduates convinced them they had little to lose. The youth marches gave Negro youth experience with organization and knowledge that support from the North could be obtained. Finally, Eisenhower's pretensions of democracy and freedom on his world junkets such as to South America stuck in the craw.

Some lunch counters in 28 cities have desegregated but the prospects are for a long hard fight. The monopoly press is giving little coverage today but the sit-ins continue, even gaining in strength in Baltimore and elsewhere despite the summer period.[1] Throughout the South seminars and other preparations are taking place for a bigger push in the fall. There are plans to apply the same techniques to the fight for voting rights.

The main problem of the movement is to gain adequate support from potential allies. Here some suggestions will be made with respect to internal weaknesses; of course, one makes suggestions of this kind with the utmost humility considering the magnificent scope of the movement.

1. At Raleigh, N.C., on April 15–17 the Student Non-Violent Coordinating Committee was formed under the leadership of the Southern Christian Leadership Conference (SCLC), led by Reverend King. It represented a high point of unity but still did not fully reflect the scope of the movement. Many States, schools and organizations were not included. Divisive tendencies between SCLC and NAACP came to the fore. On many southern Negro campuses, NAACP forces played the initiating role despite early tendencies of the national organziation to stand aloof. A much more inclusive movement united by a coordinating organization is needed to realize the full potential. Struggle against those who resist mass action should be within the framework of keeping unity with them.

2. There is need for a declaration of principles capable of embracing all sections of the movement and ideologically winning new adherents. The statement of principles of the Raleigh Conference organization is acceptable only to thorough-going philosophical pacifists. More appropriate are the general principles of the Atlanta Appeal for Human Rights.

3. Lacking experience with Communists, Negro students still accept propaganda that Communists are a hindrance.

4. Lastly, concrete political action on a mass scale is weak. It is needed so that massive Federal intervention will prevent violence and compel the enforcement of the Constitution.

In the fall, the situation will sharpen up greatly with renewed public school integration fights, lunch counter sit-ins and voter registration actions.

[1] Just before going to press, lunch counters were desegregated in Greensboro, N.C., and in Norfolk, Va.—Ed.

SOUTHERN WHITE SUPPORT

Many commentators have noted the rise of southern white supporting actions, especially by white college students. In every city in which there is a white college as well as a Negro one, at least a small number of white youth have come forward in public support. About 60 of them have been arrested for participation. They have suffered all sorts of pressure. But still they help picket, sit-in, join marches, circulate petitions, etc. Many do it from religious motives, others because of their political concepts of democracy. The large number of northern students on southern white campuses have had an impact.

One young women said she could not be a hypocrite, believing in democracy and not acting for it. She underwent severe personal pressure. A growing number believe there is only one way to end the strife that is upsetting their lives. It will end when the Negro people have full equality. The sooner that occurs the sooner passions will cool and tensions reduce. A sociology student speaks of the economic insanity of segregation in Virginia, trying to support three school systems, etc. But as yet no important forms of South-wide white youth support have developed.

NORTHERN SUPPORT

Large-scale northern supporting actions in the form of picketing of Woolworth's mass marches, meetings, circulation of SCLC petitions and Congress of Racial Equality (CORE) post cards, organization resolutions, fund raising have gone on for months. Trade union locals, the NAACP, and church groups have been active. But the greatest mass support has come from college students. Perhaps 50,000 students at 130 schools have actively participated. On May 17 the Governor of Wisconsin addressed the second university rally. Mass marches and meetings involving thousands each have taken place in Detroit, Cleveland, Columbus, New York, Boston, and elsewhere. Mass picketing has been notable in Chicago, Philadelphia, New York, and Boston. In Chicago, Philadelphia, and Detroit picketing centers around NAACP and church teenage groups the NAACP reaches. Elsewhere picketing has been based on college students and white teenagers from liberal and progressive middle-class backgrounds.

While engaging in supporting actions, students on many campuses are giving their own campuses a long look. Resulting actions have knocked out discrimination in a number of fraternities, in campus housing, and in other areas.

FUTURE POSSIBILITIES

Throughout this period the National Student Christian Federation (NSCF) and the National Student Association (NSA), the official organization of student governments, have played a spurring and unifying role. The NSA Washington Conference represented a high point of unity and mobilization. But its 180 delegates fell far short of the expected number and of the potential. What is required is for all major campus organizations North and South and all major youth organizations that have endorsed the struggle to call jointly a nationwide conference on this question. Such a conference could bring together experiences and plan a massive assault on Jim Crow by young people. NSA alone cannot be successful with such a project.

Another need of the movement is political action. Except for White House actions by Howard and Amherst students an a few other examples, the attitude has been that little can be gotten out of the Federal Government that will really help. A new youth march on a much higher and even more mass level following the sit-ins and just prior to election day is needed as are other forms of political action.

Mass picketing has not reached its fullest possible extent in most areas. Many church and civic groups have not been involved. For northern picketing to continue and expand, participants must be convinced it is in their self-interest, it is their highest moral duty and it is economic pressure that can win against outfits like Woolworth's who are not just innocents in the middle. Picketing must be backed up by other mass forms like petitions, post cards and rallies, student stoppages and by action on local questions of Jim Crow.

PEACE ACTIVITY

Peace activities by youth increased considerably. Young people have circulated petitions to promote summit success, had various educational meetings on campus focusing on the summit issues, etc. In Los Angeles and Minnesota peace marches of several hundred youth were held. Student Committee for a Sane Nuclear Policy (Sane) and similar campus groups have shown some growth. At Temple University, Philadelphia, the campus paper reported an exchange of letters with Tashkent, U.S.S.R. on what youth can do for peace. After much resistance, NSA has organized tours of socialist lands and student exchanges with Poland and the U.S.S.R. The American Friends Service Committee (AFSC) and Soviet Committee of Youth Organizations have arranged peace seminars in both countries. NSA has even broken with its strict State Department position by endorsing an end to testing nuclear weapons. Nearly 500 college and high school students in New York refused to obey Civil Defense regulations to take cover. A peace forum organized by Advance, New York socialist youth group, drew 300 youth. A number of foreign students as well as an Americans for Democratic Action (ADA) and AFSC student spoke.

A form of student peace sentiment has arisen in wide support of congressional bills for a Point 4 Youth Corps. This plan provides that instead of going into the Armed Forces, students would go to newly independent countries as technical aids. The argument is that we do not need so many soldiers and this would be more valuable to our foreign policy.

There was major youth attendance at the Madison Square Garden Sane rally, the San Francisco Little Summit and Chicago University Peace Forum.

Despite the increase in activity, peace activity is still limited to left, pacifist and a few liberal and religious youth on the campus and in some high schools. Peace organizations are still unstable and weak. But new sections of youth are beginning to feel something may be wrong with a U.S. foreign policy that is isolating our country.

The cold war continues with respect to contacts by major U.S. youth organizations and their international federations. Coordinating Secretariat (CO–SEC) on the student level and World Assembly of Youth (WAY) for all youth. Aside from the AFSC, organizations like NSA, the Y's and the Young Adult Council of the National Social Welfare Assembly (YAC) have not responded positively to the World Youth Forum proposal of the Committee of Soviet Youth Organizations. The forum is to encourage an exchange of views by all youth organizations of the world on peace and other problems of youth.

CIVIL LIBERTIES STRUGGLES

A number of very significant struggles for democratic liberties has taken place. Most dramatic are the San Francisco mass protests against the House un-Americans, the police attacks and the response of the college youth involved.

Well over a hundred schools protested the loyalty-oath requirements of the National Defense Education Act. Many schools refused to take money under the act. Student lobbies have been effective. A number of political figures, as a result, have called for repeal. The danger exists, as indicated in the Prouty Amendment to the National Defense Education Act, already passed by the Senate, that legislation will be enacted making provisions worse, while appearing to meet the objections.

Another broad movement has developed on nearly 60 campuses in opposition to compulsory ROTC. Mass actions such as the rally of 600 students at Lafayette College in Pennsylvania occurred. At Rutgers compulsory ROTC was dropped. The Army tried to meet objections by reducing time spent on strictly military subjects, but the movement goes on.

In New York a sizable protest against the high school graduation loyalty oath has developed.

Out of movements by youth on other issues have grown several academic freedom struggles. Such struggles arose out of the sit-in movements and the expulsion of students such as Reverend Lawson at Vanderbilt. Out of the World Youth Festival activities grew the House committee attacks and resulting protests. Out of the civil defense protest grew acadamic freedom fights at Brooklyn College and elsewhere. As the movements of youth for their needs grow, attacks that try to keep the lid on can be expected to increase. These youth actions also run into repressive measures remaining from the McCarthy period. What is new is that young people are acting anyway and are even beginning to remove some longstanding obstacles to democratic action.

These have been the most important areas of youth action. Some others bear mention—notably the support of Portland College students to the newspaper strikers and of Philadelphia youth in collecting food and circulating post cards to support the steel strikers.

SEARCH FOR BASIC ANSWERS

Along with these actions on youth's needs, an increased searching for radical solutions to our country's ills is developing. The Challenge Collegiate Forum in New England is one example. Social problem discussion groups, Marxist study groups and classes have grown. In a few places left student campus political parties have emerged. Speakers from the Communist Party are being invited to campuses more frequently and are getting a better response.

In the absence of alternatives, a number of youth with a positive orientation to the lands of socialism, to Marxism and who are friendly or not anti-Communist have drifted into the Young People's Socialist League (YPSL). YPSL is the youth organization of the Socialist Party Social-Democratic Federation.

A smaller number have joined the Young Socialist Alliance or supported their newspaper, the Young Socialist. The line of this organization is Trotskyite, publicly supporting the political position and candidates of the Socialist Workers Party. They continue their main function in life of trying to win or split the genuine Marxist left. Due to their opposition to peaceful coexistence and their denial that the Socialist lands are Socialist and splitting tactics in the mass movement they do not hold many youth for long. But they do disorient some and drive them from all progressive activity.

As part of the revitalization of left youth, a number of essentially positive publications are developing. These include the academically oriented Studies on the Left from the University of Wisconsin, a new academic journal of radical thought from the University of Chicago and the significant new general youth newspaper, New Horizons for Youth.

WHY THE UPSURGE?

What explains this upsurge among youth at this time? Following World War II, stimulated by the return of the vets, American youth engaged in a number of significant struggles for peace, over academic conditions and in the political arena. With hindsight we can now say that these were rearguard actions aimed at limiting the advance of reaction and its policies and at preserving the democratic and progressive forces in good order for future offensive action. The significant youth fights against McCarthyism and for academic freedom in the early 1950's, though a new high point, were essentially defensive. Then followed in the late 1950's a period of groping for new directions and ripples of new offensive action for youth's needs.

On February 1, 1960, with the Greensboro sit-ins, the offensive of American youth for their needs began in earnest and is now developing. The factors contributing to the turn are several. Problems confronting certain sections of the youth have been accumulating and sharpening. The problem of jobs for Negro college graduates has been mentioned. Job training and job prospect problems have sharpened, with widespread youth unemployment among the growing permanent army of unemployed. Negro teenagers, due to discrimination, have faced that problem even more severely. Getting a decent college education that enables a student to compete in a tougher job market has been a problem that compulsory ROTC, National Defense Education Act loyalty oaths, etc., have not made easier. Continuing war tensions and interference in a young person's life by military service has been another problem. Young people have not been able to escape the growing feeling that something is wrong in our country. Continual revelations of corruption and double standards have undermined their confidence in the life of their society. Our international stature has been declining. The large number of youth afflicted with emotional disturbances and demoralization have been signs of the problems and uneasiness.

College students especially, living more among those who spend time analyzing the society we live in and more in contact with foreign students and international views of our country, have begun searching for some answers and means to put deeds into line with pretensions. Being young and not so hardened to the hypocrisy of our public life, they were in search of a cause in which they could have confidence. The struggle for human dignity, for full equality for the Negro people became that cause for many. Its morality was certain since it is one of the great worldwide moral issues to which even our Government gives lipservice. Actions by students around the world for freedom and democracy prepared American students to take social responsibility and break with the recent tradition of the isolated ivory tower. In economic terms, southern Negro students had little to lose. Northern students, McCarthyism being in ill repute, began to follow the lead of the southern students and lose their fears of acting.

The struggle for Negro rights has now become a lever for struggle on other fronts. It has given experience in struggle, reduced fears and given hope for success.

While the number of youth who not only are dissatisfied with our foreign policy but also are convinced of positive alternatives is still limited, it is growing. Recent events demonstrating the bankruptcy of those policies undoubtedly will prepare more youth for peace action.

SOCIAL COMPOSITION

So far the movements of youth have centered around college students, especially Negro students. There has been considerable motion also by high school students. Negro teenagers have been active in some places on the sit-ins. While liberal and progressive middle class teenagers have acted

on the sit-ins, the peace question, and in defense of democratic liberties.

Among working youth there has been localized activity for job training and for recreation. Too often young workers have shown backwardness on the need and role of unions, but in a number of local strike situations in electrical, hospital, and in the big steel strike younger workers have been among the stanchest.

Youth struggles are weak among working youth, among teenagers who are not going to college and, in many places, among Negro teenagers. Until that situation changes youth actions will be inconsistent, somewhat unclear in direction and limited in their mass struggle character. But that does not mean we should give up major attention to that which is moving in order to concentrate on basic sections of the youth. It will not be easy to set these sections of youth in motion. Most organizations, including the churches, report a lack of working youth membership and an absence of special forms of organization of these youth. A growing and powerful movement among college students and some teenagers can be a big lever in moving other sections of the youth who will be influenced by their example. In those places where large-scale Negro teenage and working youth participation in the sit-ins has occurred, it usually resulted from college students and their organizations approaching church youth groups and others and asking them to join in.

YOUTH AND THE ANTIMONOPOLY COALITION

Youth activities can be a lever in increasing forward-looking motion among adults. This can come from youth groups approaching adults and asking for help on given problems. It can also come from adult community organizations and trade unions focusing on conditions facing youth such as the condition of our schools, lack of job training and job opportunities, what to do positively about juvenile delinquency, etc. Parents are often ready to move on their children's behalf before they will move for themselves.

All in all, mass movements of youth for their needs are already an important factor in the developing antimonopoly people's coalition and can become even more important. More and more youth are becoming aware that it is Woolworth's monopoly in the sit-in field and other big monopolies in the jobs and peace fields that are the obstacles. The support of union locals for the youth marches and sit-in picketing and the few examples of union concern for job training and education begin to teach youth that labor can be their best ally. More activity by unions and special youth forms of organization, like sons and daughters clubs, apprentice clubs, are needed to strengthen the labor-youth alliance and positively influence the direction of youth's rebellion. While building strong alliances, youth must also have their own independent organizations if they are to develop most rapidly as a part of the antimonopoly coalition.

CHIEF WEAKNESS

Probably the greatest weakness in the entire youth field is the small size of the Communist youth and organized progressive youth. While they are growing in number they grow not nearly as fast as the mass movement. As a result many possibilities for democratic developments are not taken hold of. At a certain point this weakness can become crucial to the mass movement. Weaknesses appearing along the line of development may become crucial to any further advance. Communist youth especially, and other left youth, have special contributions to make based on their class and world outlook. These include: (1) the possibility and need for the widest unity; (2) the need for struggle within that unity for an orientation toward labor and basic sections of youth, for a policy of consistent mass struggle, for political action and against divisive tendencies; (3) showing who are the enemies and who are the friends of youth's needs; (4) more radical immediate solutions when the situation requires; (5) propaganda and agitation for socialism which offers the only lasting full solution for youth's problems.

It is easier to split a movement with Red-baiting when there is no substantial Communist force to show in life what Communists really stand for. For all these reasons a strong and growing left current is required.

Communist and progressive youth have been giving a good account of themselves in all the youth struggles mentioned. But they exist in too few places. What they have achieved only serves to point up the tragedy and error of repeated dissolutions of Marxist-oriented youth organizations. Dissolution is easy, but it does not provide correction or improvement. Building anew is most difficult.

What are some of the obstacles to increasing rapidly the number of Communist and organized progressive youth?

1. Adults, swamped with their own problems, are leaving nearly all of the job to the few youth and even fewer experienced youth. Adults give insufficient attention to issues of concern to youth, to developing youth contacts, etc.

2. Adults, feeling the lack of younger, more vigorous people, tend to draw youth away from the key focuses of youth activity. This is done by taking most of youth's time with meetings and activities that grow out of the focus of adult developments. In the special instances when such involvement of youth is correct, youth aspects and forms of organization around general issues are overlooked.

3. Sometimes in fear of having more work dumped on them, adults dampen the initiative of youth and then cover that up with big political theories.

4. Weaknesses exist in the education of Communist and progressive youth. Not enough energy is devoted to this work. Such education must include character building—the combating of the destructive influences of our capitalist environment that produce competitive, opportunist and individualist traits, and building in their place working-class standards of conduct.

All progressive adults and youth must make it their responsibility to act boldly to increase rapidly the number of Communist and organized progressive youth. It is possible to do that today. Every adult must think over all the youth he or she knows and put them in contact with the organized youth. Where that is not possible, adults should aid in formation of new study groups, classes, action groups, etc. Financial and all other kinds of support by adults is needed for the many progressive youth activities now in existence. This is a crucial matter for the future of our movement and of our country.

TAX-SUPPORTED PROPAGANDA OF BIRCH-TYPE SOCIETIES—SPEECH BY SENATOR MAURINE NEUBERGER

Mr. MOSS. Mr. President, what most people do not realize when they read or listen to some of the malicious propaganda of the radical right is that all of us are probably paying for it.

Many of the Birch-type societies, which are flooding the country with hate literature and lies in an effort to undermine confidence in our form of government and our leadership, hide their real purpose under high sounding titles made up of words like "American," "Christian," "freedom," and "crusade." On this basis, they claim to be religious or educational institutions, and therefore eligible to financing by tax-exempt income, despite the fact that our tax laws make such income available to a religious or educational association only if no substantial part of its activities is devoted "to carrying on propaganda."

The brand of tax-supported education being forced on the American people by these organizations, and the extent to which it is financed by tax-exempt dollars was discussed with eloquence, force, and courage by the distinguished junior Senator from Oregon [Mrs. NEUBERGER] at the Northwest Regional Conference of COPE in Portland last month, and I ask that her speech entitled "Tax-Supported Propaganda" be placed in the CONGRESSIONAL RECORD.

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

TAX SUPPORTED PROPAGANDA

(Speech of Senator MAURINE B. NEUBERGER, at COPE Northwest Regional Conference, Portland, Oreg., May 26, 1963)

Pollyanna was determined to find some good in everything and everybody—so much so that the term "Pollyanna" has come to characterize those perpetually cheery souls, we all know them, who profess to find a good side to even the blackest day—like the good people who always insist that though Mussolini was a villain, he did make the railroad trains run on time.

I don't meet many Pollyannas in my daily deliberations. I usually have to listen to the prophets of gloom and despair. But the other day I was discussing the activities of the John Birch Society with a colleague who argued, tongue in cheek, that even the John Birch Society had its good points.

First, he argued, by now, most Americans who spend at least part of the day awake, know the John Birch Society for what it really is: a maniacal sect dedicated to a return to a 19th-century economy and repeal of the Bill of Rights. Not that the society was eager to publicize its malicious wares, but because its founder and patron oracle, Robert Welch, stumbled into the glare of public exposure 2 years ago with his accusation that Eisenhower was a Communist. And that was too much for any rational American, left, right, or center, to stomach. Consequently, the society's name has become a warning flag to thinking Americans that any message associated with it is tainted by a distorted and perverted view of man, economics and society. That was one "good thing" about the John Birch Society.

The second "good thing" he had to say about the John Birch Society was that at least the Federal Government didn't subsidize it.

I find it hard to dismiss that lightly, an insidious cancer that has infected many otherwise well-intentioned Americans. But he did have a point: although the Government doesn't contribute to the John Birch Society, you and I unwittingly, and certainly involuntarily, as taxpayers, are indirectly financing millions of dollars of Birch-type propaganda put out by less well-known but equally vicious organizations.

Our tax laws make tax-exempt, income contributed to any organization "organized and operated exclusively for religious * * * or educational purposes" as long as "no substantial part of its activities * * * is carrying on propaganda." Propaganda, incidentally, is defined by Webster's as "Any

organized or concerted group, effort, or movement to spread particular doctrines."

Despite this express exclusion of propaganda organs from tax exemption, there is increasing evidence that dozens of rightwing groups are today masquerading as educational or religious organizations, and are flooding the country with the partisan, political propaganda of the far right, financed by tax-free contributions from businessmen. And, whenever a businessman has tax-exempt income, somebody else is forced to pay more taxes—and that somebody else is you and I.

Who are these organizations and how do they get away with it? One thing is certain: you can't spot them by their titles. Our rightwing extremists may be deficient in their respect for democracy but they certainly are imaginative when it comes to selecting democratic-sounding titles. Let me cite an example. Are you interested in America's future? So am I. Then you may be interested to learn, as I was, what a "nonprofit, educational" tax-exempt institution called America's Future, Inc., has to say.

America's Future, Inc., puts out an eight-page newsletter which it describes as "a weekly antidote for the flood of socialistic slanted news and views that assails us" and broadcasts a weekly radio program with R. K. Scott as the principal commentator. Recently, Scott's brand of tax-supported education included:

1. Criticism of the Supreme Court decision on school prayers (July 13, September 14).

2. Repudiation of the Supreme Court decision on school segregation ("From that decision has flowed most of the racial dissensions and hatred with which we have been plagued ever since. In that decision the Supreme Court did something that it had no right to do under our Constitution.") (August 10.)

3. Opposition to Government control of industry and power to levy taxes on industries (August 24).

4. Attacks on the State Department and the USIA (the latter is "riddled with hordes of boondogglers, many of whom are soft on communism") (July 27).

5. Criticism of U.S. support of the U.N. actions in Katanga (September 7).

6. Criticism of our participation in the U.N. ("the awful mess resulting from our involvement in the United Nations") (August 3).

7. Objections to admitting Russian tourists into the United States where they can spy (July 20).

8. Opposition to the dangerous "labor union monopoly" which "makes a political and economic slave of the union worker" and should be equated with "labor boss monopoly" (July 6, August 31).

America's Future also conducts a thriving business in book-burning called operation textbook. Its "textbook evaluation committee," which incidentally contains 4 men active in the John Birch Society, is now one-third of the way toward its expressed goal of evaluating all 400 social science textbooks currently in use in America's high schools—handing out failing grades to books which give too much attention to freedom of religion, speech, and the press, and which fail to stress the right to acquire and hold property, the right to work, the right to engage in free enterprise, and the right of a free society to protect itself against subversion. And woe betide any text that would "attempt to instill in the student the idea of 'world mindedness' or world citizenship and world government."

