Mr. Janeway is an accomplished economist and an able man.

This testimony to the soundness of our economic policy is most pertinent and appropriate.

I ask unanimous consent to have the article printed in the RECORD.

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

JANEWAY'S VIEW: FLOW OF U.S. DOLLARS TO EUROPE IS NEEDED

(By Eliot Janeway)

NEW YORK, August 30.—The political lull between the excitement of the party conventions and the start of the Presidential campaigns is a good time to survey the economy overseas for possible storm warnings. One that has cropped up again is the rise, in the second quarter, of our balance-of-payments deficit. According to the book, a rising international payments deficit almost always spells trouble. It's usually a sign that a country is falling behind in world competition or is living beyond its means. If the warning isnt heeded, foreigners soon begin to distrust the currency of the country running a deficit.

But today's situation looks like an exception to the rule. At least that's what the evidence of the marketplace is suggesting. It's always the better part of prudence to check the experiences and theories codified in the book by a reading of the stresses felt in the marketplace.

This summer they show that, despite the apparent deterioration in last spring's payments deficit, the dollar nonetheless remains strong in the money market. The proof of the pudding is in the bidding. Europe is continuing to bid for more dollars than are offered. In fact, the universal complaint on the other side is that there aren't enough dollars to go around.

How does the apparent contradiction between a strong dollar and rising payments deficit come about? Because the dollar is one of the world's two international clearing currencies, and the British pound, which is the other, is weaker still.

LONDON LOOKS FOR HELP

In fact, sterling is so sick that London has had to look to us for help. And this is one contributing reason for the rise in our payments deficit. We've had to advance dollars, first, to head off a financial collapse in Italy (where an interim government is drifting while inflation rages); and, more recently, to backstop the pound.

Hindsight leaves little doubt that, if we hadn't taken energetic measures to anticipate an August sterling crisis, the pound would have broken its moorings under the severe buffeting it's just had to take with severe repercussions for us.

The one sure way to expose the dollar to a repeat performance of the money troubles of the late 1920's and the early 1930's would be to stand by and let the pound go under, taking with it a good deal of Europe's (and the free world's) structure of finance. It's worth remembering that the depression of the last generation blew in from a financially stricken Europe and knocked a booming United States galley west.

ONLY PRACTICAL ALTERNATIVE

The moral is that a moderate and manageable payments deficit is a burden we shall have to carry as the only practical alternative to running Europe into a money squeeze for lack of the dollars which are feeding Europe's boom. Certainly, the alarming $5 billion payments deficit rate of 1963, with its threat of a gold run on the dollar, is too much: it's not needed to help Europe and any return to it would hurt us.

But under the present conditions, so would any drastic and abrupt drying up of net dollar outflow. With Italy in chronic crisis, with Britain on the brink and with none of the richer European countries willing to lay hard cash on the line to help either neighbor, the only way we can protect the tremendous U.S. stake in European financial stability is by running a $1 to $2 billion payments deficit.

Every time our annual payments deficit rate goes down toward the billion dollar mark, storm warnings go up all over Europe. But as soon as we release enough dollars to ease the deficit back toward a $2 billion rate, the all-clear sounds again, that's this summer's story.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

CLOTURE MOTION

Mr. DIRKSEN. Mr. President, I have listened with distress of spirit to the wails and lamentations of my distinguished friend, the Senator from Wisconsin [Mr. PASTORE], over the limited time the Dirksen-Mansfield proposal has been before the Senate for discussion.

It was introduced in its present form on the 12th of August. A constitutional amendment was introduced before that time, and we added still to the version of the proposed legislation before the Senate, and had the discussion going.

So at least 3 weeks have gone by. There has been ample opportunity for my distinguished friend from the Badger State to make his point—and for any other Senator to make his point—should he wish to do so.

In that period of time, there were occasions when the Senate adjourned early because, somehow, there were no preemptors of the time which was available for the discussion.

Let me say to the Senator from Wisconsin that in May of 1962, by one of the quirks of history, another Dirksen-Mansfield proposal for cloture was before the Senate. Actually, that proposal on the literacy test was pending only 2 weeks, and then I joined the majority leader to file a cloture motion. Oddly enough, the distinguished Senator from Wisconsin voted for it. My distinguished friend, the Senator from Michigan [Mr. HART], who shares the acute feelings of the Senator from Wisconsin, voted for it. My esteemed colleague from Illinois, who is now in the Chamber, voted for it; yet, the proposal was here only 3 weeks and the cloture motion was then filed.

However, I heard no voices ascend in a crescendo of volume to the heavens lamenting the fact that there was not enough time to discuss the proposal.

Mr. President, I have been in Congress for 31 years; and I have watched the volumes of printed hearings ground out until the Government has become the purveyor of the greatest quantity of wastepaper of any merchandiser anywhere in the world. We come lugging these hearings into the Senate Chamber; and I begin to wonder who reads them. We go through all these exercises, sometimes with a sense of sheer futility, particularly when the issue is plain and does not require many volumes of discussion.

An old universalist minister friend of mine from Peoria used to say that no souls were saved after the first 20 minutes. Yet, the Senator knows that 26 hours at $100 a page have already been occupied in the CONGRESSIONAL RECORD in the discussion of this question.

Frankly, anyone who is interested needs only to read the majority opinion of the Court, and then to read that completely devastating opinion, that unanswerable dissenting opinion, of Justice John Marshall Harlan; and there is the whole story.

I suppose that we could make the welkin ring and fairly rock the plaster from the walls of the Senate Chamber, but we shall not throw more light on the subject than will be obtained from those two opinions.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that there have been no hearings whatsoever on this proposal?

Mr. DIRKSEN. The Senator is correct.

Mr. PROXMIRE. In either House or Senate. Is it not also true——

Mr. DIRKSEN. Is it not also true that there are other proposals on which many hearings have been held?

Mr. PROXMIRE. In which cloture was involved?

Mr. DIRKSEN. I do not know about that.

Mr. PROXMIRE. I cannot think of any. The communications satellite bill involved many hearings. On the civil rights bill there were extensive hearings, lasting many months. To date there have been no hearings on this proposal.

Mr. DIRKSEN. It does not make a particle of difference, because those who are opposed to it have freely stated over and over—and some of them have stated to me privately—that they are going to keep this show going, whether or no. They will not do this for the purpose of adding light, because when we orate to an empty Chamber, day after day, we must confess that perhaps a Senator or two is in the Chamber, but no more, to listen to those words of wisdom.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The time of the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. DIRKSEN. When one has been expounding all this wisdom, what happens to it? There is no one in the Chamber to listen. It is because they have come to a conclusion with respect to the basis of this issue. I believe that they are only dilly-dallying. It has been confessed that that is the whole purpose—what the distinguished majority leader has so aptly called the "cuddly baby" filibuster.

Mr. PROXMIRE. We have not had all the time that the Senator implies we have had. Since August 13, the Senate has passed 89 bills, passed 30 resolutions, and adopted 17 conference reports. It has sent 10 bills to the House. It has acted upon appropriation bills. The vastly complicated social security bill, took an entire week. Then there was the Democratic National Convention, the long Labor Day weekend. Clearly, we have not had time to go into the very complex and difficult proposal which affects every single one of the 50 States in varying ways.

I plead with my reasonable colleague the Senator from Illinois [Mr. DIRKSEN] to consider the fact that we have not had a real opportunity to discuss this complicated proposal in anything like the detail which has always been characteristic of the Senate in discussing measures of importance before cloture has been invoked, or even proposed.

Mr. DIRKSEN. There is no doubt about the volume of words which has been uttered during this period, whether it is measured by pages, bushels, gallons, or any other unit of measurement. I was in the Senate Chamber. The majority leader was also in the Senate Chamber all the time.

To revert to the calendar, we start by agreement with Calendar No. 1403, for example, and within 10 seconds from the time it is called up, it is passed. Then we go on to the next bill. If we talk about an intrusion upon our time, let the Senator go back and look at the number of bills, especially the claims bills from the Judiciary Committee, that we whack away at on an assembly line basis, at the rate of perhaps 10 to 15 an hour.

Do not let the impression get out to the country that 86 bills have been passed that were world shaking and have had an indelible effect upon the domestic and foreign policy of the country. Some have, to be sure.

Mr. PROXMIRE. Some have, indeed. The RECORD shows the great amount of time which has been taken upon other measure by the leadership—and I believe rightly so—to expedite this session and get important legislation out of the way. We have documented the case, and only 26 hours out of all that time has been consumed on this particular issue. We cooperated with the leadership. We could have insisted on a Friday session or a Saturday session, so we are told; but the Senator from Illinois knows that that would have been a terrible imposition on other Senators who were eager to get home. It would also have been difficult for us. It would have been unfair to the leadership if we had done that, and unfair to Senators. We did not do it. We had the right to do it, I am sure, and the leadership would have cooperated with us if we had asked for it.

We should have further opportunity to discuss the issue thoroughly, and to have the opportunity—for those of us who have not really had an opportunity to speak at all—to come to the Senate and speak.

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

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I have listened to the debate with interest. I find it hard to comprehend what the distinguished Senator from Wisconsin is driving at.

I believe that he and his colleagues have had plenty of time to explain a simple issue to the Members of this body. It is my belief, for what it is worth, that so far as cloture is concerned, the chances are very doubtful that it will be invoked. That means, if my assumption is correct, that even if a motion to table is defeated, as I assume it may well be, there will be plenty of time to debate the subject, although, frankly, I believe the issue is pretty clear cut. I doubt, as of now, that any more minds will be changed.