We soon discover that America's Future Inc., is in reality dedicated to reviving the worst of America's past while burying the very freedoms that have made America great.

Who is it that pumps tax-exempt funds into America's Future Inc.? Many old friends of democratic education, led by Gulf Oil, Armco Steel, Cities Service, Consolidated Edison of New York, Dupont and Socony-Vacuum. Your taxes and my taxes will be higher so that these companies can make tax-exempt donations to America's Future Inc.

Let's turn to another fine-sounding tax-exempt organization, The American Good Government Society. Each year the society makes George Washington Day awards at a George Washington Day dinner to Americans who have contributed to good government during the past year. That seems like a worthwhile function—except for the strange fact that between 1953 and 1963, of the awards given to Senators and Representatives, 10 went to Southern Democrats and the rest to conservative Republicans. I was surprised to learn, as I am sure you are, that for the last 10 years no one but Southern Democrats and conservative Republicans has made any contribution to good government.

Let me make myself perfectly clear. I don't really object—and I consider that I have no right to object—to any group of American citizens getting together and making George Washington Day awards to anyone they choose (though I sometimes wonder at the woeful miscarriages of justice that are committed in the names of American heroes). What I most certainly do object to is the use of tax-exempt income to promote these essentially political activities. The Constitution guarantees freedom of speech, thankfully, but it does not guarantee that political propaganda shall be subsidized by tax concessions.

There is probably no one who gets more radical rightwing propaganda value for his tax-exempt dollar than Haroldson Lafayette Hunt, whom Time magazine labeled "the big daddy to many a far-right crusade." H. L. Hunt has been rated the second richest man in the United States with a total wealth as high as $3 billion and annual income hovering around $50 million. From his headquarters in Dallas, Tex., Hunt indulges his urge to convince his fellow citizens that the U.S. Government is so thickly infiltrated with Communists that it is practically Communist now, and that any man or woman who favors medicare, foreign aid, and virtually any other social welfare measure which you might care to name, is an enemy of freedom. Hunt also dabbles in anti-Semitic, anti-Catholic, and even anti-Protestant propaganda (the National Council of Churches) (which doesn't leave him very much room), and damns the Supreme Court as the violator of the Constitution.

You would think that a man with $3 billion at his disposal and an active spleen would be willing to finance his own propaganda warfare. But Hunt prefers to let the Federal Government assume a substantial portion of his political crusades.

Hunt has simply packaged his propaganda network under the head of the Lifeline Foundation, Inc., and then had his business corporations—the Hunt Oil Co., and its food processing and canning division, the HLH Parade Co., commercially sponsor Lifeline propaganda throughout the country. Of course, commercial advertising expenditures are treated as a business expense and deducted from the company's income before taxes. Hunt's expressed goal is to see the $11 billion which American business spends on advertising annually, devoted to the sponsoring of rightwing propaganda.

Lifeline's boiling caldron of trouble includes a 5-day-a-week radio program, TV program, a four-page twice-weekly political polemic, a book club: "Lifeline Links," and Lifeline seminars: to "meet the public demand for accelerated enlightenment" on freedom, Communist subversion, and "shelter protection against fallout."

What kind of commercial entertainment does Lifeline put out? Here's a sample: "Support gained from church circles in the United States helps them (the Communists) to break down the moral antipathy of a community and gives the infiltrator this respectability which they desperately need."

And again "Everyone in the United States * * * except, apparently, the Supreme Court, knows that communism advocates the overthrow of this Government." To ward off libel suits Hunt's propagandists call the victims of their attacks mistaken" but it is quite clear to anyone who listens that "mistaken" is a synonym for "enemies of freedom," which is in turn a synonym for Communist.

"As anti-Communist sentiment grows stronger in the United States, the mistaken forces seeking to end freedom feel the damage to their cause. Word has gone out that anticommunism must be stopped * * * Definite orders for the liquidation of anti-communism have been given in a party manifesto * * * Since that manifesto, the drive against anticommunism has been growing steadily more intense. * * * If you were the head man of the 'mistaken' forces that are working to end freedom, what orders could you have given that would have produced greater strategic victory than the communization of Cuba?

* * * * *

"The Second World War was but another step in the program of the 'mistaken' to conquer the entire world.

* * * * *

"The entire propaganda line of the 'mistaken,' including doubletalk about disarmament, is designed to make it easier for them to carry out their plot for ending freedom."

To label a group or individual as "mistaken," then, is Hunt's not-so-subtle way of accusing anyone who disagrees with him of being a Communist, without risking a libel suit. But the vicious innuendo is no less vicious because it is put into this kind of transparent code.

Another blatant example of the abuse of tax deductible advertising is the arrangement worked out by General Electric with erstwhile former movie star Ronald Reagan. While he was host and occasional star of the television show General Electric Theater, Reagan's contract called for 8 weeks of speaking tours for G.E. each year. On these tours Reagan had little if anything to say about G.E. toasters or television sets or even anything about his own television program, but at each stop he made the same rigidly conservative speech against social security, the income tax, Federal aid to education, and medicare. It has been suggested that Reagan is even opposed to a national post office.

I think I have given you enough to convey the flavor of these organizations—and the aroma as well—but I assure you that this is by no means an exhaustive sampling. Just listen to this rollcall of high-sounding titles for low-hitting activities: The American Council of Christian Laymen (how Red is the National Council of Churches?); The American Economic Foundation; the Christian Anti-Communism Crusade; Christian's Echoes Ministry; Christian Freedom Foundation; Church League of America; The Circuit Riders; the Economists National Committee on Monetary Policy; Foundation for Economic Education; the Inter-Collegiate Society of Individualists; the national education program.

In 1961, these organizations—plus the ones I have already discussed—took in better than $5½ million in tax-free contributions.

What's in a name? Well, for each of these high-sounding organizations: Tax-free income and the shield of respectability that cloaks their rightwing extremist propaganda.

How has this been permitted to happen? It is painfully clear that the Tax Service has simply not done the job Congress gave it: to rout out the propagandists from the bona fide educators. It may be that the Service has simply lacked the manpower to investigate exemption applications. It is no doubt

true that in a given instance the line between education and political propaganda is a difficult one to draw. Whatever the reasons I think it is incumbent upon the Tax Service to terminate, and with more than deliberate speed, the fraudulent use of the "educational" exemption as a tax haven for partisan political propaganda. And I intend to use every resource at my command to see that this is done. Not, let me repeat, for the purpose of silencing political activity, but merely for the purposes of eliminating the tax-exemption subsidy.

If I make a contribution to the Oregon Dunes Committee, my gift is clearly not tax deductible because the Dunes Committee has a political, though nonprofit goal: the creation of the Oregon Dunes National Seashore. But if I were a member of the D.A.R. and contributed to that crusty old institution, my gift would be tax deductible.

Yet, at its 72d Continental Congress held in Washington last month, the D.A.R. adopted resolutions opposing disarmament and the test ban treaty, deficit spending, foreign aid, liberalization of the Immigration Act of 1952, the United Nations, public housing, urban renewal, Federal aid to mental health care, the domestic Peace Corps and the Youth Conservation Corps (on the grounds that it would "result in endangering the future of private youth organizations and delay the entrance of the youth of this Nation into the field of free enterprise"). Here is the dissenting testimony of Mrs. E. King, herself a member of the D.A.R. and a representative of the Chappaqua, N. Y. chapter.

"While the DAR professes no political purpose and claims tax-exemption on the strength of it," she reported to the members of her local chapter, "its policy year after dreary year monotonously issued from its rubber-stamped congresses support uniformly the position of a certain segment of American political thought. No resolution contrary to the positions of the far-right wing is adopted."

Would any fair-minded observer say with justice that the Oregon Dunes Committee is more political in its activities than the DAR? I think not.

Let me close by citing to you the strange case of the Intercollegiate Society of Individualists, which incidentally draws wide support from private power companies—though not, let me hasten to add, from the State of Oregon. The society is militantly opposed to both the income tax and Federal aid to education. Yet isn't it ironic that its own activities are income tax free and this exemption represents Federal aid—not to "education" in any meaningful sense, but to political propaganda masquerading as education.

FOOD-FOR-PEACE PROGRAM

Mr. LONG of Missouri. Mr. President, hunger is undoubtedly one of the most pressing problems facing mankind. Even in our Nation where surpluses are harvested from the fields each year, there are many who go to bed hungry. We are striving to meet this problem both at home and abroad. In addition to the school lunch program and the direct distribution of food to the needy, we have a number of pilot food stamp projects in operation. These pilot projects have been instrumental in the development of an effective distribution system to meet the problem of hunger and malnutrition among our Nation's needy. It is my hope that the food stamp program can be made permanent and national in scope.

To meet the problem of hunger in the underdeveloped nations of the world our Nation has stepped up its food-for-peace program. However, this program only scratches the surface of the problem. The Daily Dunklin Democrat of Kennett, Mo., recently published a thoughtful editorial concerning the need for a greater effort on our part. The editorial concludes that unless we find a solution to alleviating the hunger of millions of people in the underdeveloped nations, "the world's largest stockpile of nuclear bombs will not suffice against the revolutions and upheavals which are clearly in store for us in many parts of the world."

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

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

COME THE REVOLUTION

For the past few weeks this newspaper has been publishing a series of articles dealing with national and foreign policy pursued by this country. The series, entitled "New Frontier Diplomacy," has made one point over and over and over again—the United States not only finds itself in trouble with its sworn Communist enemies, but it also finds itself in increasing turmoil with the have-not nations of the world.

Last weekend, in Africa, a move to unify all of Africa, save South Africa, into a new alliance similar to the Organization of American States in this hemisphere was successfully staged. The African alliance is aimed specifically against the white man on the Dark Continent, if such a phrase is applicable and/or legal these days.

The vast problems of the have-not nations in South America continue to grow worse as the economic plight of millions of Latin Americans grows insurmountable. In Asia, starving millions create potential enemies of the United States and the rest of the free world.

Indeed, from 10 to 15 percent of the world's population is undernourished to the point of hunger and another 25 to 35 percent do not receive anything like an adequate diet. These figures have just been released by the Food and Agriculture Organization of the United Nations.

Much of the greatest deficiency is in the Far East, where more than half of the world's population lives on only one-fourth of the world's food supply and that fourth contains much less than its share of protein. Yet there are cases of malnutrition among relief recipients right here in the United States and even in southeast Missouri, the State's richest farming area.

To sustain even the present unsatisfactory nutrition levels for a moderately expanding world population, the UN survey group estimates it will take an increase of 35 percent in food supplies by 1975. To improve the diet, production of meat and fish in the less developed countries, the level will need to be increased by more than 120 percent. Looking toward the year 2,000, "the less developed countries will need to increase the total food supplies to four times the present volume and their supplies of animal food products to about sixfold," to quote the recent UN report.

Can this be done? Probably. Agricultural surpluses in the United States show it is possible to increase greatly production from the same number of acres.

But population growth could exceed estimates, and an increasing number of nations in the world are becoming less and less satisfied with "marginal" diets for their populations. Aiming at the minimum diet for millions of persons may no longer suffice.

Where does it all lead? Americans may ponder the question, for this Nation constitutes the paradox of the 20th century. While much of the rest of the world starves or leads a day-by-day existence, the United States is giving its primary agricultural attention to the control rather than the expansion of farm products, from food to cotton. While the millions of persons are inadequately fed, many more millions, in Africa and Asia, are inadequately clothed—as U.S. cotton stockpiles grow larger and larger.

Mere distribution of this farm surplus in the United States is not the answer, but an easing of our food and cotton stockpiles would materially aid the American farm problem and would hold out an example of free world productivity to the remainder of the world.

The greatest crime of this Nation in this century will not be colonialism or supporting dictators who deprive their people of freedom. The greatest indictment against America is that it has tons of surplus foodstuffs and farm products while millions throughout the world are inadequately fed and clothed.

Perhaps it is heresy to suggest that a portion of this Nation's $51 billion defense budget be diverted from supersonic airplanes and nuclear warheads to distribution of surplus food where the world markets will not be disrupted.

But we would like to suggest it, nevertheless.

America's greatest deterrent to communism is not the nuclear bomb, which we now share with the Russians, but our vast farm surpluses which the Russians do not have and cannot distribute to the world's hungry.

The problem of feeding millions with surplus foodstuffs is not easily solved, but a nation which has the capacity to develop the nuclear bomb can certainly develop the program required to raise the standard of living of millions of have-nots in the world today.

And, unless we do, the world's largest stockpile of nuclear bombs will not suffice against the revolutions and upheavals which are clearly in store for us in many parts of the world.

MEN TRAINED UNDER THE MDTA PLAN

Mr. LONG of Missouri. Mr. President, it is always encouraging to learn that a program you supported in its establishment is accomplishing its purposes and benefiting the people of your State. Recently, the Daily Dunklin Democrat published an article concerning the quality of training under the Manpower Development and Training Act in Kansas City, Mo.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Daily Dunklin Democrat, Kennett, Mo., June 7, 1963]

MEN TRAINED UNDER MDTA PLAN GO TO WORK WITH KANSAS CITY FIRM

Fifteen Kansas City men are proving the value of a federally financed program to teach new skills and upgrade old ones in this era of automation.

A total of nine men who completed training as welders under the Manpower Development and Training Act were hired by the Hesse Carriage Co. in Kansas City. The Hesse Co. is an old established firm in Kansas City that originally manufactured horse-drawn wagons. With the advent of motor vehicles, they quickly adjusted to auto truck bodies. They are known nationally for their product. The men hired were:

Lloyd Baslee, Vern Garner, Thomas Hall, Arthur McCullough, Charles Vodry, Ken-

neth Lea, Vern Campbell, Douglas Gore, and Melvin Campbell, all of Kansas City.

Due to the shortage of welders, production at the Hesse plant had been curtailed. A regular visit by a representative of the Missouri State Employment Service advised them of the pending availability of graduate trainees. As a result, two trainees, Thomas Hall and Arthur McCullough, were referred for interview.

They were given both a written and performance test in welding theory and practice. Tobe Tennyson, plant superintendent, stated he "was surprised and pleased with the results of these tests." He believes that their success in passing the tests could be attributed to the thoroughness of training given by a Kansas City public vocational school. He added, "Their knowledge of gases, metals, and blueprints surpassed that of most of our gate hires.' He was also complimentary of the type of trainee, stating, "The Missouri State Employment Service certainly selected the right type of men for this training."

As a result of the hiring of the two men at the going hourly rate of $2.66 per hour, Tennyson and his assistant, Henry Elliott, advised Production Manager Joseph W. Obiala, "We will need more welders. I think we had better get as many as we can out of this class." In all, they secured nine men before other employers became aware of the quality of this training.

A contact with all of the graduates indicates they are grateful for this opportunity to acquire a skill. Their outlook on their employability is decidedly different than it was last November when they entered training.

Douglas Gore, 702 Woodland Street, stated: "I've had a pretty rough time finding steady employment and with a wife and three children, I was worried as I am 38 years of age. Now I'm doing the work I like and have a skill to offer an employer."

Arthur McCullough said: "No more job changes for me. I'm working for a fine company and like my work. Thanks to the Employment Service and the school."

PRESIDENT JOHN KENNEDY VISITS WEST VIRGINIA ON STATE'S 100TH ANNIVERSARY—PREDICTS PROGRESS FOR FUTURE IN SIGNIFICANT SPEECH

Mr. RANDOLPH. Mr. President, this is "Statehood Day" as West Virginia celebrates its centennial. For the official program on this eventful occasion our guest of honor was the President of the United States.

President Kennedy spoke extemporaneously from the steps of the State Capitol at Charleston to a rain-dampened but jovial throng of thousands of West Virginians. Many thousands of other citizens greeted him warmly along the route from Kanawha Airport to the State House. Hundreds of eager children cheered Mr. Kennedy. Twice during the motorcade he had the automobile stop while he stepped down to the road to shake hands with his well-wishers.

Present and participating in the ceremony which marked the official celebration of West Virginia's 100th anniversary were the incumbent Governor, the Honorable William Wallace Barron, and former Governors Homer A. Holt, Okey L. Patteson, and Cecil H. Underwood.

The State's two U.S. Senators and Members of the delegation in the House of Representatives were introduced by the president of West Virginia University, Dr. Paul A. Miller, who presided.

Members of the State board of public works and the State supreme court of appeals, as well as members of the centennial commission and the state legislature, also had positions of honor near the podium from which the Nation's Chief Executive delivered the centennial address.

Theme of the President's speech was a tribute to the State and its people. He expressed his personal appreciation to the men and women of West Virginia for their friendship and assistance, and prophesied that the future of the State would be one of achievement and progress.

West Virginia was the 35th State admitted to the United States. President Kennedy, at the conclusion of his meaningful remarks, received a 35-gun salute.

Mr. President, the Charleston Gazette, started the eventful 100th birthday of the State of West Virginia, by publishing an appropriate editorial—"Today We Have Cause For Pride, Assurance." I ask unanimous consent to have excerpts from the editorial printed in the RECORD at this point in my remarks.

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

[From the Charleston Gazette, June 20, 1963]

TODAY WE HAVE CAUSE FOR PRIDE, ASSURANCE

This is June 20, 1963—just 100 years beyond the day West Virginia was born.

On this date a century ago a statehood proclamation—signed 2 months earlier by the 16th President of the United States, Abraham Lincoln—became effective.

And today the 35th President of the United States, John F. Kennedy, will be in Charleston to help West Virginia celebrate the anniversary of its admission as the 35th State in the Union.

It will be a homecoming of sorts for President Kennedy, for he campaigned its hills and valleys, its cities and hamlets vigorously in the 1960 presidential primary—and it was here that he received his greatest lift in his journey to the White House.

And his very first act as President was to increase the variety and nutritional value of surplus food commodities for the economically distressed families of the State's displaced coal miners.

Other programs and acts of his administration have demonstrated his continuing interest in West Virginia and its problems. And his willingness, amid the enormous pressures of his office, to come to Charleston as West Virginia's Statehood Day speaker emphasizes his feeling that "with the exception of Massachusetts, there is no State in the Union with which I am better acquainted or to which I am more indebted."

Thus, as we reflect on the past and look to the future on this 100th anniversary, it can be said that West Virginia was made by a President (Lincoln), it made a President (Kennedy), and a President is helping to remake it for a brighter future.

West Virginia, like all States and institutions and individuals that have lived through the march of time, has had its ups and downs in its first 100 years. But nowhere can people be prouder of their heritage because West Virginia is the only State in the Union that was born directly out of loyalty to the Union.

We owe much to our forebears, those rugged and hardy pioneers west of the Alleghenies, for without their courage and imagination and devotion to the Constitution there is no telling what would have been the fate of the Republic.

The men who establish the reorganized government of Virginia and then worked successfully for the creation of a new State risked property, reputation, and even their lives to stand by the Union and fight for principles which they considered imperative to the vitality and survival of this Nation. These were people with the faith to stand up in the face of adversity.

It is encouraging to note that West Virginians of today, as they face a future marked by industrial and economic change and the mysteries of space, are showing the qualities to which they were born.

President Lincoln, in signing the West Virginia statehood bill, said: "It is said that the admission of West Virginia is secession, and tolerated only because it is our secession. Well, if we call it by that name, there is a difference enough between secession against the Constitution, and secession in favor of the Constitution."

President Kennedy, in extending congratulations to West Virginia on its 100th anniversary, said: "I know that this country has no group of citizens more dedicated to freedom today than the people of West Virginia. They can be proud of their heritage and their State, for it was born of courage and loyalty. And in the light of their past they can look forward to the future with confidence."

In the words of these two Presidents who have been so close to West Virginia our people have cause for pride and assurance.

We congratulate West Virginia on this milestone in its history.

We say "welcome home" to President Kennedy.

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

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

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

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

Is there further morning business? If not, morning business is concluded.

CONTROL OF FREIGHT FORWARDERS

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 216, Senate bill 684.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 684) to clarify certain provisions of part IV of the Interstate Commerce Act, and to place transactions involving unification on acquisitions of control of freight forwarders under the provisions of section 5 of the act.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That section 5 of the Interstate Commerce Act, as amended (49 U.S.C. 5) is amended—

(1) by striking out the word "It" at the beginning of subparagraph (a) of paragraph

(2) and inserting in lieu thereof "Subject to section 410 of part IV of this Act, it";

(2) by inserting at the end of paragraph (2) a new subparagraph as follows:

"(g) The Commission shall not approve any application of a freight forwarder subject to part IV to acquire a motor carrier or of a motor carrier subject to part II to acquire a freight forwarder unless it finds that the transaction proposed will enable the applicant to use the service of the motor carrier or freight forwarder sought to be acquired to public advantage in its operations and will be consistent with the public interest and will not unduly restrain competition: *Provided,* That if the Commission approves any such transaction, no terms or conditions shall be imposed which would require the motor carrier or freight forwarder so acquired to confine its service to shipments moving on the bills of lading of or having a prior or subsequent haul by the acquiring freight forwarder or motor carrier."

(3) by amending that portion of the first sentence of paragraph (3) following the colon to read as follows: "Section 20 (1) to (10), inclusive, of this part, sections 204(a) (1) and (2) and 220 of part II, section 313 of part III, and section 412 of part IV (which relate to reports, accounts, and so forth, of carriers), and section 20a (2) to (11), inclusive, of this part, and section 214 of part II (which relate to issues of securities and assumptions of liability of carriers), including in each case the penalties applicable in the case of violations of such provisions.";

(4) by adding at the end of paragraph (4) thereof the following new sentence: "Any such transaction or control or management in a common interest involving a freight forwarder subject to part IV which was lawfully accomplished or effectuated prior to the date of enactment of this sentence, or the continuance thereof, shall not be deemed a violation of the provisions of this paragraph.";

(5) by amending paragraph (13) to read as follows:

"(13) As used in paragraphs (2) to (12), inclusive, the term 'carrier' means a carrier by railroad, an express company, and a sleeping-car company subject to this part; a motor carrier subject to part II; a water carrier subject to part III; and a freight forwarder subject to part IV."; and

(6) by striking out "upon application of any carrier, as defined in section 1(3), and after hearing, by order to authorize such carrier" in paragraph (16) and inserting in lieu thereof "upon application of any carrier, as defined in section 1(3), or of any freight forwarder subject to part IV and affiliated with such carrier, and after hearing, by order to authorize such carrier, or such freight forwarder,".

SEC. 2. Subsection (c) of section 404 of the Interstate Commerce Act, as amended (49 U.S.C. 1004(c)), is amended to read as follows:

"(c) It shall be unlawful for any common carrier subject to part I, II, or III of this Act to make, give, or cause any undue or unreasonable preference or advantage to any freight forwarder, whether or not such freight forwarder controls, is controlled by, or is under common control with such carrier, in any respect whatsoever; or to subject any freight forwarder, whether or not such freight forwarder controls, is controlled by, or is under common control with such carrier, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

SEC. 3. Subsection (a) of section 409 of the Interstate Commerce Act, as amended (49 U.S.C. 1009), is amended in the first proviso by striking out "and shall be consistent with the national transportation policy declared in this Act" and inserting in lieu thereof "or any common carrier by motor vehicle subject to part II, shall be consistent with the national transportation policy declared in this Act, and shall not unduly restrain competition".

SEC. 4. Section 410 of the Interstate Commerce Act, as amended (49 U.S.C. 1010), is amended—

(1) by striking out the word "Any" at the beginning of subsection (g) and inserting in lieu thereof "Except as provided in section 5 of this Act, any"; and

(2) by amending subsection (h) to read as follows:

"(h) No person holding a permit issued under this part shall be authorized to engage in any direct railroad, water, or motor-carrier operations subject to part I, II, or III of this Act, except motor-vehicle operations in transportation which, pursuant to the provisions of section 202(c)(1) of this Act, is to be regulated as service subject to this part."

SEC. 5. Section 411 of the Interstate Commerce Act (49 U.S.C. 1011) is amended—

(1) by striking out subsections (a) and (g) thereof;

(2) by redesignating subsections (b), (c), (d), (e), and (f) thereof as subsections (a), (b), (c), (d), and (e), respectively;

(3) by striking out the phrase "provisions of subsection (a), (b), or (c)" where it appears in subsections (c) and (d), as so redesignated by paragraph (2) of this section, and inserting in lieu thereof "provisions of subsection (a) or (b)"; and

(4) by amending subsection (b) thereof, as so redesignated by paragraph (2) of this section, to read as follows:

"(b) After the expiration of six months from the date of enactment of this amendatory paragraph, it shall be unlawful for any person affiliated with any carrier subject to part I, II, or III, to hold the position of section 5(6) of part I, to hold the position of officer or director in any freight forwarder subject to this part, or hold any stock in such a freight forwarder, unless, upon due showing, in form and manner prescribed by the Commission, it shall have been authorized by order of the Commission finding that neither public nor private interests will be adversely affected thereby; except that, if the position or stock was or could have been lawfully held on such date of enactment, such holding may continue pending determination of an application for such order filed by or in behalf of such person prior to the expiration of such period.".

SEC. 6. Nothing in this Act shall be construed to affect the applicability of the antitrust laws, as defined in the first section of the Act of October 15, 1914 (15 U.S.C. 12), with respect to effectuation prior to the date of enactment of this Act (by stock ownership or otherwise) of the control or management of a freight forwarder subject to part IV of the Interstate Commerce Act in a common interest with any other such freight forwarder or with a common carrier subject to part I, II, or III of such Act.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. HUMPHREY. The distinguished Senator from South Carolina [Mr. THURMOND] is in charge of the pending bill. I understand that he will now make the presentation on behalf of the committee.

Mr. THURMOND. Mr. President, S. 684 was introduced at the request of the Interstate Commerce Commission. This bill is designed to authorize acquisitions of motor carriers by freight forwarders and to amend part IV of the Interstate Commerce Act, relating to ownership, control, and operation of freight forwarders in common with carriers of other modes to provide that future transactions involving such acquisitions be made subject to the provisions of section 5 of part I of the Interstate Commerce Act.

The Interstate Commerce Commission has recommended legislation to this effect in its latest two annual reports to Congress. Recommendation No. 15 of the Commission's 76th annual report, which was filed earlier this year, is the Commission's most recent recommendation along this line.

The present state of the law is confusing and does not apply equally to all modes which are under regulation by the Interstate Commerce Commission. Chairman Lawrence K. Walrath of the Commission clearly outlined the present provisions of the law in his testimony before the Surface Transportation Subcommittee in support of this legislation. He said:

Section 411(a) of the act prohibits a freight forwarder or any person (defined in section 402 as including an individual, firm, and corporation) controlling a freight forwarder from acquiring control of a carrier subject to parts I, II, or III of the act. Expressly excepted from this prohibition is the right of any carrier subject to parts I, II, or III to acquire control of any other carrier subject to those parts in accordance with the provisions of section 5 of the act. In addition, under section 411(g) it is lawful for a common carrier subject to parts I, II, or III or any person controlling such a common carrier to acquire control of a freight forwarder.

Taken together these three provisions lead to the following confusing results: A person who initially gains control of a common carrier can subsequently acquire control of a freight forwarder, but a person cannot first acquire control of a freight forwarder and then acquire control of a common carrier, although the result is the same in each instance. Also, a person who acquires control of a common carrier and a freight forwarder, in that order, cannot later acquire direct control of another common carrier, although he may indirectly accomplish this by having the controlled common carrier acquire control of the other common carrier.

To add to the confusion, section 411(c) precludes any director, officer, or employee of a common carrier subject to parts I, II, or III from directly or indirectly owning, controlling, or holding stock in a freight forwarder in his personal pecuniary interest. This leads to the rather unusual result that under section 411(g), a person may control both a carrier and a freight forwarder but, in view of section 411(c), he may not be an officer, director, or employee of the carrier and must exercise his control through nominees or "dummies."

It is easy to see from this statement by Chairman Walrath that the inconsistency which now exists in the state of the law, can and does result in administrative problems for the Commission. Although a freight forwarder can-

not at the present time acquire a motor carrier, common ownership of these two modes of transportation is not prohibited. It is permissible as long as the proper procedure is followed. In the recent control and merger case involving the Calore Express Co., Inc., two motor carriers applied to the Commission for permission to merge under the applicable provisions of part 5 of the Interstate Commerce Act. One of the motor carriers had, previous to this application, acquired control of a freight forwarder and the question which was presented to the Commission was greatly perplexing to them. Should the application be governed by the provision in section 411(a) prohibiting a freight forwarder or any person controlling a freight forwarder from acquiring control of a motor carrier, should it be controlled by the exception in section 411(a) permitting a motor carrier subject to part II to acquire control of another motor carrier subject to part II, or should it be governed by the provision of 411(g) permitting motor carrier acquisitions of freight forwarders? Concerning this case, Chairman Walrath said:

> This case has convinced us that, in reality, there is no practical difference between a common carrier controlling a freight forwarder, a freight forwarder controlling a common carrier, or a person who controls either acquiring control of the other so long as the relationship amounts to control or management of the two in a common interest. In other words, if opportunity to engage in objectionable practice exists, it is by reason of the fact of common control of the carrier and forwarder and not the form whereby the control exists or is accomplished.

The Committee on Commerce in its favorable action on S. 684 as amended has indicated its concurrence in this statement by Chairman Walrath.

The bill does not deprive railroads, motor carriers, or water carriers of any rights which they now have to buy other such carriers as long as they obtain the approval of the Interstate Commerce Commission. Also the bill does not represent any lessening of the present provisions governing acquisitions by railroads that have been contained in the law for some period of time. All it does is to place freight forwarders on a parity with other modes of transportation and require Commission approval of any future acquisitions involving these different modes.

The committee amendment, although in the nature of a substitute, can be broken down into 5 parts. Three of the amendments were the subject of uniform agreement and are as follows: First, the comments of the Department of Justice raised the question whether or not consummated acquisitions or unifications were to be immunized from antitrust standards and possible legal action. An amendment is included, therefore, to make certain that this is not the case. Any transaction involving control or management in a common interest entered into before the effective date of the bill is open to attack under the antitrust laws. Second, a witness appearing on behalf of the inland water carrier industry questioned whether, through a series of transactions, a railroad could acquire a water carrier, an occurrence previously prohibited by the provisions of the Panama Canal Act of 1912 (49 U.S.C. 5(16)). This is not intended and language has been included assuring that no such purchase or acquisition will take place. Third, the original bill proposed to delete certain language from section 410(c), the section that established standards for granting freight forwarder permits. This was changed to show that future applications for freight forwarder permits should not be denied simply because the applicant was under common control with a carrier of another mode.

Amendment No. 4 adds a new subparagraph (g) to section 5(a) of the Interstate Commerce Act. This additional language provides a strict standard to be met before the Commission approves the control or ownership of part I, II, or III carriers by a freight forwarder. The language is adopted from the current provision of the act governing railroad acquisitions or control of motor carriers. As a result, such transactions involving freight forwarders and motor carriers which are to be made possible by the enactment of this measure must be justified by showing that coordinatng service to the public can only be achieved by the acquisition or control for which approval is sought.

The fifth and final amendment adopted by the committee adds new language to section 409(a) of the Interstate Commerce Act. It provides that contract rates for distances up to 450 miles between freight forwarders and motor carriers must be just and reasonable, contain equitable terms, conditions, and compensation, and shall not unduly prefer or prejudice any common carrier subject to part II of the Interstate Commerce Act. As the law presently reads this section only applies to the participants to the contract and any other freight forwarder. By the addition of the words "or any other common carrier by motor vehicle subject to part II," these negotiated contract rates are required to be just and equitable as to other common carriers in the area. Also the words "and shall not unduly restrain competition" have been added at the end of section 409(a) as an additional safeguard against undue preference by a freight forwarder in favor of his wholly owned or controlled motor carrier. Technical language changes which do not change the substantive provisions of the bill have been made where necessary.

Mr. President, I ask that the committee amendment be adopted.

Mr. JAVITS. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. JAVITS. I am sure the Senator understands that normally committee amendments are agreed to so that the bill may be considered as original text for the purpose of amendment. I do not believe the Senator would wish to have any Senator foreclosed from offering an amendment.

Mr. THURMOND. The Senator is correct.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. THURMOND. Mr. President, I have no further statement to make at this time, unless there is some opposition to the bill.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I have examined the bill, which necessarily has very great interest to New York State as well as to other parts of the country.

I wish to ask the Senator from South Carolina [Mr. THURMOND], who is handling the bill on the floor, a question: I note that the committee has sought to meet the objections of the Department of Justice by including an amendment which would make clear that there is no effort to immunize these mergers or acquisitions from the antitrust laws or antitrust standards. Can the Senator from South Carolina state whether that amendment has changed in any way the view of the Department of Justice on the bill?

Mr. THURMOND. The Department of Justice raised that point chiefly. It is my opinion—although I have not conferred with the Department since then—that this amendment would obviate its objection. I do not see any other objection which the Department could have on this point.

Mr. JAVITS. The Senator from South Carolina has also reported to the Senate that the committee was not impressed with the fear that there would be a transfer to the Interstate Commerce Commission of jurisdiction over acquisitions. That also seemed to be implicit in the objection of the Department of Justice.

Mr. THURMOND. Future acquisitions would be under the Interstate Commerce Commission, not under the antitrust laws.

Mr. JAVITS. Do the Senator from South Carolina and the committee feel that the bill would be more, rather than less, conducive to our ideal of a national transportation policy?

Mr. THURMOND. Hearings were held on the bill, and a great deal of consideration has been given to it, because the committee wished to be fair to all modes of transportation. As I have previously stated, under existing law other carriers are allowed to purchase freight forwarders, but freight forwarders cannot purchase other carriers. So the Interstate Commerce Commission felt that this situation should be rectified, and I think that is the primary reason why the Interstate Commerce Commission recommended the enactment of this bill.

We have given the subject a great deal of consideration; and I point out to the Senator from New York the following statement included in the letter written

by the Department of Commerce—as appears on page 8 of the report:

We note, however, that the bill (sec. 1(3)) might possibly be construed to exempt from regulation by the Commission, and from attack under the antitrust laws, transactions or control or management in a common interest, entered into before the effective date of the bill. We believe that such is not the intention of the section and we recommend that the bill be modified to make clear that such prior arangements are not being given blanket sanction. If so modified, we would not object to enactment of S. 684.

The modification has been made, and I am sure it overcomes the objection.

Mr. JAVITS. So I gather that the Senator from South Carolina has responded to the point about the feeling of the Department of Justice by stating that the Department should be reasonably well satisfied by what the committee has done.

Mr. THURMOND. Of course, I cannot speak for the Department; but it is my offhand opinion that the modification we have now made in the bill should overcome this objection on the part of any Government agency.

Mr. JAVITS. Very well.

Will the Senator from South Carolina make clear, for the record, that he believes the bill will contribute to our general ideal of a national transportation policy, and that under the terms of the bill such policy would be more effective and better integrated than our present policy?

Mr. THURMOND. In considering the bill, the Commerce Committee had in mind better service to the public. That was our goal. We feel that that goal would be accomplished by the enactment of the bill.

Mr. JAVITS. I thank the Senator from South Carolina.

As sentiment in favor of the bill has been expressed to me, as well as sentiment against the bill, I wanted to know the efforts which were made to satisfy objections to the bill.

Mr. THURMOND. I thank the distinguished Senator from New York for his remarks.

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

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

The legislative clerk proceeded to call the roll.

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

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

The committee amendment is open to amendment.

Mr. MILLER. Mr. President, I should like to ask the Senator in charge of the bill a question relating to a provision on page 6 of the bill. As I read the bill, subsection (g), which starts at the bottom of page 5, lays down a guideline which prohibits the Interstate Commerce Commission from approving an application for the acquisition by a freight forwarder of a motor carrier or a motor carrier to acquire a freight forwarder. But I will confine my question to the situation of a freight forwarder acquiring a motor carrier, and the situation which compels the Commission to find that the transaction will enable the applicant to use the service of the acquired motor carrier to the public advantage, that it will all be consistent with the public interest, and that it will not unduly restrict competition. So far, the guideline seems to be rather reasonable. But a proviso comes in which seems to me to destroy or impede the efficacy of the language which has already been set forth.

It provides that once there has been an approval of such a transaction, no terms or conditions whatsoever can be imposed by the Commission. I find it difficult to understand why such a proviso is needed. It seems to me we ought to leave it up to the Interstate Commerce Commission, in its discretion, to give approval to such a transaction, subject to certain conditions. If the conditions could not be imposed, I can understand how the whole purpose of the legislation could be defeated.

I wonder if my colleague would have any great objection if the proviso were taken out. I cannot see how it would help. I can see how it could seriously impair the bill.

Mr. THURMOND. Mr. President, the desire was not to impose a restrictive burden on either the motor carriers or on the forwarders. This proviso was put in to give some leeway to them. It reads:

If the Commission approves any such transaction, no terms or conditions shall be imposed which would require the motor carrier or freight forwarder so acquired to confine its service to shipments moving on the bills of lading of or having a prior or subsequent haul by the acquiring freight forwarder or motor carrier.

This proviso does not prevent the Commission from imposing whatever terms and conditions might be necessary, other than the two mentioned.

Mr. MILLER. I point out to my friend that the imposition of certain conditions might be necessary before the Interstate Commerce Commission could give such an approval. If the Interstate Commerce Commission had its hands completely tied, so that it could impose no conditions whatsoever, I can see that two situations might arise. Either the Interstate Commerce Commission would say, "Our hands are tied, and since the conditions which are necessary to serve the public advantage and to not unduly restrain competition cannot be met, we must refuse approval of the application." Or the Interstate Commerce Commission might take a chance and then find that its desire to comply with the bill had been defeated because it subsequently could not impose conditions.

I believe the Interstate Commerce Commission should be given discretion. I think it has done a reasonably good job. I cannot recall any abuse of discretion which has been brought to my attention. I believe that the conditions the Commission would impose, if conditions were felt necessary, would be reasonable. I do not think the Commission would be arbitrary.

Taking the proviso out of the bill would be helpful to the purposes of the bill, and would leave in the hands of an administrative agency a discretion which it ought to have to carry out its function.

Mr. THURMOND. The idea of the proviso is to permit an acquired motor carrier to engage in general common carrier service in the area, rather than to restrict it solely to the business of the freight forwarders. I do not see any objection to the proviso. It provides a degree of flexibility which might be of help in enabling the carrier and forwarder to offer better service to the public in their coordinated operations.

The proviso has not incurred the objection of anyone, so far as I know, in the subcommittee or in the committee. The purpose of it was to provide some flexibility, which probably would not have been allowed without it.

Mr. TALMADGE. Mr. President, will my friend the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield.

Mr. TALMADGE. I have received considerable correspondence from my own State about the bill; some of it strongly in favor and some of it equally as strong in opposition.

Some of the visits I have had from persons, and some of the letters and telegrams which I have received, have brought out the point that some people think a very grave danger is involved; that is, some contend that approximately 40 percent of all of the freight forwarding business in the United States is owned or controlled by one man. I should like to ask my friend whether that is true?

Mr. THURMOND. I believe there was some statement made to that effect. I am not positive that it is correct as I have no personal knowledge of it. It might be correct.

Mr. TALMADGE. Does the able Senator in charge of the bill see any danger that such a situation would tend toward or perhaps lend itself to the creation of a monopoly in this area?

Mr. THURMOND. I do not think so, because under the present law a motor carrier can purchase a freight forwarder without the approval of anyone. If there is an opportunity for monopoly it certainly must exist here, and yet there have been no accusations made. A freight forwarder cannot purchase a motor carrier.

If the bill were passed, there would have to be Interstate Commerce Commission approval before a motor carrier could purchase a freight forwarder, or vice versa. So there is a protection, and the ICC would not approve a purchase, as provided in the bill, unless it were in the best interests of the public and in addition did not unduly restrain competition.

The committee gave great consideration to the bill, to be certain to guard against the possibility of a monopoly. Verbiage was inserted in the bill in order to prevent such a result. We feel that the bill contains adequate safeguards in this respect.

Mr. TALMADGE. As I understand the situation, a freight forwarder is an individual who assembles small quantities of goods to be shipped. Once he

assembles a carload or some other large amount, he makes a contract with some carrier to ship the commodity, and earns the difference between the small rate which would be charged for a large shipment and the high rate which would be charged for a small shipment. Is that correct?

Mr. THURMOND. The able Senator is correct.

Mr. TALMADGE. Would that opportunity lend itself to a situation in which the forwarder could whipsaw the various carriers into line regarding freight shipments, and perhaps have them competing with each other to the degree that they could not stay in business?

Mr. THURMOND. The committee considered the various facets of this problem, and with the amendment which has been added the committee does not think so. The committee felt that the request of the Interstate Commerce Commission to amend the law, so that it would apply both ways, was fair.

However, the committee inserted language which it felt would require greater burden of proof before the ICC can approve a proposed transaction. The requirement stated was that it be to the public advantage and in the public interest, and not unduly restrictive of competition.

To meet this situation further, the committee developed new language for section 409 of the Interstate Commerce Act, which would serve to preserve competition as well as to insure fairness in the relationships between freight forwarders, forwarder-controlled motor carriers, and all other motor carriers.

Mr. TALMADGE. I take it from that statement, that it is the opinion of the distinguished Senator that all carriers are adequately protected by the bill, to the point where they will not be whipsawed or taken advantage of by a large freight forwarder who controls 40 percent of the business in America.

Mr. THURMOND. It was the purpose of the committee to try to prevent anything like that from happening, because the committee wants to see fairness as among all the modes of transportation. The bill as amended provides for Interstate Commerce Commission approval before a freight forwarder can purchase a motor carrier, or vice versa, and the special language which has been inserted in the bill, we feel, will not permit any one motor carrier or freight forwarder to take advantage along the line the distinguished Senator has mentioned.

Mr. TALMADGE. I thank the distinguished Senator.

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

Mr. THURMOND. I am pleased to yield.

Mr. HUMPHREY. This particular bill has provoked a great deal of controversy, and the trucking industry in the State of Minnesota has advised me of its strong opposition to it. Those concerns have a right to suggest their point of view.

I should like to ask the Senator from South Carolina if the bill was approved by the Bureau of the Budget.

Mr. THURMOND. First, the trucking industry in South Carolina is also opposed; but I think we have written a bill that will protect them and treat all others concerned fairly. That is what the committee worked very zealously to do, under the able leadership of our distinguished chairman, the Senator from Washington [Mr. MAGNUSON]. I feel that we have overcome any real substantive objection they might have. Our only interest was to try to protect the public and to see that no one mode of transportation would receive any advantage over another. We feel that the verbiage in the bill will accomplish that purpose.

Mr. HUMPHREY. Did the Bureau of the Budget approve the bill?

Mr. THURMOND. The Bureau of the Budget——

Mr. HUMPHREY. Speaking for the President?

Mr. THURMOND. In the letter submitted by the Department of Commerce, in which the Department of Commerce stated it would have no objection to the bill if it were modified concerning a certain phase of it, which we did modify, it was stated that the Bureau of the Budget, although they are opposed to the bill, does not object to the submission of the Department of Commerce report, although there is no evidence demonstrating the need for the basic change proposed by the bill.

That involves a question of need. The Interstate Commerce Commission, which is an arm of the Congress and not of the Executive, would be more knowledgeable of the need for a change than would the Bureau of the Budget, because it falls within the Interstate Commerce Commission's field of activity. I do not think the Bureau of the Budget has any real or substantial objection, because it raised none. If there had been any objection, it would have been presented to the committee.

Mr. HUMPHREY. The burden of proving the need should rest upon those who propose the legislation. I have heard no great hue and cry for this legislation. There does not seem to be any difficulty in the transportation system that has been caused by the existence of the present situation. What I am afraid of is that one company in the freight forwarding business has a lion's share of all that business, and that under the proposed legislation one company would be able to extend its control, which is now about 40 percent in the freight forwarding business, into what we call the truckline business. I believe that lends itself to stifling competition.

Mr. THURMOND. May I reply?

Mr. HUMPHREY. Yes; I would like the Senator to give his point of view.

Mr. THURMOND. I shall be very glad to reply to that statement. The agency which instituted the movement for the bill was the Interstate Commerce Commission. The bill was introduced at its request. That is the agency of government which has supervision over motor carriers, railways, water transportation, freight forwarders, and so on.

I do not believe the Senator was present at the time I made this statement. I would like to take about 2 minutes to review a portion of the statement of the Chairman of the Interstate Commerce Commission, which he made before the subcommittee in support of this measure.

Chairman Walrath made this statement.

Section 411(a) of the act prohibits a freight forwarder or any person (defined in section 402 including an individual, firm, and corporation) controlling a freight forwarder from acquiring control of a carrier subject to part I, II, or III of the act. Expressly excepted from this prohibition is the right of any carrier subject to part I, II, or III to acquire control of any other carrier subject to those parts in accordance with the provisions of section 5 of the act.

In addition, under section 411(g) it is lawful for a common carrier subject to part I, II, or III or any person controlling such a common carrier to acquire control of a freight forwarder.

Taken together these three provisions lead to the following confusing results:

These are the words of Chairman Walrath of the Interstate Commerce Commission:

A person who initially gains control of a common carrier can subsequently acquire control of a freight forwarder, but a person cannot first acquire control of freight forwarder and then acquire control of a common carrier, although the result is the same in each instance. Also, a person who acquires control of a common carrier and a freight forwarder, in that order, cannot later acquire direct control of another common carrier, although he may indirectly accomplish this by having the controlled common carrier acquire control of the other common carrier.