I admit that in the past 2 or 3 weeks, there has been an addition of strength to the forces of those in favor of the Supreme Court position. But I point out that under the rules of the Senate, at least in my opinion, there could be talk on this subject from now until doomsday. I do not see where any time is lost. I do not see why the cry is raised now that there should be more time to discuss the matter when the Senator well knows that an agreement was arrived at last week by means of which it was thoroughly understood and agreed that a cloture motion would be presented this Tuesday, and that a vote would be taken on the motion next Thursday under the rules of the Senate. Is that not correct?

Mr. PROXMIRE. There has been no alternative. It is within the power of the minority leader to make the motion at any time he wished and we would have to agree.

Mr. MANSFIELD. No; not any time. The Senate was considering the social security bill.

Mr. PROXMIRE There was no opportunity to discuss it last week. As the majority leader well knows, the Senate was considering the social security bill. It is true that we could have insisted on a Friday session. The majority leader would have accommodated us. But we would not have had any audience. There would not have been any real opportunity to discuss the motion. It was entirely within the discretion of the minority leader. He chose to file the motion today. He could have given us more time in which to discuss it.

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

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. After discussing the question with Senators who favor the Supreme Court decision and obtaining their agreement, I went to the desk of the minority leader and asked him if he would hold back the motion until today. He agreed to do so. I believe, in good faith, that that statement should be made. I am quite sure that Senators who favor the Supreme Court decision are well aware of that.

Mr. PROXMIRE. Certainly. But that is no accommodation to us.

Mr. MANSFIELD. The minority leader did not have to agree to set aside the pending business last week to allow the Senate to proceed with the social security bill. But he did so at my specific request after he made a statement to the effect that he would object to anything further being done in the way of laying aside the pending business.

Mr. PROXMIRE. Yes, indeed. But that was an accommodation to the majority leader and to the whole Senate. For the purpose of bringing up the social security bill.

Mr. MANSFIELD. It could have been an accommodation to the people of the United States, to take up the social security bill.

Mr. PROXMIRE. It was. But it was no accommodation to us. We knew that we would have no opportunity to discuss the motion during that time. We had to spend the entire week on the social security measure. That was perfectly agreeable to us. We were in favor of that, too.

Mr. MANSFIELD. That is true, but the minority leader could have presented the cloture motion a week ago. We would have been in the same position then. I believe that we are ahead, by reason of having followed this procedure.

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

Mr. DIRKSEN. I yield.

Mr. DOUGLAS. We do not so much object to the junior Senator from Illinois [Mr. DIRKSEN] filing his motion, as we hope that not many Senators will vote for it. That is what we are discussing today—whether the majority and minority leaders will be able to ram down the throats of Senators a cloture which will greatly restrict future debate.

My colleague from Illinois [Mr. DIRKSEN] is perfectly within his rights to introduce the motion today. I hope that he will fail by a big margin to get the required two-thirds vote in favor of his motion on Thursday.

While I am on this subject, there is a very sharp distinction to be drawn.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask that the Senator from Illinois be allowed 5 additional minutes.

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

Mr. DOUGLAS. There is a very sharp distinction to be drawn between a filibuster and an extended debate. The purpose of a filibuster is to prevent a vote. The purpose of an extended debate is to delay a vote. The reason for delaying the vote is so that the Members of the Senate and the public may become better informed about the issue and thus be able to reach a more mature decision.

We do not intend to prevent a vote. But we had hoped that we might have an opportunity to delay the vote until some Senators who inadvertently became involved in the plan for an anti-reapportionment constitutional amendment might be able to extricate themselves from the coils which have been wound around them.

Mr. MANSFIELD. When I hear talk of extended debate and filibuster, I am reminded of a statement made by a distinguished Senator who is now running for President on the other party's ticket, concerning something relating to a choice, not an echo. What I think I hear is an echo which I have heard time and again in this Chamber. There is no difference whatever between an extended

debate and a filibuster. It depends on who is wearing the shoe at the time, as to who makes the statement.

Furthermore, the distinguished Senator from Illinois has used the word "ram." I have never in my 12 years in the Senate tried to ram anything down anybody's throat. And I do not intend to do so now. So far as I am concerned, the Senate can remain in session until January 3, 1965. If the Senator wishes to talk that long, it is all right with me. But there will be no ramming of anything down anybody's throat. The RECORD ought to be clear in that regard.

Mr. DOUGLAS. I am not accusing the Senator from Montana of ramming this through in a personal sense.

Mr. MANSFIELD. The Senator said, "The majority and minority leaders will be able to ram it down the throat of the Senate."

Mr. DOUGLAS. If a Senator votes for cloture, that will mean that the rules of the Senate will force a premature vote down the throats of the minority—not in a personal manner, but in an impersonal fashion through the operation of cloture.

The distinguished majority leader [Mr. MANSFIELD] said that there is no difference between an extended debate and a filibuster. The Senator may not remember the fight that some of us put up in connection with offshore oil.

Mr. MANSFIELD. I believe the Senator should remember it. I was on the side of the Senator from Illinois.

Mr. DOUGLAS. I cannot remember all the votes with certainty. When we started, it was the plan of the proponents to give all of the offshore oil to the States. They would have given the States all of the offshore oil, not just within a 3-mile or 3-league limit but out to the edge of the Continental Shelf.