To add to the confusion section 411(c) precludes any director, officer, or employee of a common carrier subject to part I, II, or III from directly or indirectly owning, controlling, or holding stock in a freight forwarder in his personal pecuniary interest. This leads to the rather unusual result that under section 411(g) a person may control both a carrier and a freight forwarder but, in view of section 411(c) he may not be an officer, director, or employee of the carrier and must exercise his control through nominees or "dummies."

I am sure the able Senator from Minnesota can see, from this language, the pleading of the Chairman of the Interstate Commerce Commission. Further on in his testimony, Chairman Walrath said this:

[I]n reality, there is no practical difference between a common carrier controlling a freight forwarder, a freight forwarder controlling a common carrier, or a person who controls either acquiring control of the other so long as the relationship amounts to control or management of the two in a common interest. In other words, if opportunity to engage in objectional practice exists, it is by reason of the fact of common control of the carrier and forwarder and not the form whereby the control exists or is accomplished.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. THURMOND. I am pleased to yield.

Mr. HUMPHREY. I note that the letter of the Justice Department which appears in the report, signed by the Deputy Attorney General Nicholas Katzenbach, states that the Justice Department does not recommend this legislation. The letter states:

This Department feels that no real need has been demonstrated for the proposed change, exempting, as it does, yet another

area of transportation from the competition-preserving standards of the antitrust laws.

Mr. Katzenbach further stated:

The bill not only exempts further transactions approved by the Commission from the antitrust standards; it could, in addition, be construed to immunize consummated acquisitions and unifications.

Mr. THURMOND. We have amended the bill to overcome that objection.

Mr. HUMPHREY. Will the Senator give me the specific language which indicates that there is no doubt as to the application of the antitrust laws? This language, to the effect that there shall not be unfair competition, is not sufficiently definite to satisfy the Senator from Minnesota, because I have seen that language too many times, and it has been interpreted as being meaningless; as being only a sort of ritual.

Mr. THURMOND. I shall be glad to do so.

Mr. HUMPHREY. I point out that this is a piece of legislation for which two important departments of Government have said there is no demonstrated need. One department of Government says it might very well weaken the application of the antitrust laws to transportation facilities, and that it might very well blanket into executive approval transactions that have taken place in the past, which, under the present law would be subject to antitrust provisions.

I see no particular advantage in the passage of the proposed legislation. I have not received one letter from anyone in my State who has said the legislation was needed. On the other hand, I have received many complaints from people who are worried about it. The existing transportation policy has not crippled the freight forwarding business. It is one of the most profitable enterprises in the country. The Interstate Commerce Commission states that the enactment of the legislation would be a good thing for them, because it would eliminate some of the confusion in the act. Under the law a common carrier may acquire a freight forwarder, but a freight forwarder may not acquire a common carrier. That policy was established for the purpose of preventing freight forwarders who had a definite business, because they serve so many clients and customers, from gaining operative control over the trucking business. The original legislation relating to the transportation industry was not designed by accident. What we now see is that certain interests in the country feel it would be to their advantage if they could acquire the over-the-line or long-haul trucking operations, and thereby tie up not only the freight forwarding business, but also the over-the-line or long-haul trucking business. I do not see the need for the proposed legislation. It has not been demonstrated.

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

Mr. THURMOND. I yield.

Mr. MAGNUSON. There is a need. The Senator might make a plausible argument against freight forwarder operations, but under the present system, a trucking company can acquire a freight forwarder. The trucking companies are doing that now to the extent of 42 percent of the freight forwarders. Apparently the Senator is arguing that it is all right for them to do that, but that the reverse is not right. We want to put a brake on such operations, so that they would have to go to the ICC to show that it was proper. If the Senator wants to take this provision out, he ought to provide that truckers shall be prevented from acquiring freight forwarders. One cannot be made a dog in the manger, and not the other also. The pending bill is an ICC bill. It was unanimously approved by the Commission. It was not initiated in the committee. The ICC, after a long discussion of this subject, decided that this was what should be done to equalize the situation. If there is any antimonopoly restriction that we can put in the bill, we will accept such a suggestion.

The Senator from South Carolina, after long hearings, thought that he had added language that would accomplish this purpose.

Mr. SCOTT. We have already done so.

Mr. HUMPHREY. Is it not true that one freight forwarder owns a substantial share of the entire freight forwarding business? I do not mean one individual; I mean one company. In terms of the law, of course, a corporation is a person. On the other hand, is there any one trucking company that owns a substantial share, and thereby the controlling share, of the over-the-line or long-haul trucking operations? I think not. This is a highly competitive business. The only danger I see is that one company, a large freight forwarder, could control as much as 40 percent of the freight forwarding business, and if that company is permitted to move in on the trucking lines, there will be tied up in the hands of one company a substantial share of the transportation system of the country. I do not believe that is good public policy.

Mr. MAGNUSON. The reason we are doing that is to give the ICC the power it needs.

Mr. THURMOND. What the Senator fears could be accomplished now. If the bill were passed it could not be done, because the ICC would have to approve every transfer.

Mr. HUMPHREY. What jurisdiction does the Justice Department have?

Mr. THURMOND. We have added a section to the bill to overcome the objection of the Justice Department. It is section 6 of the bill, and it reads as follows:

SEC. 6. Nothing in this Act shall be construed to affect the applicability of the antitrust laws, as defined in the first section of the Act of October 15, 1914 (15 U.S.C. 12), with respect to effectuation prior to the date of enactment of this Act (by stock ownership or otherwise) of the control or management of a freight forwarder subject to part IV of the Interstate Commerce Act in a common interest with any other such freight forwarder or with a common carrier subject to part I, II, or III of such Act.

We feel that we have cleared up this difficulty.

Mr. HUMPHREY. What did the Justice Department say about it? Did the action of the committee satisfy the complaint of the Justice Department?

Mr. THURMOND. We have not gone back to them, because we have inserted a provision which we feel overcomes any objection that it could have had to the bill. The Interstate Commerce Commission determines the feasibility of future acquisitions. The Justice Department would not go into these matters. The one thing they are interested in is the application of the antitrust laws to previous acquisitions. Therefore, we have inserted this new section.

Mr. HUMPHREY. I believe that the committee ought to be able to tell us, with the amendments which have been added as committee amendments, the following things: Has the Bureau of the Budget changed from its position of opposition to a position of support or at least a position of neutrality? Has the Department of Justice changed from its position of opposition to a position of support, or at least to a position of benevolent neutrality? I think we ought to know these things. If we do not know about them, we ought to delay action on the bill, because this is a basic matter.

Mr. SCOTT. I have something to offer. Of course I am aware that the minority has no rights.

Mr. HUMPHREY. The minority has many rights.

Mr. SCOTT. I am ready to make my offer at any time I get recognition.

Mr. THURMOND. I will answer the Senator from Minnesota. First I am glad to yield to the distinguished Senator from Pennsylvania.

Mr. MAGNUSON. Mr. President, will the Senator yield first to me on this particular point?

Mr. THURMOND. I yield.

Mr. MAGNUSON. This was a very compelling argument to the ICC. I wish to read from the hearings at page 18. The Senator is talking about big companies and big business. I know the transportation industry.

Mr. HUMPHREY. The Senator knows it very well.

Mr. MAGNUSON. I know of the many disagreements between the various modes of transportation. The situation is becoming such that whenever we try to equalize anything between certain elements in the transportation industry, the proposal is opposed by one side or the other. If we have a bill that the railroads think is all right, the truckers oppose it. If we have a bill which the truckers believe is all right, the railroads oppose it. On the other hand the freight forwarders will oppose inland waterways bills. If we ever get a bill that is a model of agreement, the Senator from Pennsylvania and I will adjourn and declare a holiday.

An agency of Government, namely, the ICC, is responsible in these matters. It is trying to do something. The Commission consists of fair men. The Commission has unanimously approved the bill. They believe that the bill will equalize certain factors in the transportation squabble. Now another mode of transportation opposes it. The trucking companies have been able to acquire freight

forwarders to the tune of about 40 percent.

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

Mr. SCOTT. I understood that the Senator from South Carolina had yielded to me, but that I had agreed to defer my statement until the Senator from Washington had made his statement.

Mr. MAGNUSON. I wish to read from the hearings at page 18:

> If forwarders have advantages over motor carriers, they have not been reflected in the relative fortunes of the two industries since forwarders were regulated. In 1943, the first full year of forwarder regulation, the industry transported 5,093,000 tons of freight. In 1961, the industry transported only 4,010,000 tons of freight. I do not have the tons-originated figures for trucks, but over the same period the ton-miles of freight handled by motor carriers rose from 67 to 304 billion.

They have a 304 billion ton-miles industry, and the other people have only a minor or secondary part in the transportation system of the country. What the committee is suggesting and what the ICC is suggesting is that the situation be equalized.

This is of a nature secondary to the transportation system. If the Senator is becoming curious about how the transportation system is operated, he ought to come to the committee and listen to what takes place. We have been struggling for 15 years with railroads, inland waterways, motor carriers, and freight forwarders.

The freight forwarders were made common carriers about 12 years ago, following long hearings, which I remember very well. The freight forwarders are now supposed to be a reliable, responsible part of the transportation system. And yet, their movement of freight has decreased to about 4 million tons as compared to 304 billion ton-miles for the motor carriers. That is some monopoly. But the truck lines—and I think rightly so—have been allowed to acquire freight forwarders. It makes for better service to the public, in my opinion. What we hope we are talking about is providing equity to those people as compared with other modes of transportation.

I wanted to make this statement because there was an implication that freight forwarders are some kind of huge, giant operation which, if it were not put under regulation, might stifle competition.

Mr. SCOTT. Mr. President, I have remained uncharacteristically modest because I recognized that Senators who have been discussing this subject have had a longer period of experience with it than I have. However, I wish to try to allay the fears of the distinguished Senator from Minnesota, because I think he is beating a dead horse. I believe he is talking in terms of something that existed before, but does not exist now; that is, that it was necessary to satisfy certain departments of the Government.

The Comptroller General had already indicated that he believed the bill would clarify an inconsistency and would be in the public interest.

The Secretary of Commerce says he is satisfied with the bill but wants to be certain that it cannot be made retroactive, because blanket sanctions should not be given.

So the committee met to mark up the bill, and we corrected that situation.

Then we received a letter from the Attorney General, who said he did not want the bill to contain anything that would seem to limit the powers of government—that is, the Attorney General—in antitrust proceedings. So we provided a clause to satisfy the Attorney General, and it was acceded to, so far as I know, either unanimously or by an overwhelming majority of the committee.

We say, in section 6, in as clear words as can be used:

> Nothing in this Act shall be construed to affect the applicability of the antitrust laws, as defined in the first section of the Act of October 15, 1914 (15 U.S.C. 12), with respect to effectuation prior to the date of enactment of this Act (by stock ownership or otherwise) of the control of management of a freight forwarder subject to part IV of the Interstate Commerce Act in a common interest with any other such freight forwarder or with a common carrier subject to part I, II, or III of such Act.

The committee was in constant touch with the lawyers of the Department of Justice, the Department of Commerce, the Bureau of the Budget, and the Comptroller of the Currency. I do not know how many times we are required to keep going back and forth if they raise objection. If we believe their proposals have merit, our job is to meet them. In my judgment, we have met each of them. We have even met the major objection of the American Trucking Association, which feared that the bill would lead to common ownership; that is, the ownership of one mode of transportation by another. So, as the report says:

> Your committee, to meet this situation, developed new language for section 409 which should serve to preserve competition as well as to insure fairness in the relationship between the freight forwarder, the forwarder's controlled motor carrier, and all other motor carriers.

I shall read from section 409 and will stress the new language as I come to it:

> SEC. 409. (a) * * *: *Provided,* That in the case of such contracts it shall be the duty of the parties thereto to establish just, reasonable, and equitable terms, conditions, and compensation which shall not unduly prefer or prejudice any of such participants or any other freight forwarder—

Here is new language: "or any common carrier by motor vehicle subject to part II,"; then the old language: "shall be consistent with the national transportation policy declared in this Act."

Then new language: "and shall not unduly restrain competition."

It seems to me that we have tried to meet and have met all valid arguments which could be asserted against the bill. It is true that the Bureau of the Budget says it does not see a need for the bill; but that is not the function of the Bureau of the Budget.

The Department of Commerce sees a need for the bill as amended. The Interstate Commerce Commission sees a need for the bill. The Department of Justice sees a need for the bill, if the antitrust features generally be preserved. We have provided language to take care of that.

I submit that this is the real question, as the Senator from Washington brought out a moment ago: What would happen if the act were not changed? First, an inequality would be preserved. Everyone mentioned in the act would be permitted to own freight forwarders, but freight forwarders would not be permitted a similar privilege.

If the act be not amended, we do not bring under regulation all the persons or carriers and freight forwarders who come within the jurisdiction of the Interstate Commerce Commission. So if we do not change the act and impose overall and equal rights and regulations at the same time, all we do is to say to the freight forwarders, "Get your lawyers and accountants, and do what you have every right to do now under the law: Acquire a trucking company, and another trucking company, and another. Then, through the trucking companies, acquire the freight forwarders that you want to acquire."

Then we will have accomplished through the back door, by moving from B to A without regulation, what we say should be accomplished through the front door by moving from A to B with regulation.

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

Mr. THURMOND. I yield to the Senator from Minnesota.

Mr. HUMPHREY. The Senator from Pennsylvania makes a persuasive argument. I think he has demonstrated that there is a weakness in the present law. I had the feeling that there was. Now he has convinced me.

In my opinion, what is needed is not an amendment that permits freight forwarders to acquire trucking companies. I think that what is needed is an amendment that prevents trucking companies from acquiring freight forwarders, and vice versa. In other words, there should be divestitures as between the big freight trucking companies and the freight forwarders. As I recall, this is what the American Trucking Association finally recommended. It is also what the House Committee on Interstate and Foreign Commerce finally recommended.

It has been pointed out that a very sinister operation is going on. Trucking companies are acquiring freight forwarders, as they have a right to do under existing law. So how is it proposed to remedy the situation? By giving freight forwarders the right to acquire trucking companies. That does not seem to me to remedy the situation; it only compounds the trouble.

Mr. MAGNUSON. It is no trouble. No one says that trucking companies should not have the right to control or acquire freight forwarders. That has been good for the shipper and good for service. It is not wrong for truckers to do that.

Mr. HUMPHREY. There is an honest difference of opinion about this proposal. I respect the views of the chairman of the committee and of the Senator from Pennsylvania. They know a great deal about transportation. I simply say that,

according to the information that comes to me, from intelligent people in my home State and elsewhere—such organizations, for example, as the National Independent Traffic League, railroad labor, the American Waterways Operators, the American Retail Federation, the National Retail Merchants Association, Minnesota Motor Transport Association, and others—there is much opposition to the bill.

Furthermore, I now learn that two agencies of the Government have had serious doubts about the bill. I recognize that changes have been made by the committee in the form of amendments. However, I think my question was fair. Did those changes satisfy the doubts and complaints of the agencies of the Government that originally opposed the bill?

Mr. SCOTT. My answer is that if they did not, we have not heard from those agencies; although I think an affirmative answer would be more conclusive.

Mr. HUMPHREY. Some Senators are opposed to the bill; and because of that fact, final action on the bill was held up. I think the bill needs to be handled by means of a yea-and-nay vote, rather than a voice vote; and if we are to have a yea-and-nay vote, it will be necessary to postpone final action on the bill until Monday, because that was the general understanding.

Mr. SCOTT. The Senator from Minnesota is correct that, under the agreement, there would then be a yea-and-nay vote on Monday.

Mr. MAGNUSON. Mr. President, I hope the Senator from Minnesota does not create the impression that because he is opposed to the bill, it cannot be handled by a voice vote, but must await a yea-and-nay vote on Monday. We are perfectly willing to have further action on the bill go over until Monday, because several Senators who have an interest on the "pro" side wish to speak on the bill. However, I hope that between now and Monday Senators will examine the hearings and the factual report made by those in the transportation industry who are responsible and those in government who are responsible to the public interest, who unanimously think this should be done.

I do not think the Bureau of the Budget knows anything at all about this matter, although it has some responsibilities. But this measure has nothing to do with finances, taxes, or things of that sort.

I hope Senators will read the report and the reason why the Interstate Commerce Commission has been unanimous in asking Congress to consider the bill.

NATIONAL SERVICE LIFE INSURANCE

The ACTING PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the morning hour is concluded; and the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H.R. 220) to amend section 704 of title 38, United States Code, to permit the conversion or exchange of policies of national service life insurance to a new modified life plan.

CONTROL OF FREIGHT FORWARDERS

Mr. THURMOND. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate resume the consideration of Senate bill 684.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GORE. Reserving the right to object, Mr. President, did not the Chair lay before the Senate the veterans bill?

The ACTING PRESIDENT pro tempore. That bill was laid before the Senate by the Chair; but, by unanimous consent, it can be laid aside.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate resume the consideration of Senate bill 684, Calendar No. 216.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (S. 684) to clarify certain provisions of part IV of the Interstate Commerce Act and to place transactions involving unification on acquisitions of control of freight forwarders under the provisions of section 5 of the act.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina [Mr. THURMOND] has the floor.

Mr. SCOTT. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the suggestion of the Senator from Minnesota with regard to divestiture reminds me of those who say, "If we cannot have everything our own way, we will pull the whole structure down over the heads of everybody else." That is the attitude of a blind oppositionist, which I do not think is worthy of, and do not attribute to, any particular group.

I am sure that if the Senator from Minnesota will consider this question a little further, he will not attempt to undo, by so broad and drastic a proposal, the regulatory powers of the Interstate Commerce Commission.

The Senate Commerce Committee, which we still believe, with some justice, has some knowledge of this subject, has reported that divestiture would be a harsh remedy, and also that divestiture would reverse the basic purpose of the bill. In short, the Commerce Committee takes the position that such an amendment should not be included in the bill because—

First. This would be new legislation reversing the basic purpose of the bill, and adversely affecting important interests which have not been notified or heard from. The statutory right of railroads and water carriers to acquire forwarders would be eliminated and any property rights which they have in forwarders would be jeopardized or destroyed, all without notice or opportunity for hearing. It is not in the American tradition to take away rights without hearing.

Second. The amendment would not bring about equality and it would be inconsistent with congressional policy. Long-standing congressional policy is to permit intercarrier acquisitions that clearly serve the public interest. S. 684 extends that policy to forwarders. The proposed amendment would make the present bad situation worse by insuring that in the future whatever public advantages there might be in the common ownership of a freight forwarder and another carrier would be barred by statute without opportunity for consideration on the merits.

Third. The amendment was considered and rejected by the Commerce Committee. The report points out that divestiture is a harsh remedy. Forced sale at distress prices of property acquired in good faith under existing law is contrary to the spirit if not the letter of due process.

The amendment is new legislation which ought to be considered, if at all, on its merits as an introduced bill with full hearings. The issue before the Senate is S. 684 as reported.

Mr. President, this bill was recommended by the Interstate Commerce Commission and reported by the Senate Commerce Committee. In both cases the action was unanimous. This indicates, to me, that the bill is well considered and supported by convincing evidence.

The trucking industry, through its association, opposed the bill; but its arguments were thoroughly considered by the Commerce Committee. The Committee was convinced that objections to the bill did not outweigh the compelling facts which supports its enactment.

Some have traditionally opposed the common ownership of one mode of carriage by another. But that is not an argument against this bill. It is an argument against the longstanding policy of Congress to permit such common ownership. Common ownership of forwarders and other carriers is permitted today, but it works only one way. The bill would equalize the situation, and leave it up to the ICC to decide whether such common ownership is in the public interest.

Opponents of the bill make a distinction between "carriers" and "freight forwarders" and allege that somehow it would be bad to permit forwarders to acquire carriers. The law makes no such distinction. Freight forwarders always were held to be common carriers at common law. They have been regulated as such since 1942. The law imposes on forwarders all the duties and responsibilities imposed on any other common carrier.

Other carriers, and particularly motor carriers, now own forwarders and operate them under common management. The ICC concluded, and testified that—

> In reality, there is no practical difference between a common carrier controlling a freight forwarder, a freight forwarder controlling a common carrier, or a person who controls either acquiring control of the other so long as the relationship amounts to control or management of the two in a common interest.

The bill recognizes this obvious fact.

It is difficult for me to understand what the opponents fear about S. 684. Surely the freight forwarding industry, which grosses only about $450 million a year, will not be able to "gobble up" the trucking industry which in 1961 had gross revenues of $7.5 billion.

The fact is that unless the law is changed the trucking industry could soon dominate the forwarding industry. Testimony before the Committee showed that at the time of the hearings, motor carriers owned more than 20 forwarders, constituting over 15 percent of the industry. Since the hearings it has been announced in the press that the third largest forwarder was purchased by a truckline. With this acquisition, motor carriers own more than 25 percent of the forwarding industry.

It is no answer to say that there should be a complete ban against acquisitions of or by forwarders. That would not bring about equality and it would be opposed to the traditional policy of Congress, as represented by section 5 of the Act. If there are any situations in which it is in the public interest for one carrier to acquire another, then such acquisitions should be permitted, with the approval of the ICC. Arbitrary distinctions should not be made by the law. We have a congressional policy regarding acquisitions; and that policy should be applied uniformly, as this bill would do.

Let us, by all means, debate the bill and express our differences. However, I would much prefer that the bill be defeated, rather than see it become an instrument for destruction of the rights of other carriers before the Interstate Commerce Commission, which might be the result of the proposed divestiture amendment. In my opinion, any Senator who found himself supporting this amendment without studying its implications would spend the rest of his time explaining why he had done so.

Mr. CURTIS. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield to the Senator from Nebraska. I believe he must leave the Chamber in a moment, to attend a committee meeting.

Mr. CURTIS. I thank the Senator from South Carolina for yielding to me.

Mr. President, I am not unmindful that there are arguments in favor of the bill; neither am I unmindful of the work which has been done by the committee.

It has been said that the bill might be passed without the taking of a yea-and-nay vote. I do not favor the passage of the bill; and if there is a yea-and-nay vote in connection with the question of passage of the bill, I wish to be recorded as being opposed to the bill.

Mr. KEFAUVER. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield to the Senator from Tennessee.

Mr. KEFAUVER. I have not had an opportunity to read all the hearings or to find out as much about the bill as I should have; and I shall do so before Monday.

I wish to ask one or two questions.

We are told that section 6, on page 10, beginning in line 7, makes the antitrust laws applicable to this bill. But if the Senator from South Carolina will examine section 6, he will find that it refers to the act of October 15, 1914, which is the Clayton Act. On the other hand, the antitrust law which prevents restraints of competition is the Sherman Act of 1890; but it is not made applicable by this provision of the bill. In other words, insofar as the bill is concerned, there could be restraints on competition and there could be monopoly.

Mr. THURMOND. Would the Senator from Tennessee like to offer an amendment?

Mr. KEFAUVER. I should like to study the bill. I may have an amendment to offer. But I point out that the Clayton Act is not likely to be applicable to such matters. The matters of concern in connection with this subject would be those with regard to restraints of competition, which are dealt with by section 1 of the Sherman Act, and those in regard to monopoly which are dealt with by section 2 of the Sherman Act. So sections 1 and 2 of the Sherman Act are really of importance.

As I understand the situation, at the present time a trucking line may own a freight forwarder. A freight forwarder performs very important service in collecting freight from small businesses and sending it on. Similarly, a railroad may own a freight forwarder, if I correctly understand the situation.

But many persons have expressed fear about this existing approach to common ownership, but under the bill, we go further and allow a freight forwarder to acquire a railroad and a motor carrier or barge line. Personally, I should like to see each of them separated and competitive, even though I realize the problem here, because there is a vested interest. Likewise, I realize the problem of divestiture, although that really should be done if there is need for competitive balance.

But the problem is this: If a freight forwarder can own a trucking line or a railroad, is there not a likelihood that such a freight forwarder would want to concentrate its business on the trucking line or the railroad it owns, to the detriment of other trucking lines and railroads?

Mr. THURMOND. Mr. President, with regard to the first point raised by the Senator from Tennessee, the antitrust provision, I would say that by examining title 15, United States Code, section 12, he will find that this measure refers to all antitrust laws.

Mr. KEFAUVER. But the act of October 15, 1914, is the Clayton Act, not the Sherman Act.

Mr. THURMOND. I understand; but section 6 reads in part as follows:

> Nothing in this Act shall be construed to affect the applicability of the antitrust laws, as defined in the first section—

And that section refers to title 15, section 12 of the United States Code, which in turn refers to the act of 1894, the Sherman Act.

So if the Senator from Tennessee will look into this subject carefully, I believe he will find that the bill as it has been prepared covers that situation.

Mr. KEFAUVER. However, it is true that the act of 1914 is the Clayton Act, not the Sherman Act.

As matters now stand, a trucking line can own a freight forwarder, and a railroad can own a freight forwarder; and they do.

The freight forwarder performs a very important service. If the freight forwarder owns a trucking line or a railroad, what is there in the bill which would prevent the freight forwarder from selecting his own trucking line or his own railroad to the detriment of other trucking lines and railroads as a forwarder of freight?

Mr. SCOTT. Would not the regulations of the Interstate Commerce Commission and the power of the Commission prevent that?

Mr. MAGNUSON. The truckers do the same thing now with the freight forwarders.

Mr. THURMOND. I believe I can answer the question for the Senator. To meet this situation, the committee developed new language for section 409, which is designed, to preserve competition as well as to insure fairness in the relationship between the freight forwarders, the forwarders controlled motor carriers, and all other motor carriers.

Mr. KEFAUVER. On page 6, beginning at line 3, the following language appears:

> *Provided*, That if the Commission approves any such transaction, no terms or conditions shall be imposed which would require the motor carrier or freight forwarder so acquired to confine its service to shipments moving on the bills of lading of or having a prior or subsequent haul by the acquiring freight forwarder or motor carrier.

So the bill seems specifically to authorize the freight forwarder to haul over his own line even to the exclusion of other carriers.

Mr. MAGNUSON. The same provision now applies to the truckers and the railroads.

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

Mr. THURMOND. I yield.

Mr. KEFAUVER. I point out to the chairman of the committee that it would be manifestly unfair if I, as a freight forwarder, should divert the business to my own truck line and then discriminate

in favor of my own truck line against competing truck lines.

Mr. MAGNUSON. I believe it would be, but I think the ICC would not approve of such activity. I would hope that it would not approve it.

Mr. KEFAUVER. The ICC now takes a long time to get around to deciding a question. In my experience the ICC is not a reliable regulator of the trucks and railroads.

Mr. THURMOND. Mr. President, in regard to the point raised by the distinguished Senator from Tennessee, on the antitrust question, the citation referred to, title 15, section 12, reads as follows:

"Antitrust laws" as used herein includes the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890;" sections 73 to 77, inclusive, of an Act entitled "An Act to reduce taxation and provide revenue for the Government and for other purposes, August 27, 1894;" an Act entitled "An Act to amend sections 73 and 76 of the Act of August 27, 1894; an Act entitled "An Act to reduce taxation to provide revenue for the Government, and for other purposes," approved February 12, 1913.

Mr. KEFAUVER. In response to that statement, the way the language is now worded in section 6, page 10, in my opinion applies only to the Clayton Act. The first section of the act of October 15, 1914——

Mr. THURMOND. Mr. President, if the Senator desires to offer an amendment, I suggest that he do so.

Mr. KEFAUVER. Mr. President, title 15, United States Code, section 12 refers only to where the provision can be found in the code. I will consider an amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. KEFAUVER. Mr. President, if the Senator will yield further, I should like to conclude.

Mr. THURMOND. I yield to the Senator from Tennessee.

Mr. KEFAUVER. I understand the argument was made that a freight forwarder might not be able to find a trucking line or railroad to carry freight. Therefore he might acquire a small railroad or a small trucking line. Should there not be some showing that public carrier facilities are not available in the area in which the freight forwarder wants to operate before he can purchase?

Mr. THURMOND. In reply to the question, the Interstate Commerce Commission would take all these factors into consideration. Before the Interstate Commerce Commission would approve the purchase of a motor carrier by a freight forwarder or a freight forwarder by a motor carrier, under the bill now before the Senate, the Interstate Commerce Commission approval would be required. At the present time an acquisition of a freight forwarder by a motor carrier does not require such approval.

Mr. KEFAUVER. I have found that unless specific criteria and guidelines are laid down, the Interstate Commerce Commission is not a very reliable board as a whole.

Mr. YOUNG of Ohio. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. In view of the serious question posed by the distinguished Senator from Tennessee and the situation that has developed—for example, I very much desire to read more carefully the hearings on the bill—I feel that the bill should go over until next week, and that at that time there should be a yea-and-nay vote upon final passage. I do not wish to proceed at this time. I would feel compelled to vote against the measure until I have studied it further, although I may vote against it anyway.

Mr. THURMOND. In response to the point made by the Senator from Tennessee, I call his attention to the fact that the bill provides that any transfer would be in the interest of the public, consistent with the public interest, and would not unduly restrain competition. So I believe the criteria is established for the Interstate Commerce Commission.

Mr. KEFAUVER. I call attention to the fact that the term "unduly restrain competition" is practically meaningless. The Sherman Act provides that any contract that would restrain competition is illegal. We get into vague language of what is "due," and what is "undue," what is big, and what is little. Such criteria really means nothing.

Mr. MAGNUSON. Mr. President, will the Senator yield for one statement?

Mr. THURMOND. I yield.

Mr. MAGNUSON. When we talk about discrimination, we had better remember that when a company is made a common carrier, it may not discriminate. There is, I suppose, a great deal of it going on. But one who has been discriminated against has the right to use all the machinery of government—courts and every other means—to oppose that discrimination. We made the freight forwarders common carriers. They are like the railroads. Trucking lines cannot discriminate, and neither can railroads, freight forwarders, or inland waterways.

Mr. KEFAUVER. Mr. President, I desire to point out to the chairman of the committee, that in the first place, to obtain legal relief against discrimination requires a long time, particularly when the proceeding is before the Interstate Commerce Commission. Furthermore, I am afraid that the language on page 6——

Mr. THURMOND. That is language which is additional to that proposed by the Interstate Commerce Commission.

Mr. KEFAUVER. In other words, the language on page 6, lines 3 down to line 8, specifically authorize discrimination by saying that they can use the common carrier owned by the freight forwarder.

Mr. MAGNUSON. I do not believe it authorizes discrimination. If it does, the provision can be changed. The carrier is subject to all the regulations.

Mr. THURMOND. Mr. President, the purpose of the bill is to bring about equality. I remind the Senate that the bill was recommended by the Interstate Commerce Commission, an agency of the Government that is specifically charged with regulating common carriers. Furthermore, the Department of Commerce has recommended the bill. The committee has carefully considered it, but some questions have been raised by Senators. Some Senators are absent today. In view of that situation, I ask unanimous consent that the bill be carried over until next Monday.

Mr. SCOTT. Mr. President, I have no objection.

The PRESIDING OFFICER (Mr. INOUYE in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I appreciate the thought and the wish that have been expressed by the distinguished Senator from South Carolina, who is handling the bill, and the Senator from Pennsylvania, who represents the minority. A number of Senators have expressed concern. I desire the record to show clearly that the Senator from Minnesota has today expressed his own concern. As I have explained privately to my colleagues, several Senators and administrative assistants have called me and asked me to express their concern about the proposed legislation. Therefore I am now about to move——

Mr. SCOTT. Before the Senator makes his motion, let me make the further comment that I am also advised that a number of Senators on both sides of the aisle who favor the bill would like to be heard on Monday.

Mr. HUMPHREY. Indeed. The discussion has been helpful, and I am hopeful that between now and Monday many of the points which have been raised will be studied. We shall read the hearings, consult with the appropriate agencies of the Government, and be prepared to act on Monday.

Whether there will be a yea-and-nay vote or not will be determined by the will of the Senate on Monday. I do not think we should say with certainty that will be the case.

The Senator from South Carolina has rendered an admirable service in explaining the bill. Many doubts have been raised. Many questions have been answered.

With that statement, Mr. President, I now move that the Senate temporarily set aside the pending business, Calendar No. 216, and proceed to the consideration of Calendar No. 231.

Mr. SCOTT. Mr. President, is it the understanding that the pending bill, S. 684, will again be considered on Monday?

Mr. HUMPHREY. That is the understanding. It was so announced yesterday, in case the bill should be displaced.

The PRESIDING OFFICER. Pursuant to the unanimous-consent agree-

ment, the bill will go over until next week.

Mr. THURMOND. Mr. President, if any Senator has an amendment which he wishes to offer to the bill, which the Senate has been considering, I suggest that if possible the amendment be offered today. The amendments could be printed and be made available to Senators. That would be helpful during the consideration of the bill again on Monday.

Mr. HUMPHREY. The Senator from Iowa [Mr. MILLER] did offer such an amendment, and will be prepared to discuss it on Monday.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon on Monday next.

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

NATIONAL SERVICE LIFE INSURANCE

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 220) to amend section 704 of title 38, United States Code, to permit the conversion or exchange of policies of national service life insurance to a new modified life plan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

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

CERTAIN PROPOSED CONSTITUTIONAL AMENDMENTS, IF ADOPTED, WOULD REPEAL THE 20TH CENTURY

Mr. YOUNG of Ohio. Mr. President, what the 11 States of the Confederacy could not accomplish 100 years ago by force of arms—the supremacy of individual States over the Federal Union—is now being attempted by lawful means through a campaign to secure the adoption of three constitutional amendments which in effect would subvert the basic principles of the Constitution.

These amendments are backed by a powerful nationwide alliance of right-wing extremists, racists, and others who have been misguided by the propaganda put out by these groups. It is a smooth, efficient organization which until recently has achieved almost unnoticed success.

These three amendments—to nullify the Supreme Court reapportionment decision, to make it possible to amend the Constitution without the participation of the Congress, and to create a supercourt superior to the Supreme Court composed of the Chief Justices of the 50 [illegible] enacted, would cripple the system of Federal powers which our Founding Fathers created.

Members of the legal profession who should be in the forefront of those opposing these amendments have been shamefully silent. In fact, the Chief Justice of the United States expressed shocked amazement that after researching all the publications of the legal societies and all the law reviews he found only one article—by Prof. Charles L. Black of the Yale Law School published in the Yale Law Journal—which dealt with the three amendments. It is regrettable that while a powerful coalition of State legislative leaders was trying to reduce the Nation to a weak collection of squabbling States similar to that which existed under the articles of confederation almost 200 years ago, it became necessary for the Chief Justice of the United States to sound the principal note of alarm.

Only the press has fulfilled its responsibility in this situation. Several newspapers have expressed the hidden dangers of the proposed amendments.

One or more of these amendments has already been approved by the legislatures of as many as 13 States. At this moment, they are pending before the General Assembly of Ohio and before the legislatures of many other States. In Ohio the attempt to nullify the U.S. Supreme Court reapportionment decision has gone so far as to have been approved by the State government committee of the State senate.

I am not personally acquainted, so far as I know, with the members of that committee in the senate of my State, but it appears to me, by reason of their action, that there is certainly a reactionary group in the majority on that committee, who seek to repeal the 20th century.

Most of the major newspapers of Ohio, many of them with widely divergent views on the problems of the day, have spoken out strongly against passage of this proposal and the other two by the Ohio Legislature. If these amendments fail to be approved by the Ohio General Assembly—and it appears at this time that they will be defeated—it will be in great part, if not entirely, due to the fact that the newspapers of Ohio have taken the lead in opposing them and in informing Ohioans of the dangers these proposed amendments represent. I am really proud of the part that the press of Ohio has played in this matter in my State.

In this regard, I commend to my colleagues several examples of courageous editorial reporting, and ask unanimous consent that editorials which appeared in the following Ohio newspapers be printed in the RECORD at this point as part of my remarks: The Plain Dealer of May 18, 1963; the Cleveland Press of June 1, 1963; the Cincinnati Post and Times-Star of May 31, 1963; the Dayton Daily News of May 19, 1963; and the Akron Beacon Journal of May 20 and 24, 1963.

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

[From the Plain Dealer, May 18, 1963]

AVOID A COURT MUZZLE

A proposal to muzzle the Federal courts on State reapportionment matters, now revived in an Ohio senate committee after seeming death last week, should be halted again, permanently. State senators from urban areas, from both political parties, should see to it that this is done.

Some senators like the powerful C. Stanley Mechem, Republican majority leader who used his influence to get reconsideration of the issue, want to keep the status quo forever on the present apportionment system. But such a freeze is not in the interest of the areas in this State where the bulk of the people live and where ever-larger percentages of the population will live.

If there is to be no ultimate standard-setter in the Nation on the question of whether a citizen's vote in one part of a State is to have something near equality with the vote of a citizen in another part of the same State, then the underrepresentation of urban areas, already serious, will become unbearable.

Any person or group may differ with individual decisions of the Federal Supreme Court on reapportionment within States, or on other issues. But it must be remembered that the Court represents a safety valve. If it should be prohibited from having anything to say on litigation about a single State matter or about the whole field of States rights, the basis of our governmental system would be changed drastically.

This reapportionment resolution, along with two other Federal-court-curbing movements, were acted upon at a Council of State Governments session in December. The Council's magazine records the Ohio delegation's vote as "No" on all three resolutions. The verdict in the Ohio Legislature on the one under discussion should be "No," too.

[From the Cleveland Press, June 1, 1963]

REACTIONARY AMENDMENTS

Sponsors of three constitutional amendments now circulating through the State legislatures would, in the words of the old song, "Turn back the universe and give me yesterday."

Theirs is the voice of inertia, the querulous protest of an eternal minority which holds the old days are best and even today is better than any dangerous tomorrow.

One proposed amendment would give the States power to amend the Constitution without participation by Congress. If the States do not like the attitude of their Congressmen, they already have a convenient remedy. They can elect new Congressmen.

A second would nullify last year's U.S. Supreme Court decision requiring reapportionment of State legislatures to end rural domination. This would maintain the status quo under which 1 vote in small rural counties can count as much as 10 or more in the cities.

The third would set up a "super supreme court" of 50 judges, 1 from each State supreme court, with power to overrule any

decision of the present U.S. Supreme Court. This is court packing with a vengeance. In effect, this amendment would create a third national legislative body and seriously deepen present confusion as to what is the law.

It is inconceivable that majority public opinion, or anything like a majority, favors these reactionary projects. But 12 States—not including Ohio—have acted favorably on at least 1 of these proposed amendments. In Ohio the first two bills are pending, but the third was never introduced.

The public should take heed lest they slip through more legislatures by default.

[From the Cincinnati Post and Times-Star, May 31, 1963]

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[From the Dayton Daily News, May 19, 1963]

REVIVED ZOMBIE AMENDMENT STICKS PINS IN CITY VOTERS

A strange reversal in the State Government Committee of the Ohio Senate has given new life to a constitutional amendment that should have been left on the scrap heap.

Senate Joint Resolution 13 proposes that the Federal Constitution be changed to fence the Supreme Court out of questions of legislative reapportionment within the States. It is an effort, sponsored by southern Democrats and northern extreme conservatives, to reverse the Supreme Court's historic decision in *Baker* v. *Carr*, the Tennessee reapportionment case.

If the amendment were proposed and ratified, it would remove the last practical chance of breaking the rural stranglehold on State legislatures. In the South of course, it would dam up the tide that is running toward effective civil rights for Negroes.

Not long ago the State government committee declined to report out the amendment. But this week the proposition was brought up again and passed by virtue of a switch of two Republican votes.

A companion amendment, equally dangerous, has not yet been considered by the committee. It is a proposal to change the method of amending the Federal Constitution. After the fast shuffle on senate Joint Resolution 13, it is hard to assume that senate Joint Resolution 12 is dead.

The fight on the reapportionment amendment now goes to the house floor. Citizens need to mobilize the arguments against it. An amendment that would preserve the strongly unrepresentative pattern of State government, in Ohio and everywhere else, would sap the Nation's strength and undercut prospects for the State's progress. Certainly it would be bad news for the cities.

[From the Akron Beacon Journal, May 20, 1963]

RIP UP THE CONSTITUTION?

Unless the people of Ohio speak quickly and plainly, there is a very real danger that our general assembly will take a dangerous step toward weakening the American constitutional system.

That's a strong statement. We will back it up.

Coming up in the Ohio Senate, perhaps this week, is a resolution which would give Ohio's endorsement to a proposed amendment to the U.S. Constitution. This amendment is designed to eliminate Federal judicial authority over apportionment of State legislatures.

Prof. Charles L. Black, of Yale Law School, says that "this proposal if passed, would constitute the first dimunition, since our history began, of any Federal constitutional guarantee of liberty, justice, or equality."

"To begin cutting down our constitutional guarantees, to begin introducing exceptions here and there into the concept of equality under law, are solemn steps indeed," Professor Black adds.

The guarantee which is immediately under attack is that which assures citizens of some reasonably equal system of representation in their legislative bodies. The controversy was precipitated in March 1962 when the Supreme Court ruled, in a Tennessee case, that it is a concern of the Federal judiciary if a State legislature's makeup is grossly malapportioned.

While representation in Ohio has not been nearly as far out of balance as in Tennessee, it is a fact that the more sparsely populated counties have proportionately more voting strength in our house of representatives than the heavily populated counties do. Now pending in the Federal courts are two cases which might change this imbalance.

It seems perfectly clear that the purpose of certain legislators in Ohio and in other States is to preserve the unbalanced status quo by pushing through this amendment which would take the matter of legislative apportionment completely out of the jurisdiction of the Supreme Court.

If this disruption of our carefully conceived constitutional system is accomplished, the way will have been opened for other changes which may completely undo the masterful work of our Founding Fathers.

It was shocking to learn that pressures from unnamed "Republican officials in Washington" influenced at least one of the two members of the Senate's State Government Committee who switched their votes and thus brought the resolution to the floor.

Bar associations in many cities have been going on record against this and two other "State's rights" amendments which are making the rounds of the legislatures. Chief Justice Earl Warren, who was a Republican Governor when named by a Republican President to the Court, has expressed his dismay at the proposals. Congressman at Large ROBERT A. TAFT, Jr., when asked his opinion of the proposals in Akron 2 weeks ago, said: "They're nuts. They're way out."

This ought not be a partisan matter. Republicans as well as Democrats surely are interested in protecting the Constitution.

[From the Akron Beacon Journal, May 24, 1963]

DEBATE ENLIGHTENS

Chief Justice Earl Warren urged this week that there be "a great national debate" on the three "States' Rights" amendments now making the rounds of the State legislatures.

He seemed to imply that if the public becomes fully aware of what these proposals mean, they will be rejected.

A striking demonstration of what the Chief Justice was talking about has occurred here in Ohio within the last fortnight.

Lt. Gov. John Brown and Senate Majority Leader C. Stanley Mechem were confidently predicting early in May that Ohio would soon join 12 other States which have approved a call for an amendment which would take from the Supreme Court all authority to rule on the apportionment of membership in State legislatures.

Then, to their surprise, the senate committee on State government turned down the proposal by a vote of 5 to 3, with three of their fellow Republicans voting "No." Mechem was absent or the vote would have been 5 to 4.

Brown and Mechem then applied intense political heat, so that two Republicans switched and the scheme emerged from committee by a 6 to 4 vote.

But meanwhile, the debate which Mr. Warren is calling for had come into being on a statewide basis. Newspapers, including some of the more conservative ones, printed editorials opposing the plan, which could forever freeze malapportionment in legislatures. The League of Women Voters took up the cudgels. Lawyers of both parties expressed interest. Citizens wrote to the editors.

This week it became apparent that leader Mechem had not a single vote to spare. Three Republicans of his 20 to 13 majority in the senate announced themselves as opposed. (The Democrats have been solidly against the resolution.)

Senator Kline L. Roberts of Columbus was the one Republican on the committee who had held fast in opposition. Alined with him as prospective "No" voters on the senate floor were Senators Charles W. Whalen of Dayton and James H. Grose of Hubbard.

Finally outweighing the pressure of Mr. Mechem, the issues raised in public debate impressed Senator Robert Stockdale of Kent, who had voted first "No" and then "Yes" in committee. He said on Wednesday that he is now convinced that the scheme to curb the Court is a bad one and that he will oppose it if it comes to a vote on the floor.

Unless Mr. Mechem can dredge up another vote somewhere, he will not risk the ignominy of outright defeat and the measure will die a quiet death in one of his pigeonholes.

Still in a House committee and heading for an uncertain future is a companion measure which would completely eliminate Congress from the established procedure for amending the U.S. Constitution. It also should be defeated and will be if public debate brings sufficient awareness of the issues to Ohio citizens.

The third amendment in the package has not been introduced in the Ohio Legislature. It calls for a "Court of the Union," consisting of the chief justices of the 50 States with powers to overrule the Supreme Court.

The other day we expressed surprise that some Republicans seemed to be making a party issue of these amendments. We said that we thought that both parties ought to be interested in protecting the Constitution.

We are happy to note today that another well-known Republican officeholder is unequivocally against the proposals. He is Michigan Gov. George Romney, now being prominently mentioned as his party's standard-bearer in the 1964 presidential race.

In an address before the National Press Club Wednesday, Governor Romney said: "I want to go on record as being firmly opposed to these proposals."

If they were adopted, he said, it would "almost turn the country back to the days of the Confederacy."