For 30 days, the Senator from Alabama [Mr. HILL] and I, brought to bear such arguments as we could. As a result of the fight which we made, we convinced the Senate that even if it felt obligated to give the royalty rights to the States for the oil located up to 3 miles out—and in the case of Texas, 3 leagues—the United States of America has the rights to the oil beyond that, to the edge of the Continental Shelf. The explorations since then appear to show that the major portion of the offshore oil is located on that Continental Shelf beyond the 3-mile limit. The decision which we helped to secure from the Congress means a difference of hundreds of millions of dollars a year to the U.S. Treasury.

That is one specific case in which a fight on the floor of the Senate, called a filibuster at the time by our opponents, resulted in a big improvement in the final action that was taken. I could mention another illustration.

Mr. MANSFIELD. I agree with the Senator. But I point out that no matter how it is termed, it is still a filibuster.

Mr. DOUGLAS. That is the opinion of the Senator from Montana.

The Senator may remember the Kerr gas bill in 1950, which was aimed at depriving the Federal Power Commission of the right to fix the price of gas at the point where it entered the pipelines. There was debate on the bill for more than a month. We were defeated, but the developments and force of that debate so changed public opinion that the President of the United States vetoed the bill. While some of the effect of that veto was later removed by shilly-shallying on the part of the Federal Power Commission, the private oil and gas interests have not been able to get all they wanted, even now. So extended debate serves a useful purpose. If the Senator from Montana votes on Thursday for cloture—and I expect the Senator will—with the best intent in the world, he will still diminish the opportunity which is accorded to Senators to convince other Senators and the people that the Supreme Court is correct. He would take from us the opportunity to show that the present malapportionment of State legislatures should be corrected, that the legislatures themselves have not corrected it by themselves, and that the only hope of fair apportionment really lies in the Supreme Court. We hope that we can so convince the Senator.

The PRESIDING OFFICER. The time of the Senator from Illinois has once again expired.

Mr. MANSFIELD. Mr. President, I have not as yet stated how I shall vote on the cloture motion presented by the distinguished minority leader. I am sorry that the distinguished Senator from Illinois [Mr. DOUGLAS] made the assertion that he did, because it may or may not be true. But at least I was trying to keep my position secret until the time came to make a decision.

It is my candid belief that the cloture motion will not command sufficient votes to make it effective; further, it is my candid belief that, so far as the debate on the subject is concerned, Senators who are opposed to the Mansfield-Dirksen amendment will have all the time they wish to discuss the subject and to convince their colleagues. Moreover, it is my belief that from now on not a single vote will be changed. The Senator either has the votes on his side or he has not; and that is it.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Since the debate began, a number of votes have been changed. We have not had an opportunity to discuss that subject with the Senator.

Mr. MANSFIELD. From now on no votes will be changed.

Mr. PROXMIRE. There are all kinds of arguments still to be made which we seek to develop. A number of Senators who wish to discuss those points have not been able to do so. We have not been able to discuss the subject with those Senators since the Labor Day weekend. In view of the limited opportunity we have had to discuss the subject, to say that not a single vote would be changed from now on is a statement with which I would disagree. I make that statement on the basis of the experience we have had in the past week or so. Votes have changed whenever we have gotten the ear of our colleagues. But many of them have not yet been reached.

Mr. MANSFIELD. Mr. President, I could be completely mistaken. All I am doing is giving the Senate my judgment.

Mr. PROXMIRE. A number of Senators have not yet made up their minds.

Mr. MANSFIELD. I believe I know the Senators to whom the Senator from Wisconsin has reference. Some of those have not spoken; others have had their statements printed in the RECORD. But so far as changing minds further is concerned, very few, if any, will be changed from now on. I admit that in the past 3 weeks some minds have been changed. That is why I made the statement that, in my opinion, it will not be possible to invoke cloture on the motion which was presented earlier today. Therefore, the Senate will have all the time in the world, at least until noon January 3, 1965, if it so desires, to discuss the subject.

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

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I ask unanimous consent that the Senator from Illinois may have 3 additional minutes.

Mr. DOUGLAS. Mr. President, is not the Senate now in the morning hour; and is not the Senator from Michigan entitled, in his own right, to speak for 3 minutes?

The PRESIDING OFFICER. The Senator from Michigan is entitled to speak for 3 minutes.

Mr. HART. I thank the Chair. It occurs to me that since I was about to make a comment which would involve the Senator from Illinois [Mr. DIRKSEN], it would be more courteous if I did it on his time. In either case, I shall speak for no longer than 3 minutes.

Mr. President, it might be helpful to put into perspective what is a filibuster and what is not a filibuster, who is proceeding precipitately and who is dragging his feet.