Debate and discussion are certainly building a roadblock for these reactionary schemes.

Mr. YOUNG of Ohio. Mr. President, these great newspapers, other newspapers in Ohio which have taken a similar stand, and their publishers are to be commended on the position they have taken. They have performed a great public service for the citizens of Ohio and for all Americans.

Should these destructive amendments become part of our Constitution, State governments would achieve a dominance unmatched since the days of the articles of Confederation. The Union of 50 States would be fragmented and the Federal Government rendered impotent in significant areas of our national life. We might well be crippled as a major power and a force for freedom in the world.

In 1789, a far less complicated era than today, our Founding Fathers realized the need for a strong Federal union. To weaken that Union might make it impossible for us to survive against the totalitarian forces in the 20th century or to meet the domestic needs of our country.

It is imperative for good citizens in every State where the proposed amendments are pending before their legislatures to arm themselves with the facts and to fight back. I hope that the newspapers of those States will follow the fine example set by the press in my State of Ohio.

The members of the legal profession should also speak out strongly against these proposals.

I yield the floor.

SELF-GOVERNMENT OF AFRICAN NATIONS

Mr. JAVITS. Mr. President, I wish to make some observations upon two matters which appear to be occupying public attention this morning. One is a meeting of the 20 African nations protesting a statement made by the Senator from Louisiana [Mr. ELLENDER] on a television show called Issues and Answers, in which he and I were both participants.

I heard the statement, to the effect that Liberia, Ethiopia, and Haiti were examples of nations which had heavy Negro populations and that they were incapable of governing themselves. Now, Mr. President, I take the floor only to state that this assertion came at the very end of the television show, and that it was impossible for me to deal with it adequately at that time. I would like to address myself to it very briefly. I should not have done it otherwise, had there been nothing further said or done about it.

I do feel, in view of the protest which has been made by the representatives of these 20 nations in the United States, which is not only a great and friendly country so far as the countries of Africa are concerned, and which is the home of the United Nations, and in view of the fact that I was there and heard it, that I should respond.

I will say that the context of our discussion on television had nothing to do with the capability or incapability of the African nations to govern themselves, but related, rather, to the domestic civil rights crisis. Hence, it was not relevant to that particular issue.

Mr. President, I believe the people of the United States—and I cannot, obviously, speak for them, but I express my own belief—have the greatest good will and the greatest feeling of brotherly affection for and confidence in the capability of Liberia, Ethiopia, and Haiti—those being the three nations concerned—to resolve the problems which they have in varying degrees and to make a great success of self-government.

I think that statement goes also for the new African nations. Indeed, we are spending billions of our treasure and jeopardizing the lives of many Americans to back up that conviction in our aid programs and in our operations, in terms of our foreign policy all over the world, and directly in respect of Haiti, and of Liberia, and Ethiopia. Insofar as economic aid is concerned, in Liberia and Ethiopia it is of a commercial character and it is of an aid character. In Haiti it is being done so far as we are able to, considering the present governmental situation.

It is very important to be understood that when a Senator speaks—and that includes me—he speaks his own views. He speaks for himself. When I speak today, I speak for myself. It is perfectly right for me to give my judgment as to what I think the American people believe—and I am deeply convinced of that in this case—but I hope all the envoys will understand clearly that, while we are important people—I say that with pride—the policy of the United States, in terms of its foreign policy, is made by the President and the Secretary of State, and the attitude of the people of the United States must be determined by the tremendous currents of opinion and the great actions which our Nation takes.

I pointed out that, in terms of the actions of our Nation, I am sure there is the deepest feeling of friendship and desire to help, and confidence in the ultimate capability for self-government, of the three countries named—Liberia, Ethiopia, and Haiti—as well as other nations of Africa. Nobody is more cognizant than I of the fact that these countries have varying degrees of problems.

There is a great deal of stability in the Government of both Liberia and Ethiopia. In Ethiopia there is a different governmental system. Yet there has been a great deal of stability in the Governments of both of these countries.

Haiti has had very grave problems—problems of dictatorship, problems of public order, problems of internal justice. Nonetheless, I deeply feel that our country has confidence that these problems will be resolved and that they are subject to resolution very much more as the result of democratic action and the self-government of its people. Indeed, we want the people of Haiti to have full self-government, because that gives us the best assurance that if they do they will be able to work out their difficulties.

Without in anyway making a defense, but only stating what in all fairness to these countries should be stated, had there been time on the television program, I would like to state that these nations draw on an enormous reservoir of good will on the part of the people of the United States and confidence in the resolution of their difficulties, whatever those difficulties are, and great confidence that the way in which to resolve their difficulties is through the process of self-government.

We also know that self-government needs to be learned, just as economic development needs to be learned. It takes not only resources, but also background and certain internal forms of organization to bring about public education and public technical skills.

We know that in all of these respects, we in this country have shown time and time again that we have no feeling, in connection with their fears, that merely because the color of a person's skin is black, that that automatically inhibits the capacity of that person. On the contrary, the whole history of mankind is replete with extraordinary manifestations of intellect and leadership in every field by those whose skin may be black or yellow.

I would be less than fair to myself if I did not rise to present to our friends in Africa the other point of view, which I have given today. I hope very much that they will at least pay as much attention to the point of view that I am espousing as they apparently paid to the point of view of my colleague, the Senator from Louisiana, which was set forth on the same program.

I deeply feel—and I say this with the greatest of conviction—that what I am saying, rather than what they took offense at, reflects the overwhelming sentiment of our people. The Senator from Louisiana [Mr. ELLENDER] has the fullest right to state his view, as I have. However, I hope very much that our friends, who seem to have been so troubled by what was said by him, will give equal understanding to what is being said now; and, more than that, that they

will cast their eyes around our country and see the thousands of manifestations of friendship and confidence, not only in the governmental, but also in the private policy which is represented in the United States.

LEGISLATIVE PROGRAM

During Mr. JAVITS' speech on capability of African nations for self-government:

Mr. MANSFIELD. Mr. President, will the Senator from New York yield, without losing his right to the floor?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The unfinished business is H.R. 220.

Mr. MANSFIELD. H.R. 220. What is the status of S. 684?

The PRESIDING OFFICER. By unanimous consent, it has been laid over until Monday.

Mr. MANSFIELD. Mr. President, for the information of the Senate, and after consultation with the distinguished minority leader [Mr. DIRKSEN], and the chairman of the Committee on Commerce [Mr. MAGNUSON], I wish to state it is the intention of the Senate not to consider this bill until some time after Monday—when, I do not know. It make that statement because of the fact that prior commitments had been made relative to taking up legislation having to do with the extension of the excise tax, the Export-Import Bank, the ARA, and other proposals which we feel honor-bound to keep. So, for the information of the Senate, S. 684 will be postponed, let us say for an indefinite period, but it will very likely be brought up some time in the future.

Therefore, I ask unanimous consent that its consideration be postponed for an indefinite period.

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

NATIONAL SERVICE LIFE INSURANCE

The Senate resumed the consideration of H.R. 220, to amend section 704 of title 38 United States Code to permit the conversion or exchange of policies of national service life insurance to a new modified life plan.

Mr. LONG of Louisiana. Mr. President, picking up the pieces at the end of World War II was not an easy job, but the American people set about it with a seldom seen relish and talent.

We literally repaired a broken world in peace just as we had saved a threatened world in war. We rebuilt Europe, through the Marshall plan, beyond all expectations. We made reparations to countries where fighting had occurred, even though we had not caused the fighting to break out.

We compensated our own civilians for injuries to them or to their property overseas, although, as usual, we were slower doing this than helping others; it was just last year that we completed this program by passing another War Claims Act.

For those to whom we owed the most—the U.S. fightingmen—we created certain GI benefits to help make the tremendous adjustment from military life back to civilian life. We provided educational assistance, housing assistance, and other rewards for the efforts of the men who had served the United States and the world so well. One of the benefits that we were willing to give our fightingmen was an insurance program, by which they could secure life insurance at prices unavailable on the commercial insurance market. We felt that this was only right to give to these men who had done so much in time of battle. We weren't setting a precedent, for, after World War I, a similar Government insurance program was made available to the veterans of that conflict.

However, unlike the insurance that was made available to the veterans of World War I, the World War II insurance program, national service life insurance, was terminated rather quickly and rather abruptly. Veterans of World War I were able for 33 years after the end of that war to subscribe to the inexpensive U.S. Government life insurance, but veterans of World War II were prevented from reinstating the equally inexpensive national service life insurance after 1951, only 6 years after the end of World War II; and the veterans of the Korean war were given even a shorter length of time in which to decide whether to continue their insurance program. There is some doubt as to whether sufficient, if any, notice was given to the veterans of the termination of these programs, but, even if they had been sufficiently notified, it would not have reduced the injustice of cutting off this program to these men at a time when they were unable to make a sound decision on the matter. These veterans were either financially unable to take out such insurance immediately upon being discharged from the military service or they did not realize what this insurance would mean to them in later years. However, with little regard for the veterans and their circumstances, no more veterans were allowed to take out national service life insurance.

Mr. President, as almost everyone in the Senate is aware, I have been trying for a number of years to reopen the national service life insurance program to give veterans at least another year in which they could take out this inexpensive insurance which is due them for the efforts they made in behalf of this country. Seven times the U.S. Senate has passed such a proposal to reopen national service life insurance and seven times the U.S. Senate has been frustrated by the efforts not of the House of Representatives as a whole, but generally of a few powerful Members of that body. Nevertheless, today I am asking that the Senate again pass such legislation, and I will again do all that I can to see that the House is able to freely and openly debate the merits of this legislation and to vote on it.

Last year, for the first time, the House did have the national service life insurance reopening bill come before it, but, through a last minute parliamentary maneuver, the House Veterans' Affairs Committee chairman was able to substitute a much weaker bill for the Senate measure, giving the low-cost term insurance to a relatively few disabled veterans, and it was passed under one of those rules peculiar to the House, which allows for no amendments. The House refused to go to conference with the Senate on last year's measure, and, thus, our veterans were again denied the opportunity to receive what rightfully belongs to them.

This year the Senate Finance Committee amended a House-passed measure pertaining to national service life insurance to include the reopening provision. The House-passed measure, H.R. 220, permits veterans, upon reaching the age of 50, to convert their present insurance plans to a new modified life plan. The veteran, by converting to this new plan, pays a level premium throughout his remaining years rather than a steadily increasing premium, and the value of his policy is cut in half at age 65. This is the answer to many of our veterans who are getting older and who find it necessary to keep their GI insurance as a protection for their survivors but who are having to pay premiums which amounts to even more than the value of their policies. This is a measure that the House and the Senate, as well as the administration, have agreed on before and there should be no controversy in agreeing to this much of the bill.

However, just as the Senate felt last year, the Senate Finance Committee feels that such a measure is closely tied in with the national service life insurance reopening proposal and that the two should be combined in what the Finance Committee now calls the "National Service Life Insurance Amendment Act of 1963." Both proposals have the support of the administration, speaking through the Veterans' Administration, as well as the support of every veterans' organization in the land, and, I am sure, the individual support of the millions of ex-GI's who will benefit under these proposals. It is estimated by the Veterans' Administration that 16 million veterans would be in a position to benefit from the reopening proposal.

To me, the reopening proposal is one that no one should find objectionable. In these times where economy in Government and reduction in Federal spending are continually emphasized, let it be clearly understood that the reopening proposal will be without cost to the taxpayers of this country. It will be funded by a revolving fund into which premiums of the veterans who take out this insurance will go. The premiums that these veterans pay will be based on up-to-date mortality tables and will be a little higher than they would ordinarily be in order to cover whatever costs arise in the administration of this program by the

Federal Government. There will be no expense on the part of the Federal Government and, therefore, no expense on the part of the taxpayers in carrying out this program. Where else can you do so much for so many at so little cost?

Therefore, I today ask the Senate to unanimously endorse the National Service Life Insurance Amendment Act of 1963 and to urge upon their colleagues in the House of Representatives to see that this bill is presented to them unfettered by parliamentary restraints, so they themselves can have the opportunity to make a free and effective decision on its merits.

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

Mr. LONG of Louisiana. I yield.

Mr. JAVITS. I know this has been a long-standing fight on the part of the Senator from Louisiana. I have joined with him on a number of occasions. There has been a widespread demand from veterans for this legislation. I suppose that has been true through the years. It is one of the things that veterans have most wanted. I hope very much, too, that at long last we have found a formula that can bring resolution to what has agitated so many people who have sacrificed so much to help our Nation.

Mr. LONG of Louisiana. I deeply appreciate the support of the Senator from New York.

I am very hopeful, as I said, that the House will be permitted to vote on this measure on its merits. There have been objections by insurance salesmen and insurance companies. However, as one who ran for office last year, I may say that I have received generous support from insurance companies for many years, although I have been fighting for a long time to obtain this privilege for the veterans. While it is true that some insurance salesmen and insurance companies have fought the bill, I am glad to say that the good will which insurance companies evidenced toward me last year, when I was running, was not affected by my interest in the veterans.

I hope my friends in the insurance industry will become aware of the need for the proposed legislation, as I have, and will give veterans an opportunity to take out the service life insurance which they would like to have, particularly the veterans who may have missed the opportunity, either through ignorance or a lack of responsibility and that they will now have the right to take out insurance, a right which had been foreclosed to them.

The PRESIDING OFFFICER. The committee amendment is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 220) was read the third time, and passed.

The title was amended, so as to read: "An Act to amend title 38, United States Code, to permit, for a period of one year, the granting of National Service Life Insurance to certain veterans heretofore eligible for such insurance, and to authorize the issue, conversion, or exchange of policies of National Service Life Insurance to a new modified life plan."

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. LONG of Louisiana. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VISIT TO EUROPE BY THE PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, in the near future, the President of the United States will leave on a brief visit to several European countries. I am delighted that he intends to go ahead with this journey which was planned some time ago and for which arrangements have long since been concluded.

It is true that there have been many changes in the European political scene since his visit was first announced and this may not be the time for ceremonial journeys. But it seems to me to be precisely the time for a hard working, cards-on-the-table journey. It is obvious that the major transition which is taking place in Europe involves not only politics but also defense policies, economic policies, and just about every aspect of European public life. Reports which the President receives from the oversea representatives are of great value. But they are not a substitute for firsthand exposures to situations of change abroad, as Members of this body who have traveled overseas are well aware.

It is most desirable that the President undertake to meet the established leaders and the new figures who are emerging into positions of political leadership in various European nations, to speak to them of our policies and our interests, and to seek in a frank exchange to obtain from their own lips some clear sense of the direction of contemporary European trends. It is desirable for him, too, to see with his own eyes something of what is transpiring in Europe. Exposures of this kind can help him immeasurably in handling the reins of U.S. foreign policy which have been entrusted to him by the Nation. He has the primary responsibility of safeguarding the interests of the people of the United States in the world, and anything which facilitates his discharge of that responsibility is to be welcomed.

So far as our own difficulties at home are concerned, I do not see that they compel the President to remain entombed in the White House. He will be, wherever he goes, within the reach of communication facilities which can put him into instant contact with Washington. If the rest of us get down to business in connection with these problems—his Cabinet officers, the bureaucracy, and Members of the Senate and the House—the President will be in a position to carry out the manifold obligations of his office instead of having to give all his time to one of them. I think it is high time that we recognize that we all have responsibilities under the Constitution, not just the President and the courts, in maintaining the domestic tranquillity and in insuring the equal rights of all the citizens of the United States and that we do not discharge those responsibilities by seeking to load them on the shoulders of the already overburdened President.

In this connection, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Why of the President's Trip," written by Max Freedman, and published in the Washington Evening Star of Wednesday, June 19, 1963.

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

[From the Washington Evening Star, June 19, 1963]

THE WHY OF THE PRESIDENT'S TRIP—URGENT ALLIANCE MATTERS AND A CHANCE FOR A VITAL MESSAGE IN BERLIN CITED

(By Max Freedman)

In a few days President Kennedy expects to be in Europe. A cloud rests on the trip. Some people are saying he should stay at home because of the racial trouble. Others are saying he should postpone the trip because the European countries are without effective governments or now is an awkward time to visit them.

Both criticisms, despite the splendid names which can be cited in their support, lack real merit. Look first at the racial argument.

Every American, regardless of his region and regardless of his color, has a direct personal interest in maintaining the vigor and reliability of American policy in Europe. He can have no possible interest in saying to the world that the racial crisis has reached a perilous extreme that makes it unwise for the President to leave the country for even a brief period.

Such a message, when the European governments still want the President to come, would mean that the racial agitation had reached a point where reason and justice no longer counted. That message would give a false picture of America. It would export a caricature of the racial problem to Europe. And it would present a totally misleading account of President Kennedy's role in this emergency.

For the President is not running out on the crisis by going to Europe. It is much closer to the truth to say that he has earned

the right to tell Europe what is happening here because he himself has grappled with the crisis in a way unknown during the presidencies of Dwight Eisenhower and Harry Truman.

He would be open to censure if he had run away from the challenge and had treated the European trip as a refuge from responsibility for the most extensive civil rights legislation ever submitted to Congress. He prepared the way for those proposals in meetings with leaders of both parties and with groups of representative citizens. The crisis, unfortunately, will be with us long after the President has returned from his brief journey.

What the critics are really saying, without putting it in frank words, is that the racial crisis has become so urgent and overmastering that it imposes a veto on a Presidential initiative in foreign affairs which he has long considered to be essential to the national interest. They are reluctant to state their criticism this bluntly because they know their argument really means that the President has become the hostage of the racial problem. Under this argument it always would be possible for any group of extremists, white or colored, to force a change in the President's plans by stirring up violent demonstrations in three or four communities. This prospect is repugnant to reason. The racial crisis certainly is immensely important and very urgent, but the President has to deal with other important matters too.

That is why he is making this trip. There are urgent matters affecting the alliance which require his personal diplomacy at this particular time, and he has agreed with the governments that have invited him that delay or postponement would be unwise and unfortunate.

The President's most important statement in Europe will be his speech on the sinister tragedy of the Berlin wall. He could not make that speech, and no one would believe him if he did, if he did nothing to remove walls of hatred and injustice and inferiority in America.

This is no cheap experiment in trying to make the American image more alluring to strangers. Rather it is a recognition of the deep truth that America can only validate its world leadership by policies of justice and equality at home.

Standing within the shadow of the Berlin wall, President Kennedy can honestly say that the Communists have built a wall as a symbol of oppressive tyranny, but free men in America are making many evil walls come tumbling down in tribute to the unconquerable strength of democracy. Perhaps Americans as well as Europeans will heed his message, and will learn at last that racial unrest is the price of progress no less than it is the epitaph of legalized inferiority.

President Kennedy never at first intended to make a visit to the Pope an essential part of his journey. That was a memorable afterthought. He shares the judgment of his European friends that the present confusion and bitterness of European politics makes his personal diplomacy all the more important and unavoidable. If he cannot spare a few urgent days to mend the patches in the alliance, then we really are in a bad way.

MODIFICATION OF ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. HUMPHREY. Mr. President, I wish to modify the order previously entered for the adjournment of the Senate until Monday.

I ask unanimous consent that when the business for today has been completed, the Senate adjourn until 11 o'clock a.m., on Monday next.

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

LAKE FRANCIS CASE, S. DAK.

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 247, S. 130.

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

The LEGISLATIVE CLERK. A bill (S. 130) to change the name of Fort Randall Reservoir in the State of South Dakota to Lake Francis Case.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 130) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Randall Reservoir in the State of South Dakota shall be known as Lake Francis Case in honor of the late Senator of South Dakota, who was so very instrumental in the development of the Missouri River Basin program. Any law, regulation, document, or record of the United States in which such reservoir is referred to by any other name shall be held and considered to refer to such reservoir by the name of Lake Francis Case.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 266), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of S. 130 is to designate the reservoir formed by the Fort Randall Dam on the Missouri River, S. Dak., as Lake Francis Case, in honor of the late Senator from South Dakota, and any law, regulation, document, or record of the United States in which such reservoir is referred to by any other name shall be held and considered to refer to such reservoir by the name of Lake Francis Case.

GENERAL STATEMENT

The Fort Randall Dam and Reservoir was authorized by the Flood Control Act of 1944 (Public Law 534, 78th Cong.) as a unit of the comprehensive plan for the development of the water resources of the Missouri River Basin.

The Fort Randall Dam is located on the Missouri River in Charles Mix and Gregory Counties, S. Dak., 82 miles above Yankton, S. Dak., 162 miles above Sioux City, Iowa, and 922 miles above the mouth of the stream. The dam is a rolled-earthfill structure, about 2 miles long, with a maximum height of 165 feet. The reservoir will have a storage capacity of 6,100,000 acre-feet, of which 2,300,000 acre-feet is reserved for flood control and the remainder for multiple uses. The power installation consists of eight units of 40,000 kilowatts capacity each, a total of 320,000 kilowatts.

The reservoir has a maximum surface area of 118,000 acres, and an area of about 100,000 acres at normal operating pool level. It extends up the Missouri River 111 miles, with a shoreline of 575 miles. Construction of the project was initiated in May 1946 and is essentially complete, at an estimated cost of $194,900,000.

The Honorable Francis Case was a Member of the House of Representatives from January 3, 1937, until January 2, 1951, and a Member of the U.S. Senate from January 3, 1951, until his death on June 22, 1962, at the age of 65.

While a Member of the House of Representatives, Senator Case served on the Appropriations Committee from 1939 to 1951. In the Senate he served on the Committees on Public Works and Armed Services, and ex officio member of the Committee on Appropriations. He was one of the authors of the Case-Wheeler Water Conservation Act 1937 and 1940; "Renegotiations of Excess War Profits, 1942"; joint sponsor, Government Corporations Control Act, 1945; legislation for weather research, cloud modification, desalination of water; various amendments to the highway legislation; and many measures relating to the development of the water resources of our Nation.

Francis Case was a studious, and dedicated public servant. He was a valuable and hard-working member of the Committee on Public Works. He was a leader in the development of the Missouri River Basin program, and in the development and conservation of the natural resources of our Nation. He was a pioneer in the programs for weather modification research, and his visions of the growing water needs and the possible water shortage brought the Federal Government into research in conversion of salt and brackish water for human consumption.

CHANGE OF NAME OF MEMPHIS LOCK AND DAM ON TOMBIGBEE RIVER, ALA.

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 248, Senate bill 453.

The motion was agreed to; and the bill (S. 453) to change the name of the Memphis lock and dam on the Tombigbee River near Aliceville, Ala., was considered, order to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Memphis lock and dam near Aliceville, Alabama, on the Tombigbee River shall hereafter be known and designated as the Aliceville lock and dam. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the Aliceville lock and dam.

Mr. GOLDWATER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. GOLDWATER. Can the Senator from Minnesota state what the new name will be?