I suggest that we turn our minds back a few months to a situation in this Chamber when we were confronted with a proposal made by the majority leader that the Senate take up the civil rights bill. As well as I can reconstruct the situation, on the 9th day of March the majority leader moved that the Senate take up the civil rights bill. The Judiciary Committee had held 9 days of hearings on the bill before that. I have not been able to determine how many days of hearings the Commerce Committee had held on the bill. Serving on both committees, I am uncertain in my memory which was the longer. But it is my impression that the Committee on Commerce devoted more time to consideration of the measure. In any event, when the majority leader moved to take that bill up so that something could be done about it, there had been 9 days of hearings before the Judiciary Committee.

On the 25th day of March, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] counseled us thus:

If this is as important as the zealots would have us believe, it is all the more reason why

the Senate should be most careful about a bill of this kind.

Parenthetically, there are those who feel that the domestic crisis then confronting us in civil rights was more compelling than the constitutional crisis that confronts us in the Dirksen amendment. But I am sure that all thoughtful persons would agree that both were and are of major importance.

The minority leader then went on to say:

There seems to be great haste and hurry, but when we stop to think of the importance of this measure and what its impact on the country would be, we can afford to take some time and be careful in our scrutiny.

This was the 25th of March. The Senator was commenting on a motion that had been pending since the 9th of March to take up the bill for discussion. Finally the minority leader counseled us:

There has been great discussion about the intent of Congress. The courts will take a look at the language in the bill, and out of it they will finally come to a conclusion as to what was the intent. I believe that one of the most scholarly articles I have ever read on the subject of intent of Congress appeared in the Harvard Law School Journal. Whoever wrote it did a very good job, because the very first line in that article was: "The intent of Congress is a fiction."

The second sentence was: "The intent of Congress is what the courts say it is."

Where do the courts go? They go to the language in the bill, and the courts go to the reports.

The impact of the bill will be "from now on," and the social pattern of our country will be changed. Some time later I do not wish to lament and to rue the day when I did not take sufficient time to give sufficient scrutiny to the words, the phrases, the implications, the legal significance, and what its impact will be upon the ec and soc fabric of our country.

The PRESIDING OFFICER. The time of the Senator has expired.

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

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

Mr. HART. I invite the attention of Senators to the fact that caution was voiced by the Senator from Illinois a few months ago, because the words are not inapplicable at the present time. The caution is not unrelated, because the Dirksen amendment would affect in some form or other—though there is no record to inform us how—each of the 50 States of the Union with respect to composition and operation of its State legislature.

If on the 25th of March, on a motion that had been pending since the 9th of March to take up the civil rights bill, we were cautioned as I have described by the Senator from Illinois, he would not find us, I am sure, to be inflexible and unreasonable in suggesting that, without any committee hearings—unlike the case of the civil rights bill—and with only 20-some hours of discussion available to us, we insist that what he told us then is relevant now. For that reason it is well that we get into perspective exactly where we stand and how much time ought to be devoted to the subject and what sort of record should be developed before the Congress of the United States goes on the road to reaching over into the Supreme Court building and, in effect, telling the Justices to move over. Once we adopt that precedent, history will make it an unfortunate day.

Mr. DIRKSEN. Mr. President, I wish I could take time adequately to answer my distinguished friend from Michigan. Senators will observe that he put the emphasis on the month of March. The committees had produced little legislation at the time. When I said, in that statement on the floor, "We can afford to take some time," I meant exactly that, because we had time, and there was nothing crowding the Senate at the moment. So there was no reason why it could not go back. Now we are getting close to the middle of September. I know the mood of the Senate. I know the mood of the House of Representatives. Members want to go home. I want to go home. I want to get out on the hustings and do a little campaigning and answer some of the speeches such as the one we heard from the distinguished Senator from Arkansas [Mr. FULBRIGHT] a little while ago.

How long are we going to keep Senators here as they gather up these pearls of wisdom? Senators talk to an empty Chamber. There was a conference. One Member of that group came to this desk any number of times to ask whether or not I was going to submit a cloture motion. At the time I had no thought of it. When it was said to me, "We will continue, then, ad infinitum," with Members of Congress wanting to get home, that is a horse of another color.

So there was a reason to file the cloture motion. If it fails, the amendment will still be here, and the Senate will get a vote on it, or my name is not DIRKSEN.

It can be tabled. Any Senator is free to make that motion. Why does not the Senator rise in his place and offer a motion to table? There is nothing to stop the Senator. Some Senators have a political motive. They are going to get a few votes and gather a little strength.

No such thought occurred to me. I was ready to file the motion for cloture, in accordance with the agreement I had with the majority leader, after he had conferred with the Senator. I could have done it a week ago. But it is an appropriate time, at the end of the Labor Day weekend. So there has been time to discuss it. Senators have not been able to keep other Senators here to listen to them. But they know the arguments. When I say "them" I mean Members of the Senate. They read the Washington Post. They read the articles by the law professors and deans. I read them. Everybody has read them. If Senators are not familiar with the issue by now, all I have to say is that instead of throwing light on the subject, Senators have obfuscated it and made it more complex and bewildering than it really is.

So there is the answer to all this argument, and every Senator is going to have a vote, one way or another, on this amendment, because I mean to carry it to a conclusion.

WHITESTONE COULEE UNIT OF THE OKANOGAN-SIMILKAMEEN DIVISION, CHIEF JOSEPH DAM PROJECT, WASHINGTON

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 2447.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2447) to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes, which was, to strike out all after the enacting clause and insert:

That for the purpose of furnishing a new and a supplemental water supply for the irrigation of approximately two thousand five hundred and fifty acres of land in Okanogan County, Washington, for the purpose of undertaking the rehabilitation and betterment of existing works serving a major portion of these lands, and for conservation and development of fish and wildlife resources and improvement of public recreation facilities, the Secretary of the Interior is authorized to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project, in accordance with the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the unit shall consist of: facilities to permit enlargement and utilization of Spectacle Lake storage; related canal and conduits, diversion dam, pumping plants, and distribution systems; and necessary works incidental to the rehabilitation and expansion of the existing irrigation system.

SEC. 2. The provisions of section 2 of the Act of July 27, 1954 (68 Stat. 568, 569), shall be applicable to the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project. The term "construction costs" used therein shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the water users to pay during that period.

SEC. 3. (a) The Secretary is authorized as a part of the Whitestone Coulee unit to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the unit area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for public use and enjoyment of unit lands, facilities, and water areas in a manner coordinated with the other unit purposes. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of unit lands or facilities, or to dispose of unit lands or facilities to Federal agencies or State or local public bodies by lease, transfer, exchange, or conveyance, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of the joint costs of the unit, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law

relating to recreation development of water resources projects or the disposition of public lands for recreational purposes.

(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions.

SEC. 4. There are hereby authorized to be appropriated for construction of the new works involved in the Whitestone Coulee unit, of the Okanogan-Similkameen division of the Chief Joseph Dam project $5,312,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indices and, in addition thereto, such sums as may be required to operate and maintain said division.

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendment.

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

Mr. NELSON. I yield.

Mr. MAGNUSON. This is a very important piece of legislation, authorizing the Whitestone Coulee unit of the Chief Joseph Dam unit. Chief Joseph Dam is primarily a huge power project, one of the greatest in the world, but the possibilities of some irrigation from it are very good, and this is one of the units that can lend itself to irrigation. I am glad the Senator from Wisconsin is bringing the matter up.

I ask unanimous consent to have placed in the RECORD at this point a letter from the Department of the Interior to my distinguished colleague [Mr. JACKSON], chairman of the Committee on Interior and Insular Affairs, describing the project, its value, and the benefit-cost ratio. I appreciate the action of the Committee on Interior and Insular Affairs in pressing the bill through. I know it is expedient to accept the House amendment to the Senate bill.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 2, 1964.

HON. HENERY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to your request for the views of this Department on S. 2447, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameem division, Chief Joseph Dam project, Washington, and for other purposes.

We recommend enactment of the bill with certain amendments suggested hereinafter.

The Whitestone Coulee unit is a potential irrigation development to serve 2,660 acres in north-central Washington about 10 miles from the international boundary with Canada. Existing facilities of the Whitestone Reclamation District now serve 1,830 irrigable acres of the project area. The plan of development of the unit provides for rehabilitating and enlarging existing works and constructing new facilities to serve an additional 705 acres of lands that are now dryfarmed. Continuation of water service within their entitlement to a further 125 acres of class 6 district lands which have a water right is also proposed. The 125 acres of class 6 lands would not be included within the district for repayment purposes; however, they would pay appropriate operation, maintenance, and replacement charges.

The lands in the unit area are devoted almost exclusively to apple production, with cover crops. By climate, topography, and soils the area is particularly well suited to this crop pattern under sprinkler irrigation. The district lands in question have a long and successful production history, and the new lands included in the project plan are equally well suited for apple production.

The Whitestone Reclamation District holds adjudicated rights to the flows of Toats Coulee Creek. The plan of development contemplates replacing an existing diversion dam on that creek with a new structure, rehabilitating the main supply canal which runs from the point of diversion on Toats Coulee Creek to Spectacle Lake some 4 miles away. Active storage capacity of Spectacle Lake would be expanded from 3,800 to 6,250 acre-feet by construction of a dike and outlet control works. Three small pumping plants would be built and the gravity distribution system of canals, siphons, and buried pipe laterals would be rehabilitated and expanded as necessary. These improvements would provide an adequate water supply for irrigation of all lands of the unit.

Development of the unit as proposed would produce no flood control benefits of significance, nor is there opportunity for the production of hydroelectric power. Investigations disclosed no need in the area for industrial water supplies or pollution control or other public health measures. Existing facilities for domestic water service are adequate and will remain in use. Thus, the Whitestone Coulee unit is proposed principally as an irrigation development.