Mr. HUMPHREY. I do not have that information before me; at the moment,

I do not have available a copy of the report. Perhaps we should pass over this bill.

Mr. GOLDWATER. No; I do not wish to object. I inquire merely as a matter of interest.

Mr. HUMPHREY subsequently said: Mr. President, in response to the question asked by the Senator from Arizona, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the committee report, which now has been provided to me. This furnishes the requested information.

There being no objection, the excerpt from the report (No. 267) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 453 is to change the name of the Memphis lock and dam on the Tombigbee River, Ala., authorized by the River and Harbor Act of July 24, 1946 (60 Stat. 635), as a unit in the Tennessee Tombigbee Waterway, Ala. and Miss., to the Aliceville lock and dam, and any law, regulation, map, document, record, or other paper of the United States in which such lock and dam is referred to by any other name, shall be held to refer to such lock and dam as the Aliceville lock and dam.

GENERAL STATEMENT

The River and Harbor Act of 1946 authorized a waterway to connect the Tombigbee and Tennessee Rivers from the Demopolis Pool on the Tombigbee and Black Warrior Rivers, by way of the East Fork of the Tombigbee River, Mackeys, and Yellow Creeks, for 253 miles to the Pickwick Pool on the Tennessee. The waterway would have a depth of not less than 9 feet, with a minimum bottom width of 170 feet in the river and canal sections and 150 feet in the divide cut, with 10 locks, each with inside dimensions of 110 by 600 feet. The latest cost estimate is $281 million. No construction funds have been appropriated for the project. About 107 miles of the authorized channel in the Tombigbee River, including the Gainesville and Memphis locks and dams, is located in Alabama.

The Memphis lock and dam will be located on the Tombigbee River about 95 miles above Demopolis and 310 miles above Mobile, Ala. The pool from this dam will extend upstream about 30 miles to the Columbus lock and dam, near Columbus, Miss. The dam would be a concrete-gravity structure with crest gates, and a lock 110 feet wide by 600 feet long, having a lift of about 45 feet.

The authorized Tennessee-Tombigbee Waterway is described in House Document 486, 79th Congress. The Memphis lock and dam is a substitute for the Cochrane lock and dam described in the project document, which would have been located about 5 miles below the Memphis Dam site, and named for a small village on the river several miles downstream from the Cochrane Dam site.

The city of Aliceville, Pickens County, Ala., is located about 10 miles southeast of the proposed Memphis Dam site. It has a population of about 3,200, is the largest town in the area, and will be the center of construction activities during work on the Memphis lock and dam.

Many years ago, when the Tombigbee River was navigable, there was a steamboat landing at the site of Memphis, a small community on the river. With the abandonment of navigation on the river, and because of periodic floods, the community of Memphis has since been abandoned except for normal rural residences and a very small country store. The once prominent community is now enclosed by cattle fences and is known by its name only to the older residents in the locality. The name of Memphis is confusing to the younger generation who frequently ask whether there is any connection between the former community and the great city of Memphis, Tenn.

The residents of Aliceville and Pickens County request that the name of Memphis lock and dam be changed to Aliceville lock and dam, since Aliceville is prominently established as a west Alabama city, and is near the proposed lock and dam.

COMMITTEE VIEWS

The committee believes it desirable to change the name of the Memphis lock and dam to Aliceville lock and dam, to more accurately describe its location, to carry the name of the largest nearby town, and to remove the existing confusion relative to a former local community. Enactment of S. 453 is recommended.

DWORSHAK DAM AND RESERVOIR, IDAHO

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 249, Senate bill 850.

The motion was agreed to; and the bill (S. 850) to change the name of the Bruces Eddy Dam and Reservoir in the State of Idaho to the Dworshak Dam and Reservoir was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted, etc., That the Bruces Eddy Dam and Reservoir, Idaho, a unit in the comprehensive plan of development of the Columbia River Basin, authorized by the Flood Control Acts of 1958 and 1962, shall hereafter be known and designated as the Dworshak Dam and Reservoir, in honor of the late Senator from Idaho, who was a champion of full development of our Nation's water resources and a patient and persevering promoter of this project. Any law, regulation, document, or record of the United States in which such dam and reservoir are designated or referred to under the name of Bruces Eddy Dam and Reservoir shal be held and considered to refer to such dam and reservoir by the name of Dworshak Dam and Reservoir.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 268), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of S. 850 is to change the name of the Bruces Eddy Dam and Reservoir, Idaho, a unit in the comprehensive plan of development of the Columbia River Basin, authorized by the Flood Control Acts of 1958 and 1962, to the Dworshak Dam and Reservoir, in honor of the late Senator Henry C. Dworshak, of Idaho, and any law, regulation, document, or record of the United States in which such dam and reservoir are referred to under the name of Bruces Eddy Dam and Reservoir, shall be held and considered to refer to such dam and reservoir by the name of Dworshak Dam and Reservoir.

GENERAL STATEMENT

The Bruces Eddy Dam site is located on the North Fork of the Clearwater River 1.9 miles above its junction with the Clearwater River near Orofino, Idaho, and about 35 miles east of Lewiston, Idaho. The dam will be a concrete gravity structure 630 feet high and 3,200 feet long. The reservoir will have a gross storage capacity of 3,453,000 acre-feet, of which 2 million acre-feet would be available for flood control, and for at-site and downstream power generation. The reservoir would extend about 53 miles into a rugged and relatively inaccessible timberland, and would permit opportunities for rafting logs and recreational development. Initial power installation would consist of three 100,000-kilowatt units, with an ultimate installation of 600,000 kilowatts.

Preparation of detailed plans for the Bruces Eddy Dam and Reservoir was authorized by the Flood Control Act of 1959 (72 Stat. 315), and construction of the project was authorized by the Flood Control Act of 1962 (76 Stat. 1193).

Henry C. Dworshak was born in Duluth, Minn., August 29, 1894. He served in the Army during World War I, and in the House of Representatives from January 3, 1939, to November 5, 1946, and in the Senate from November 6, 1946, to January 3, 1949, and from October 14, 1949, until his death on July 23, 1962. He was a member of the Committee on Public Works during the 82d Congress.

As a member of the Committees on Public Works, Interior and Insular Affairs, and Appropriations, Senator Dworshak maintained a constant interest in the full development of the water resources of Idaho and our Nation, and was an early advocate and worked tirelessly in securing authorization and appropriations for the Bruces Eddy Dam and Reservoir.

COMMITTEE VIEWS

The committee recognizes the many valuable contributions made by the late Senator Henry C. Dworshak toward the development and utilization of the natural resources of the Nation. It believes that naming the Bruces Eddy Dam and Reservoir for Senator Dworshak, who so ably served Idaho and the Nation in the Congress of the United States, would be a fitting memorial to his great service and his efforts toward the project, and in the total development of the water resources of the Columbia River Basin.

LAKE SHARPE, S. DAK.

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 250, Senate bill 131.

The motion was agreed to; and the bill (S. 131) to change the name of the Big Bend Reservoir in the State of South Dakota to Lake Sharpe was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Big Bend Reservoir in the State of South Dakota shall be known and designated hereafter as Lake Sharpe in honor of M. Q. Sharpe, the late Governor of South Dakota, who was so very instrumental in the development of the Missouri River Basin program. Any law, regulation, document, or record of the United States in which such reservoir is referred to by any other name shall be held and considered to refer to such reservoir by the name of Lake Sharpe.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 269), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of S. 131 is to change the name of Big Bend Reservoir on the Missouri River, S. Dak., to Lake Sharpe, in honor of M. Q. Sharpe, a late Governor of South Dakota, and any law, regulation, document, or record of the United States in which such reservoir is referred to by any other name or designation shall be held to refer to the reservoir by the name of Lake Sharpe.

GENERAL STATEMENT

Big Bend Dam is under construction by the Corps of Engineers on the Missouri River near Fort Thompson, S. Dak., 1,033 miles above its mouth, 21 miles upstream from Chamberlain, S. Dak., and in the upstream reaches of Fort Randall Reservoir. The dam will be a rolled earthfill structure about 100 feet high and 9,000 feet long. The reservoir will extend about 85 miles upstream, have a surface area of approximately 60,000 acres, and a capacity of 1,900,000 acre-feet, of which 180,000 acre-feet would be reserved for flood control, and the remainder for navigation, conservation, and development of hydroelectric power. The power installation will consist of eight 58,000-kilowatt units.

The project was authorized by the Flood Control Act approved December 22, 1944 (58 Stat. 887), as a part of the general comprehensive plan for flood control and other purposes in the Missouri River Basin. The estimated cost is $127,500,000. Construction was initiated on the project in September 1960.

Hon. Merrell Q. Sharpe served several terms as attorney general of South Dakota, and served as Governor during the years 1943 through 1946. He was one of the State's most ardent boosters of the Missouri River Basin program. During his years of advocating development of the Missouri River, he appeared before congressional committees numerous times, served as chairman of the Missouri River States Committee, and as a member of various river development organizations. During the period he was Governor, work was started on Fort Randall Dam, the first major river construction project in the State. He died January 22, 1962.

COMMITTEE VIEWS

The committee believes it desirable to change the name of the Big Bend Reservoir to Lake Sharpe, in honor of a former Governor of South Dakota, an ardent advocate of conservation and reclamation, who worked so hard for development of the Missouri River Basin. It is understood by the committee that this change of name meets the desires of interested State and local agencies, and local citizens and organizations, and enactment of S. 131 is recommended.

FRANCIS E. WALTER DAM, PA.

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 253, House bill 5367.

The motion was agreed to; and the bill (H.R. 5367) to designate the Bear Creek Dam on the Lehigh River, Pa., as the Francis E. Walter Dam was considered, ordered to a third reading, was read the third time, and passed.

ROBERT S. KERR LOCK AND DAM AND RESERVOIR, OKLAHOMA

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 254, House Joint Resolution 82.

The motion was agreed to; and the joint resolution (H.J. Res. 82) to change the name of Short Mountain lock and dam and reservoir in the State of Oklahoma to Robert S. Kerr lock and dam and reservoir was considered, ordered to a third reading, was read the third time, and passed.

HAP HAWKINS LAKE, MONT.

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 255, Senate bill 142.

The motion was agreed to; and the bill (S. 142) to designate the lake to be formed by the water impounded by the Clark Canyon Dam in the State of Montana as Hap Hawkins Lake was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake to be formed by the waters impounded by the Clark Canyon Dam, constructed in the State of Montana on the Beaverhead River (East Bench unit, Missouri River basin project), shall hereafter be known as Hap Hawkins Lake, and any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of Hap Hawkins Lake.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 274), explaining the purposes of the bill.

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

PURPOSE

The purpose of S. 142 is to designate the lake to be formed by the waters impounded by the Clark Canyon Dam, constructed on the Beaverhead River (East Bench unit, Missouri River Basin project), Montana, as Hap Hawkins Lake, and any law, regulation, document, or record of the United States in which such lake is designated or referred to by any other name shall be held to refer to such lake under and by the name of Hap Hawkins Lake.

GENERAL STATEMENT

The Clark Canyon Dam and Reservoir is under construction on the Beaverhead River in the Missouri River Basin in southwestern Montana. The Clark Canyon Dam will be an earthfill structure 135 feet high, and will create a reservoir with a storage capacity of 261,000 acre-feet. It is the principal feature of the East Bench unit of the Missouri River Basin project. The reservoir will furnish irrigation water to about 50,000 acres of land. Almost half of this land is now semiarid, and the remainder is in need of a supplemental supply of water. The development will also provide important flood control, recreation, and fish and wildlife benefits.

The late Hap Hawkins was among the first to recognize the importance of the East Bench unit to the economic future of the Beaverhead Valley region, and was instrumental in securing local support and construction funds for initiating construction of the unit. From the time of his return from active duty in World War I until his recent death, Hap Hawkins had been a prominent Beaverhead County banker as well as an ardent promoter of natural resource conservation. In spite of failing health, he devoted the final years of his life in working for reclamation development. On October 1, 1961, only 3 months before his death, he served as master of ceremonies at the ground-breaking exercises for the Clark Canyon Dam. On that occasion he was presented with the Conservation Award of the Department of the Interior.

COMMITTEE VIEWS

The committee was advised that this legislation has the approval of local and State officials, local citizens, and civic organizations. It believes it fitting that this reservoir be named for an outstanding pioneer citizen of the area who was so active and interested in the development of our natural resources, and in supporting the Clark Canyon project. Enactment of S. 142 is recommended.

O'MAHONEY LAKE AND RECREATION AREA, WYOMING AND UTAH

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 260, Senate Joint Resolution 17.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (S.J. Res. 17) to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, and the recreation area contiguous to such lake in the States of Wyoming and Utah as O'Mahoney Lake and Recreation Area, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 4, after the word "Utah", to strike out "and the recreation area contiguous to such lake"; on page 2, line 2, after the word "as", to strike out "the 'O'Mahoney Lake and Recreation Area'" and insert "'Lake O'Mahoney'"; and at the beginning of line 8, to strike out "Any law, regulation, document, or record of the United States in which such lake and recreation area are designated or referred to shall be held to refer to such lake and recreation area under and by the name of the 'O'Mahoney Lake and Recreation Area'." and insert "Any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of 'Lake O'Mahoney'."; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, in the States of Wyoming and Utah, shall hereafter be known as "Lake O'Mahoney" in honor of the late Joseph C. O'Mahoney, a United States Senator from the State of Wyoming, whose

foresight and tireless efforts in the development of the great natural resources of the West so greatly benefited the entire western area of the United States. Any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of "Lake O'Mahoney".

The amendments were agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "Joint resolution to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, in the States of Wyoming and Utah, as 'Lake O'Mahoney'."

ADJOURNMENT TO MONDAY, AT 11 A.M.

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move that in accordance with the order previously entered, the Senate now stand in adjournment until 11 a.m., on Monday next.

The motion was agreed to; and (at 3 o'clock and 4 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, June 24, 1963, at 11 o'clock a.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate June 20, 1963:

U.S. COAST GUARD

The following-named persons to the rank indicated in the U.S. Coast Guard:

To be lieutenants (junior grade)

Donald C. Greenman
Lloyd R. Lomer
Joseph K. Shartiag, Jr.
Robert A. Ingalls
Paul D. Russell
Leroy G. Krumm
Jack W. Lewis
Robert J. Finan
Terry L. Lucas
Robert A. Burt
Ian S. Cruickshank
Michael R. Johnson
Roderick Y. Edwards, Jr.
Allen J. Taylor
Charles W. Craycroft
Harry E. Obedin
Neal F. Herbert
Kenneth M. Rappolt
Frederick P. Karres
Robert J. Cheney, Jr.
Gerald F. Corcoran
Robert A. Creighton
Leonard F. Alcantara
Robert A. Schwartz
James T. Leigh
William T. Troutman
Richard E. Haas
John R. Hay
John T. McKean
Robert M. Wood
Thomas N. Sullivan
David H. Freese, Jr.
William R. Allen
Frederick M. Casciano
Robert A. Ginn
Robert E. Isherwood
David S. Smith
Richard R. Kuhn
William J. Walsh
Ralph E. Giffin
Joseph S. Blackett, Jr.
John R. Sproat
James G. Williams
Ronald P. Hunter
Alfred D. Utara
Eugene J. Hickey, Jr.
Carl E. Kunkel, Jr.
Edwin J. Roland, Jr.
John A. Schmidt
Richard W. Zins
John E. McCarthy
Jefferson J. Walsh IV
Martin J. Moynihan
Charles L. Keller
Joseph B. Goodwin III
Merlin G. Nygren
Wesley G. Davis, Jr.
James D. Partin
Jerome M. Myers
Michael P. Maurice
Hugh D. Williams
James W. Haugen
Manuel Josephs, Jr.
Michael B. Dunn
William H. Hall, Jr.
Donald F. Jenkins
Robert G. Williams
Paul K. Hinkley
Paul R. Lewis
James F. Butler
Merrill C. Louks
Paul A. J. Martino
Donald A. Naples
Michael P. Munkasey
David F. Cunningham
William H. Hayes, Jr.
Michael A. Duke
Leon E. Beaudin
Lawrence A. Kidd
Lloyd C. Burger
Daniel F. Bobeck
James H. Parent
Jerome P. Foley
William E. Ecker, Jr.
Eugene M. Kelly
Theodore H. Purcell
Carl M. Brothers
Alan F. Miller
Kenneth C. Cutler
Robert S. Bates
Gerald F. Hotchkiss
Bailey M. Geeslin
William E. Neal
Charles H. King, Jr.
John N. Faigle
John H. Hill
William H. Low, Jr.
Richard W. Long
Jan D. Long
Douglas A. Hlousek
Richard O. Buttrick
James E. Margeson, Jr.
Donald R. Casey
John F. Otranto, Jr.
George F. Ireland
Gary F. Crosby
Walter T. Leland
George H. Moritz III
William C. Park III
Ronald C. Pickup
Randolph DeKroney
David L. Parr
Thomas B. Irish, Jr.
Kyle A. Shaw
James V. Sayers
David E. Ciancaglini
Thomas Y. Lawrence, Jr.
William J. Campbell
John K. Witherspoon, Jr.
William J. Ecker
Wayne E. Rentfro
Frederick A. Hill
Angus McKinnon
Clifford G. Spelman, Jr.
Gregory A. Penington
Gary J. Boyle
Keith P. Pensom
George H. Peck III
Leo N. Schowengerdt, Jr.

EXTENSIONS OF REMARKS

For Civil Rights but Against Bigger Government in Washington

EXTENSION OF REMARKS
OF
HON. EUGENE SILER
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 20, 1963

Mr. SILER. Mr. Speaker, I am for civil rights. Civil means citizenship and I am for citizenship rights for all Americans. We must not and would not turn back the clock. The colored people are now attending all public schools down in my part of the country. And so far as I am concerned, they may come to my church and I have seen some of them do so or they may join my church with my vote supporting them. On several occasions I have spoken in their churches when they have invited me to come. They fought for our country. They pay taxes to support our Government. They are entitled to go to tax-supported schools, tax-supported libraries, tax-supported parks and golf courses. And certainly Christianity requires courtesy, civility, compassion, decency, and kindness for all members of the human family one toward another, regardless of race or color.

But, Mr. Speaker, we are now being told by the Kennedy administration that we should enact a law under the guise of civil rights to declare practically all business enterprises, big and little, as component parts of interstate commerce so that the Attorney General, Robert Kennedy, will have authority to compel any privately owned business to surrender its freedom and do exactly what big government thinks should be done under a given set of circumstances. Now I am against that proposal "with all four feet off the ground."

If a privately owned business wants to refuse my own self any service of any kind, whether a haircut or a hamburger or a bed for the night, that business enterprise ought to have that right. If the business does not like my appearance or my manner of speech or my personality, then under "freedom's holy light" it should have a perfect right to decline me and to refuse my money.

Like Thomas Jefferson, I am against the exercise of tyranny over mankind. And I am against destroying the freedom of privately owned business in order to meet all the whims of every organized group that says we need an absolute government up in Washington so as to tell us how and why and where to run our privately owned business that we have bought with our blood and sweat and toil and tears.

The courts have already, in my way of thinking, reached the point of complete absurdity in construing nearly all vocations and commercial activities on earth as a part of interstate commerce. This has been done by proponents of big government who wish to make it even bigger. Autocracy does not always take the form of a crowned head upon a tyrant. Sometimes you may even find it in a plutocracy here on the Potomac. Or you may bet your best Barlow knife that it could bounce up in some big bureaucracy or even in a Federal court calling itself an arm of Government.

I stand with Abraham Lincoln who once said:

> Those who deny freedom to others deserve it not for themselves and, under a just God, cannot long retain it.

And I feel, Mr. Speaker, that we should not deny this same desired freedom to any privately owned business, whether big, or little, to operate within the scope of its own discretion and according to prevailing law rather than according to the dictatorship of big government up in Washington a thousand miles away from Joe Doakes' front door or the cash register of some private business enterprise back in the hinterlands of America.

When the Lord was here on earth He interfered with private business operations only one time and that was when these operations were being conducted in the sacred precincts of the temple itself rather than in privately owned stalls out in the market place. On that particular occasion, He made a whip and drove all of them out of the temple. But on other occasions, it seems that people were permitted to exercise their free choices within the discretion of their consciences even though this policy did produce a

cross. I believe we should always have reasonable freedom in the legal conduct of a privately owned business. This seems to be good Americanism and I am willing to stand on this and abide by it.

If we run every peanut stand in America from Washington, then we are no better off than all those unfortunate people whose lives and liberties are completely dominated and governed from the Kremlin. "Government of the people, by the people, and for the people" does not refer to the people on Pennsylvania Avenue in Washington but rather to the people on Main Street out in some Podunk, Mo. Let us hope and trust that the wellsprings of our Government will always be right out among the people rather than among the big cats and bureaucrats up here in Washington.

Civil Rights

EXTENSION OF REMARKS
OF

HON. CHARLES L. WELTNER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 1963

Mr. WELTNER. Mr. Speaker, the President has delivered his message on civil rights, and the Congress will now consider it.

Demonstrations and violence hardly make a proper background for the calm deliberation that sound legislation demands. It seems, therefore, that we should review some basic principles, hoping to remove this issue from the clamor of the streets.

First, we must once again acknowledge that the Supreme Court decision of 1954 is still the law of the land. It is the law, and it will remain the law. Accordingly, we must recognize that all governmental, or publicly supported or controlled facilities must be made available to all citizens.

Second, the 14th and 15th amendments, forged in the bloodshed of a century ago, are the law of the land. Their guarantees must extend to every citizen. Nor can there be any justification for withholding or denying any of the rights there secured on grounds of race or color. Particularly, the right to vote must be extended to all persons, without regard to color, who can qualify under fairly administered standards. Those who seek, by harassment, subterfuge, or intimidation, to deny the ballot to others do nothing but invite federally supervised voting procedures. Unless justice be done at the courthouse, it will be done at the Capitol.

Third, there remains the question of fairplay on the part of privately owned facilities serving the public. Is it fair that some Americans are admitted, and others turned away? Is it fair that some Americans are welcomed on one side of a store, and rejected on the other? If we seek fairplay, then we must acknowledge that it is lacking here.

Is the remedy found in a public accommodations law of nationwide application? Such a law would say to proprietors throughout the Nation: "You may no longer select your own customers, but must serve all who come." Is it right to so restrict every American businessman in the operation of his own business? Is it right that every American's investment be so regulated? Is it right that every American proprietor no longer may serve whom he chooses—whether that choice be wise or foolish, worthy or spiteful? I think not. I do not think that prudence dictates such a mandatory rule as the national public accommodations proposal, and I cannot support it.

Those communities which have enacted similar laws have done so on the basis of local sentiment and desire. Any such decision should be made locally, not nationally.