There are, however, opportunities to provide excellent fishery and general recreation benefits. These would be realized under the plan of development proposed. The State and private interests have already developed Spectacle Lake as a recreation facility. By virtue of annual stockings of fingerlings by the State Department of Game, it is an excellent rainbow trout fishery. With increased capacity and project improvements the fishery would be enhanced to produce average annual benefits estimated by the Fish and Wildlife Service at $4,050. Lands would be acquired to replace existing public-access areas inundated by enlargement of the reservoir, and basic recreation facilities would also be constructed.

The project is engineeringly and economically feasible. Based on a 100-year period of analysis, the benefit-cost ratio is 5.6 to 1, demonstrating the productivity of irrigated orchard land in the area.

Okanogan County, Wash., in which the unit is located has been designated as a rural redevelopment area under criteria in the Area Redevelopment Act of 1961 (75 Stat. 47). Accordingly, the benefits which would accrue to area redevelopment from project construction and operation have been calculated. We propose that this function be recognized as a project purpose in accordance with principles for water resource development evaluation adopted by the President on May 15, 1962 (S. Doc. 97, 87th Cong.), for application within the executive branch. To accomplish this, the bill should be amended by adding the words "and for area redevelopment," after the word "facilities," on line 2, page 2.

Also, section 4 should be renumbered section "5" and a new section 4 reading as follows should be added:

"SEC. 4. The Secretary is authorized, if the Whitestone Coulee unit is located in whole or in part in a redevelopment area as defined in the Area Redevelopment Act (75 Stat. 47) to recognize redevelopment as a function of the unit, to evaluate the benefits of the unit in relieving persistent unemployment or underemployment, and to allocate costs to the redevelopment function as appropriate, which costs shall be nonreimbursable."

The total project cost is estimated to be $5,312,000. Of this, $813,000 would be allocated to area redevelopment, $4,336,000 to irrigation, and $163,000 to fish and wildlife enhancement and recreation. On the basis of budget studies, we have estimated the repayment capability of the irrigators to be $1,100,200 over a 50-year period. This is 25 percent of the irrigation allocation. The balance of the irrigation allocation would be returned from revenues of the Federal Columbia River power system.

Orchards are slow to develop. Consequently, those project farmers whose lands are not now in orchards will require a 10-year development period, during which they will experience very low revenues. For that reason it is necessary to fund a part of the operation and maintenance costs of the unit during that period. Projections are that approximately $74,000 in operating costs would be funded as an irrigation cost item.

The first sentence of section 2 makes applicable to the Whitestone Coulee unit the provisions of section 2 of the act of July 27, 1954, authorizing the Foster Creek division of the Chief Joseph Dam project (68 Stat. 568). The provisions of section 2 of the act of July 27, 1954, are not entirely appropriate to the Whitestone Coulee unit—those provisions are:

(1) Establishment of a 50-year repayment period (this is necessary);

(2) Adoption of a variable repayment formula (this is not necessary, general reclamation law now provides this authority, act of August 8, 1958 (72 Stat. 542);

(3) Provision for financial assistance from Chief Joseph Dam (financial assistance is required, but because of recent changes in accounting practices for the Federal Columbia River power system it is no longer appropriate to tie financial assistance to an individual project or dam); and

(4) Availability of Chief Joseph project energy for project pumping at rates not exceeding the costs of generation (similarly, the change in accounting practices makes it no longer appropriate to tie the unit pumping power reservation and charges to an individual project).

In order to provide for a 50-year repayment period for the irrigators, fund operating costs as necessary during the development period, reserve power for unit pumping and provide financial assistance to the unit, we recommend that section 2 be deleted and the following substituted therefor:

"SEC. 2. Irrigation repayment contracts shall provide for repayment of the obligation assumed thereunder with respect to any contract unit over a period of not more than fifty years exclusive of any development period authorized by law. Operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the irrigators to repay during that period shall be returned by the irrigators during the repayment period. Construction costs allocated to irrigation beyond the ability of the irrigators to repay, shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration. Power and energy required for irrigation water pumping for the unit shall be made available by the Secretary from the Federal Columbia River power system at charges determined by the Secretary."

Finally, to accommodate the bill to the administration's proposed legislation concerning cost-sharing at water resource projects, a new subsection 3(b) should be added as follows:

"(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions."

Authorization to proceed with the Whitestone Coulee unit would be most timely. The unit has a very high benefit-to-cost ratio and will produce substantial benefits in a community that is undergoing serious economic hardship.

A statement of personnel and other requirements that enactment of this legislation would entail is enclosed in accordance with the provisions of Public Law 801, 84th Congress.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed report from the standpoint of the administration's program, subject to possible supplementary advice from the Bureau of the Budget when views of the Department of Commerce on the proposed amendments to the bill dealing with area redevelopment are received.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

Whitestone Coulee unit Okanogan-Similkameen division, Chief Joseph Dam project

[Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs, as required by Public Law 801, 84th Cong.]

	1st year	2d year	3d year	4th year	5th year
Estimated additional man-years of civilian employment:					
Administrative services: Clerical	None	1	1	1	None
Substantive (program): Engineering aids and technicians	None	3	3	3	None
Total estimated additional man-years of civilian employment	None	3.25	4	2.75	None
Estimated expenditures:					
Personal services	(1)	$154,200	$194,465	$144,097	$10,942
All other	(1)	1,089,780	2,278,535	1,078,903	3,458
Total estimated expenditures	$197,000	1,235,000	2,473,000	1,223,000	14,400

[1] General investigation expenses.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to concur in the House amendment.

The motion was agreed to.

CROOKED RIVER FEDERAL RECLAMATION PROJECT

Mr. NELSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate bill 1186.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1186) to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands, which was, to strike out all after the enacting clause and insert:

That the first section of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon", approved August 6, 1956 (70 Stat. 1058), as amended, is amended by inserting immediately before the period at the end of the first sentence of such section the following: "and the Crooked River project extension, together referred to hereafter as the project. The principal new works for the project extension shall include six pumping plants, canals, and related distribution and drainage facilities".

SEC. 2. There are hereby authorized to be appropriated for construction of the new works involved in the Crooked River project extension $1,132,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said extension.

SEC. 3. Supplemental power and energy required for irrigation water pumping for the project shall be made available by the Secretary of the Interior from the Federal Columbia River power system at charges determined by him.

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment.

The motion was agreed to.

The PRESIDING OFFICER. Is there further morning business?

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

CLOTURE MOTION

Mr. DOUGLAS. Mr. President, Mr. Arthur J. Freund, of St. Louis Mo., is one of the most prominent attorneys in the Middle West. He was one of the first to call attention to the actions taken at a meeting sponsored by the Council of State Governments in Chicago in the fall of 1962. That meeting of the so-called assembly of the States started the movement which has now come to fruition in the Dirksen-Mansfield amendment.

The council proposed to the State legislatures three application for constitutional amendments, one of which would have denied any authority to the U.S. Supreme Court to order reapportionment of State legislatures.

That amendment application has been approved by 13 State legislatures to date. It is not quite certain what its constitutional status is as compared with the amendment which the Senator from Illinois [Mr. DIRKSEN] will offer in the Congress if the present Dirksen-Mansfield amendment to the foreign aid bill is adopted.

The present Dirksen-Mansfield amendment would anesthetize for a period of time—the precise duration of which is uncertain—any present or future action of the Supreme Court in ordering reapportionment, and would freeze the State legislatures, with the possible exception of two or three, in their present malapportioned form.

My colleague was completely frank in saying that it is his intention, when Congress reconvenes in January, to introduce a constitutional amendment which would establish a permanent prohibition against any order of the Supreme Court providing for reapportionment.

If the present effort is successful in the House and the Senate—and particularly if the cloture motion is approved on Thursday by a two-thirds vote—I think we can be certain that, unless there are appreciable changes in the composition of the Congress by January, such an amendment would go through Congress and that the present malapportioned State legislatures would then undoubtedly ratify it. That is what is at stake in this whole issue.

It is a very grave issue.

Mr. Freund, some weeks ago, wrote me a very detailed letter before the full tactics in connection with the Dirksen-Mansfield amendment were revealed.

I ask unanimous consent that this letter appear at this point in the RECORD.

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

ARTHUR J. FREUND,
ATTORNEY AT LAW,
7 NORTH SEVENTH STREET,
ST. LOUIS, MO., *July 30, 1964.*

Re proposals to amend the U.S. Constitution relating to apportionment in State legislatures.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: In utmost earnestness I write you regarding the current proposals to amend the Constitution of the United States so as to deprive the Federal courts of jurisdiction in causes having to do with the malapportionment of State legislatures.

You are aware that I was one of those who early advocated opposition to the three proposals of the Council of State Governments to amend the Constitution. One of the Council's proposals was designed to nullify the decision of the Supreme Court of the United States in *Baker* v. *Carr*, (1962) 369 U.S. 186, relating to the malapportionment of a State legislature, and it is one of a number of proposals on this subject now before the Congress. S.J. Res. 181, introduced by Senator STENNIS on July 8, 1964, and S.J. Res. 185, introduced by Senator DIRKSEN on July 23, 1964, are also typical of proposals directed to the same ultimate end. The proposals to amend the Constitution and dilute the judicial process generated by *Baker* v. *Carr* have been multiplied as a result of the more recent decisions of the Supreme Court requiring equal population representation in both houses of State legislatures where the bicameral system prevails, delivered on June 15, 1964. In *Reynolds* v. *Sims*, —— U.S. ——, 12 L. ed. 2d 506, the Court held that the malapportionment of the Alabama Legislature was in contravention of the equal protection clause of the Constitution. This was followed on the same day by comparable holdings with respect to the legislature in New York (*WMCA* v. *Lomenzo*, —— U.S. ——, 12 L. ed. 2d 568); in Maryland (*Maryland Committee* v. *Tawes*, —— U.S. ——, 12 L. ed. 2d