The problem of fairplay must be solved, but a national law is no solution. Atlanta is trying to find its own answers. Answers will be found elsewhere when community leaders speak out—and when all citizens exercise a full measure of patience, compassion, and respect for order.

Our Nation can overcome its problems—but we must solve them, not ignore them. Long term solutions are still to be found, not in hastily passed statutes, but in a full and fair opportunity for every American to attend a good school, to earn a good income, and to achieve full development of his own talents and abilities.

Be assured that after the last demonstrator has gone home; after the last denunciation has been made; after the last bill has been signed into law—the problems of providing opportunities for jobs, housing, education, and a full life will yet remain.

If the only legacy of this trying hour is bitterness and frustration, all Americans, white and Negro, will be the losers.

Deportations in the Baltic States

EXTENSION OF REMARKS
OF

HON. STEVEN B. DEROUNIAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 1963

Mr. DEROUNIAN. Mr. Speaker, June 14 marks the 22d anniversary of the deportation of thousands of Lithuanians, Latvians, and Estonians to the interior of Russia. This outrage against humanity occurred exactly 1 year after the incorporation of the Baltic States into the Soviet Union. It is fitting that the Members of this House take note of this solemn occasion.

After the Baltic States were forced to join the Soviet Union in 1940 under pressure of Russian troops, a reign of terror was unleashed on the peaceful citizens of Lithuania, Latvia, and Estonia. The Soviet Union tried to impose its own way of life upon the Baltic peoples, and when these efforts met with resistance, thousands who were opposed to the Soviet experiment were subjected to exile, deportation, execution, and imprisonment. What started as a program of bringing schools, government, transportation, and banks under Soviet control ended with plans to transplant wholesale all the Baltic peoples into Russia.

The deportations reached their peaks during a 5-day period starting June 14, 1941. During these few days, thousands of Lithuanians, Latvians, and Estonians were arrested and deported to the interior of Russia. This crime against humanity was not accepted without resistance. Revolts fomented by underground groups occurred in several cities, a radio station was seized in Lithuania, and, as the rebellion spread, a Lithuanian insurgent government was set up. But the small Baltic States could not withstand the brute force exerted by their mammouth neighbors to the east and west, who were determined to suppress the Baltic States and exploit them in every manner.

Mr. Speaker, the Baltic States, like all countries under Communist rule, belong properly to the community of free nations. The ideals of freedom and independence remain alive in the men, women, and children of Lithuania, Latvia, and Estonia. As we recall the horrors of the mass deportations which occurred 22 years ago today, we firmly vow to leave the lamp of liberty lighted for all people behind the Iron Curtain.

Foreign Aid Program Biggest Flop in History, Says Passman

EXTENSION OF REMARKS
OF

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 1963

Mr. GROSS. Mr. Speaker, I am pleased to insert in the CONGRESSIONAL RECORD an article written by the gentleman from Louisiana, OTTO E. PASSMAN, which was published recently, together with an editor's note, in the Times-Picayune of New Orleans, La., as well as other newspapers.

As the editor's note indicates, the gentleman from Louisiana [Mr. PASSMAN] is the best qualified Member of the Congress to write and speak on this subject for he is the veteran chairman of the House Appropriations Subcommittee which deals directly with the annual multi-billion-dollar appropriations for the foreign handout program.

It is safe to say, Mr. Speaker, that because of Mr. PASSMAN's knowledge of this subject and his tenacity, together with the support that has been given him by

some members of his subcommittee as well as the full Appropriations Committee, the taxpayers of the Nation have been saved hundreds of millions of dollars that would otherwise have been washed down the drain by the free-wheeling spenders.

The article follows:

FOREIGN AID PROGRAM BIGGEST FLOP IN HISTORY, SAYS PASSMAN

(EDITOR'S NOTE.—Representative OTTO PASSMAN, Democrat, of Louisiana, is the foremost congressional critic of U.S. foreign assistance expenditures. As the 9-year chairman of the House Appropriations Subcommittee on Foreign Operations and a 15-year member of the full committee, Representative PASSMAN has assembled a huge fund of facts on foreign aid. In this article especially written for Advance News Service, Mr. PASSMAN gives his views on the effectiveness of the program.)

(By Hon. OTTO E. PASSMAN, of Louisiana)

WASHINGTON.—After all these years of pouring out America's wealth and resources to countries all over the world through foreign aid, the vast scope of this immensely complex program—much, if not most, of which, indisputably, has been, and is, ill conceived, badly executed, unrealistic, and enormously wasteful—still is not generally understood by the public. So it is urgently important that every citizen should take a closer and more careful look at it.

Foreign aid since the end of World War II has cost the United States more than $120 billion (including assistance through international organizations, oversea military construction, and interest on the money we have borrowed to give away). And basically failing to accomplish its intended objectives, it has been the greatest foreign-policy flop in history. The evidence in support of this assertion is available in abundance, and needs only to be examined and analyzed.

Of the aggregate amount of our aid, $100 billion, in round figures, has been given out on a unilateral basis, going into 111 foreign nations and entities, including Communist, Communist-leaning, and so-called neutralist countries alike. In addition to this, indirect aid has been extended by the United States through capital investments, exceeding $5.1 billion in five different international financial institutions, which have, in turn, disbursed assistance totaling more than $7.5 billion.

OUTLAY LISTED

Since July 1, 1945, our country has put $44.7 billion of direct aid into Europe, $21.8 billion into the Far East, $17.8 billion into the Near East and South Asia, $6.8 billion into Latin America, $1.8 billion into Africa, and has distributed another $4 billion on a non-regional basis.

Twenty-two countries have each received more than $1 billion of this aid, ranging from $9.4 billion for France down to $1.1 billion for Norway—with, in descending order as to amounts, other recipients in this category being the United Kingdom, Italy, Korea, West Germany, China (Taiwan), India, Turkey, Japan, Greece, The Netherlands, Vietnam Yugoslovia, Belgium-Luxembourg, Brazil, Pakistan, the Philippines, Spain, Indochina, Iran, and Austria.

Thirty-one other nations have each received amounts ranging downward from $1 billion to $100 million, from $908 million to Denmark to more than $100 million to Panama, with the other recipients in between these two being Israel, Mexico, Thailand, Chile, Indonesia, Argentina, UAR (Egypt), Poland, Portugal, Peru, Laos, Colombia, Morocco, Jordan, Cambodia, Tunisia, Venezuela, Bolivia, Afghanistan, Libya, Ethiopia, Guatemala, the Congo (Léopoldville), Ghana, Ireland, Ecuador, West Berlin, Liberia, and Sweden.

Thirty-three more countries (and entities) have received total sums ranging from $100 million down to $10 million each, and 25 others have each received up to as much as $10 million.

TREND UPWARD

But, even so, after all this money and all these years—and despite the seriously damaging drain the program is making on our economy—the trend for expanding foreign aid continues upward, rather than heading downward.

This year, for example, the United States is giving economic aid to at least 73 countries and seven entities and, fantastic though it is, military assistance to 70 countries. This program not only is uncontrolled, but it is uncontrollable; and it is imperative, in our own national interest, that it be drastically curtailed and tightly administered.

Substantially as a result of our aid, over the past 10 years U.S. gold reserves have been reduced from more than $23 billion to less than $16 billion and, while this has been going on, foreign "free-world" countries also have increased their short-term dollar credits from less than $11 billion to $25 billion.

In contrast, the United States is strugging under the burden of a borrowed-money public debt of $305 billion—which is some $25 billion more than the combined public debts of all the other 112 countries of the world—and, on top of that, has statutory obligations calling for the payout of money for services previously rendered amounting to approximately $746 billion. The two, together, make a real obligation for our Government already in existence amounting to the incomprehensible sum of $1 trillion, 51 billion.

DOLLARS GO OUT

During the past 13 years we have had a balance of payments deficit in every year but one, with the total of dollars going out of our country over the dollars coming in exceeding $24.3 billion. And, in addition to that alarming fact, which is attributable in large measure to foreign aid, our favorable balance of trade is steadily dwindling, as the United States becomes increasingly less competitive in world markets.

Many of the proponents of our foreign-aid program point to the fact that it amounts to but a relatively small percentage of our gross national product. While I do not regard this as a valid argument for this type of indiscriminate spending, it is well for us to note that of our $554 billion GNP last year, $137 billion of it was represented by taxes at the various levels of government.

Furthermore, if, for example, the 1940 price tags were placed on our 1962 output of goods and services, our GNP last year would have been only about $263 billion, and not $554 billion. Today's dollar is worth only about 44 cents as compared to the dollar in 1940, when our foreign aid was started prior to World War II, and the program since then has been a significant factor in this slashing, through inflation, of 56 cents from the dollar's purchasing power.

No other nation in the world, except the United States, is actually giving away its wealth, through foreign aid.

England and France have extended assistance of $1.4 and $3.1 billion, respectively, chiefly to their former colonies and dependencies. West Germany, Japan, Israel, and a few others are providing some foreign assistance in small amounts. But these five countries named have been direct postwar beneficiaries of our unilateral aid amounting to a total of more than $27.6 billion. Nevertheless, their aid to others has not been of the giveaway type.

REDS GIVE CREDITS

The Sino-Soviet bloc has also extended some credits for goods and services to other countries, on a relatively limited scale. The total for these authorizations for the 9 years through 1962 is reported at $5.1 billion, but of this sum only $1.3 billion has actually been provided. And none of it was put out as a gift.

All of these Soviet dealings have, in fact, involved either banker-type loans or profitable barter deals. The Soviets invariably expect repayment in needed usable goods and hard cash and, consequently, assess the capabilities of the various areas to which they extend credits according to their ability to pay.

On the other hand, we give our aid away outright or cloak the gifts in the guise of loans, most of which are completely phony.

They have a 40-year period for repayment, a 10-year period of grace before the recipient is supposed to start repaying anything at all, and then at the rate of 1 percent a year on the principal, with no interest charge (although a token service fee of three-fourths of 1 percent a year is imposed).

But that is only a part of the story of our so-called loans, another revealing part being that whatever repayments might possibly be received are not returned to the U.S. Treasury, but are put right back into the foreign-aid program for further "loans."

When, I wonder, will the American taxpayers more fully awaken to the amazing facts of our foreign-aid follies—and demand meaningful corrective action? The hour is already late.

New Sources of Nutritious Foodstuffs

EXTENSION OF REMARKS

OF

HON. LEVERETT SALTONSTALL

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Thursday, June 20, 1963

Mr. SALTONSTALL. Mr. President, one of the greatest problems which the world faces today is that of hunger. Although this has long been a grave challenge to mankind, with the great increase in population the world will have to produce more than eight times the present world food supply in 80 years.

However, science is making great strides toward locating and producing new sources of nutritious foodstuffs. We in Massachusetts are particularly interested in the progress being made in the development of a protein-rich powder produced from whole fish—popularly known as fish flour. These relatively untouched fishery resources, if wisely managed, could go a long way toward alleviating the age-old problem of hunger.

I think my colleagues will be most interested in the developments in this field, and therefore ask unanimous consent that Secretary Udall's remarks before the World Food Congress on this subject be printed in the RECORD.

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

REMARKS OF SECRETARY OF THE INTERIOR STEWART L. UDALL BEFORE THE WORLD FOOD CONGRESS, WASHINGTON, D.C., JUNE 6, 1963

It is a particular pleasure to meet such a broad spectrum of natural resource interest as is represented in this Congress. As Secretary of what in effect is America's department of natural resources, I have had the opportunity for 2 years of meeting with various groups; organizations that reflect the diversity of Interior's activities.

In many of these cross-country meetings, I note a subtle, if occasionally minute, change. For on the leadership level of such industries as oil, coal, timber, and fisheries I find more and more men whose conversations denote a movement away from parochial self-interest into the more urgent question of how, today, can this Nation, this world, manage, utilize, and at the same time enhance and protect our natural resources. For everywhere today men are slowly realizing that science and economic drives are a team that improperly guided can run roughshod over the very elements that make the world livable.

For this reason, fishermen become treaty-makers; an oil company adjusts its operations to save a herd of Alaska moose or a flock of birds; more and more timbermen curry, rather than denude the mountainside.

It is the growing numbers of the conservation-minded men of industry that are helping to turn the spotlight of approbation on those who flout nature's laws and pollute the streams, peel off the mountainside for minerals, misuse pesticides, overgraze the rangelands, or otherwise provide another wrenching alteration of our environment.

When Gifford Pinchot, at the turn of the century coined the word "conservation" he was relating it primarily to preservation of the forests. A few voices had cried out in the past against the destruction of this bounty, but they were dismissed as the keening of poets.

Even the voice of the scientist went unheeded. You will find among the files of the Smithsonian Institution today a quiet letter from a botanist and member of the National Academy of Sciences, written in 1876. The letter, accompanied by a series of photos depicting an Illinois forest, reads in part: "They were made with the object of preserving some record, sufficiently reliable, of the grandeur of the primitive forest of the Mississippi Valley."

The letter concluded sadly: "They have been taken none too soon, for few of the magnificent trees represented in these views will be standing a few years hence."

Today almost a century later, the greatest conservation challenge of our generation is not mere preservation. It is the creation of new techniques to meet the population explosion and provide livable cities; adequate open spaces and unspoiled streams, clean air and productive soil, ample power and ample supplies of food.

Recently the National Academy of Sciences in its report on Natural Resources observed: "Science and technology enter into a new role. Rather than merely being an aid to resource conservation, they are now seen as charting the route to a principal avenue of solution."

To meet one of the world's grave resource challenges, the feeding of a growing army of the hungry, we are charting a new route. Aided by men of science, we have set forth to plumb that 70 percent of the earth that remains unexplored—the ocean depths. Thus, we may better discover and utilize the sea's bounties for the world's hungry.

As President Kennedy observed recently: "To meet the vast needs of an expanded population, the bounty of the sea must be made more available. Within 2 decades, our own Nation will require over a million more tons of seafood than we now harvest."

The world picture is increasingly grim and Lord Boyd Orr, former director of the U.N. Food and Agricultural Organization, and Nobel Peace Prize winner, states that within 80 years the world must produce more than 8 times the present world food supply.

Today, we in the Department of the Interior are meeting this challenge in a multi-front drive to raise this Nation's harvest from the sea, and at the same time, pass along to the free world, our scientific findings in this field.

The fisheries research programs now underway number into the hundreds. However, one above all others shines as a beacon of hope for the 80 percent of the world's population today receiving insufficient daily protein diet, which is a rather dainty way of describing spirit-sapping hunger that for millions annually is an epitaph.

This project, in which our scientists in the Bureau of Commercial Fisheries have with limited resources, virtually led the world in research, envisions the creation and distribution of a fish protein concentrate.

This product is made from a whole fish reduced to a protein-rich powder easily added to cereals or other basic foodstuffs. By utilizing the unharvested fish of U.S. waters alone, it can provide supplemental animal protein for 1 billion people for 300 days at the cost of less than one-half cent per person per day.

The value of fish as a protein supplement has been recognized since the beginning of time. The problem has been one of distribution.

Harvesting fish is of only limited value if weight, susceptibility to spoilage, or transportation costs preclude shipping from coastal areas into the interior, where there often is a dense concentration of population. This is a baffling problem. It must be solved before fishery products make their full contribution toward solution of the overall world food problem.

Fish protein concentrate, however, would overcome the disadvantages of weight, spoilage, and high costs of distribution that are common to many other products. FPC is nutritious, adaptable to many diets, and easily packaged in various sizes. It is an outstanding example of wise resource use.

We believe that this food supplement, the intrinsic nutritional value of which is already well established, can eventually be obtained by any one of a number of different processing methods and in a variety of forms ranging from a white, bland-tasting powder to a dark, flavorful paste. Further, it can be manufactured from fish species not now used as food. We are convinced that we are at the threshold of a new and important marine food industry which, if it can be helped safely over the first difficult stages of development, will assume a position of major importance both here in the United States and abroad.

Today, in many parts of the world, and even off our own coasts, vast and sometimes unassessed fishery resources, capable of being converted into fish protein concentrate, are still available. If we are to alleviate the world's hunger and malnutrition these resources must be used to supplement the crops from the land. It seems obvious that these relatively untouched resources of the sea constitute the last unexploited, readily available source of animal protein. Wisely managed, this large renewable resource will contribute importantly toward solution of the very problems under consideration at this Congress.

It is especially significant that fish and shellfish provide the high quality protein so essential as a supplement in the food of millions throughout the world who now depend, of necessity, largely on diets of land crops such as cereals and vegetables.

Much of the world's hunger, ranging from acute, extreme starvation to chronic, marginal dietary deficiencies, is a problem not only of how much food but of what kind. The most serious among the causes of hunger is protein malnutrition, frequently induced by a deficiency of the right kind of proteins, those, in fact, that cannot be synthesized by the human organism, and hence should be eaten every day. These essential proteins can be most readily found, in the correct proportions, only in the tissues of animals.

We in the Department of the Interior are not alone in our research and development work on fish protein concentrate. Other nations, also with both economic and humanitarian motivations, are similarly active. But the Department's program, recently initiated by the Bureau of Commercial Fisheries and now moving into high gear, is accorded a high priority. President Kennedy, in a recent public statement, described the program as vital to this Nation's efforts toward the betterment of mankind. A recent National Academy of Sciences report agrees.

We are confident that it will be possible to produce a fish protein concentrate containing 90 percent of high quality proteins at a cost of 10 to 15 cents per pound to the consumer. It has been estimated that the minimum daily requirement of protein, 70 grams, could be supplied through fish protein concentrate at a cost per person of about 2 cents a day.

Because a project of this potential and universal significance must be a cooperative effort we have resolved to work in the closest cooperation with the United Nations, and especially the specialized agencies to whom much credit must go for initiating and stimulating new efforts in fish protein concentrate.

While the idea of manufacturing fish protein concentrate is not new the time has now come to translate that idea into large-scale production of a product that holds such great promise for the benefit of mankind. This much we owe to ourselves and to our friends throughout the world who look to us for help in solving their hunger problems. The day may never come when hunger will no longer stalk the earth. Nevertheless we must not cease to dedicate our collective minds and energies toward the attainment of that goal.

A Tribute to Eleanor Roosevelt

EXTENSION OF REMARKS

OF

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 1963

Mr. FARBSTEIN. Mr. Speaker, I would like at this time to pay my respects to the late Eleanor Roosevelt, whose loss the world shall have reason to mourn for many a day to come.

A woman of intelligence, of vitality, conscience, and good humor, she brought perceptivity, excitement, charity, and

pleasure to all with whom she came in contact.

Never choosing to run for political office herself, she nonetheless was all her life associated with political matters and deeply concerned in the worldwide struggle for human dignity, a struggle hinging on political as well as economic and social considerations.

As the niece of President Theodore Roosevelt and the wife of Franklin D. Roosevelt, she lived in an atmosphere of political fireworks during every phase of her existence.

While still a young woman, she joined the board of the League of Women Voters, took part in the work of the Women's Trade Union League, and, in 1924, assumed an active role in the State and national committees of the Democratic Party.

She continued to increase her activity with lectures, parties, and speeches in the interest of popular political enlightenment, education, and welfare. In 1926 she was associated with the foundation of the Valkill Shop, a nonprofit furniture factory in Hyde Park, inaugurated with the object of employing disabled workingmen. She also served for a time as director and teacher at a private school for girls, before the election of her husband, Franklin D. Roosevelt, to the office of Governor of New York State, established her in the role she was to play for many years, that of close collaborator and unofficial adviser to the most dynamic political leader in the land.

As the wife of a Governor, Mrs. Roosevelt was busier than ever, acquiring and disseminating ideas. She became a director of the Foreign Policy Association and of the City Housing Corp. In addition, she became a syndicated newspaper columnist, edited a magazine, and judged contests.

In 1933 she entered the White House, in company with her husband, and promptly set about establishing a hundred delightful traditions of her own. One of these was a weekly press conference with the ladies of the press; another was a carefree, informal atmosphere, involving many grandchildren and a large number of galloping puppy dogs. The White House had never experienced such a commotion. "We call it a hotel," Mrs. Roosevelt used to say.

When the war came she saw her four sons enter the service, supported the war effort through her newspaper column, assisted in many wartime fund-raising operations, and flew to England, to visit American servicemen overseas.

Her worldwide reputation grew apace, exceeding that of any American woman in history, and her followers, numbering in the millions, came to regard her as they well might regard a close cousin.

Following the death of her husband, Eleanor Roosevelt entered a new phase of her career, as a member of the American delegation to the United Nations. Here again, as in all other areas, she excelled while at the same time making friends.

At the close of her career, Eleanor Roosevelt was just as vibrant, just as delightful, just as wonderful as ever. Her departure from this life has made the rainbow a shade less brilliant, perhaps—but her memory, on the other hand, shall serve to lighten the path for any who care to follow in her footsteps—and these, we can rest assured, will number in the millions.

SENATE

MONDAY, JUNE 24, 1963

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

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

O God of all life and light, whose constant care brings the gift of sweet refreshment in sleep, restoring the frayed edges of fevered concern, we are grateful for today's fresh beginning and for this reverential pause before the pressures of demanding hours lay their stern hands upon us.

In our hearts as we come is the earnest prayer for ourselves that we may be emptied of all ugly prejudices and unworthy motives that hinder us from being the healing channels for the good Thou dost desire and will for our common humanity.

Deliver us, we beseech Thee, from an easy belief in legislative substitutes for personal character. Grant us this day light to guide us, courage to support us, and the boundless compassion of love to unite us.

We lift our prayer in the name of Jesus, Saviour of men. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 20, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 19, 1963, the President had approved and signed the act (S. 74) for the relief of certain aliens.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2651. An act to extend for 1 year the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan;

H.R. 2827. An act to extend until June 30, 1966, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory;

H.R. 4174. An act to continue until the close of June 30, 1964, the suspension of duties for metal scrap, and for other purposes; and

H.R. 6791. An act to continue for 2 years the existing reduction of the exemption from duty enjoyed by returning residents, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H.R. 2651. An act to extend for 1 year the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan;

H.R. 2827. An act to extend until June 30, 1966, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory;

H.R. 4174. An act to continue until the close of June 30, 1964, the suspension of duties for metal scrap, and for other purposes; and

H.R. 6791. An act to continue for 2 years the existing reduction of the exemption from duty enjoyed by returning residents, and for other purposes.

ORDER DISPENSING WITH CALL OF LEGISLATIVE CALENDAR

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

LIMITATION OF STATEMENTS DURING MORNING HOUR

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

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. DIRKSEN, and by unanimous consent, the Securities Subcommittee of the Committee on Banking and Currency was authorized to meet during the session of the Senate today.

On request of Mr. DIRKSEN, and by unanimous consent, the Subcommittee on Health Benefits and Life Insurance of the Committee on Post Office and Civil Service was authorized to meet during the session of the Senate today.