

1964

## CONGRESSIONAL RECORD — SENATE

17887

Provision is also made in this proposal for utilization of part of the island by the State of California for public purposes, compatible with the primary use of the island. Furthermore, if, within the next 5 years, the monument is not begun and the Commission has not certified to the Secretary of Interior that sufficient funds are available to complete the monument, the authority granted in this legislation shall cease.

Mr. President, this legislation will honor a noble and eternal desire of man—the desire to live out his life in peace and tranquility. The United Nations founded almost 25 years ago in San Francisco, is dedicated to the perpetuation of world peace and brotherhood. This monument, upon completion, will stand as a symbol of all peoples' wishes that the United Nations not fail in its ennobling goal and that world peace become a reality.

Therefore, Mr. President, for myself and the junior Senator from California [Mr. SALINGER] I introduce for appropriate reference a bill "to provide for the erection of a monument on Alcatraz Island to commemorate the founding of the United Nations in San Francisco, Calif., in 1945, and to serve as a symbol of peace."

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3093) to provide for the erection of a monument on Alcatraz Island to commemorate the founding of the United Nations in San Francisco, Calif., in 1945, and to serve as a symbol of peace, introduced by Mr. LONG of Missouri (for himself and Mr. SALINGER), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

#### STUDY AND REPORT CONCERNING THE SILVER POLICY OF THE UNITED STATES

Mr. CHURCH. Mr. President, my friend and colleague in the House of Representatives, COMPTON WHITE, who represents the congressional district which is the Nation's leader in silver production, has introduced in that body a joint resolution directing the Secretary of the Treasury to make a special study of the silver policy of the United States.

Mr. President, I think the introduction of this joint resolution shows commendable foresight and sound judgment. I wish to give all possible support to Representative WHITE's timely effort to persuade the Treasury to come to grips with this problem. Accordingly I introduce, for appropriate reference, a companion joint resolution to the one now pending in the House.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 190) providing for a study and report to Congress by the Secretary of the Treasury concerning the silver policy of the United States, introduced by Mr. CHURCH, was received, read twice by its title, and referred to the Committee on Banking and Currency.

#### CHANGE OF REFERENCE

Mr. HRUSKA. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 284, a bill for the relief of Ethel R. Loop, the widow of Carl R. Loop, and that it be referred to the Committee on Foreign Relations.

Investigation by the staff of the committee indicates that this bill deals with the granting of an annuity under the Foreign Service retirement system and that in the past the Committee on Foreign Relations has handled similar bills. A precedent for such action was made in the reporting by the Foreign Relations Committee of a bill for the relief of Mrs. Mary Leute, the widow of a vice consul in the State Department.

Without in any way prejudicing the jurisdiction of the Committee on the Judiciary, the committee in this instance believes that this bill should be processed by the Foreign Relations Committee and, therefore, requests the discharge and referral to that committee of S. 284.

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

#### AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1204)

Mr. DODD. Mr. President, I submit an amendment which I intend to propose to amendment No. 1191, submitted by the Senator from Illinois [Mr. DIRKSEN], and I ask that it be printed and lie on the table.

This amendment can be explained very simply.

Senator DIRKSEN's provision would stay court action until the end of the second regular session of the legislature which begins after the date of enactment. My amendment would change this by providing that the stay shall be in effect only until the end of the first regular session of the legislature following the date of enactment.

I am in substantial agreement with the purpose of the distinguished minority leader. But I think his amendment goes too far, for it could delay by as much as 4 years the reapportionment of State legislatures.

At the time Senator DIRKSEN's original proposal was considered by the Judiciary Committee I stated that while I was in general agreement with it, I thought the time element involved was too long, and I reserved the right to offer a modifying amendment.

There is no question that many of our State legislatures, including the Connecticut General Assembly, have for many decades been grossly misapportioned, to such an extent that rural areas have been vastly overrepresented and urban areas gravely underrepresented.

There is also no question about the fact that in the past these State legislatures have been steadfast and obdurate in their refusal to reform themselves and that the Congress of the United States has failed consistently in its responsibility in this area, thus leaving the long-delayed solution finally to fall into the hands of the Federal judiciary.

Granting all this, and understanding the compelling need for reform, I still feel that the Federal judiciary has reacted to an excess of inaction with an excess of haste.

I do not believe that the entire political structure of many States should be suddenly overhauled by judicial fiat.

I think it is unnecessary and unseemly to have State legislatures hastily summoned by court orders with their powers and duration arbitrarily fixed.

I think it is unnecessary and unseemly for the courts to require that problems which have been building for almost two centuries, and which involve the very political fabric of our State governments, must be resolved in a few days or weeks.

When I see State constitutions being overturned, reapportionment actions of State legislatures being summarily rejected, referendums of the whole people of a State being perfunctorily set aside—I am compelled to feel that prudence and reason require that the Congress be given time to look this over with a view to a possible constitutional amendment, and that our Governors and State legislatures be given time to act on this fundamental question with some deliberation. And by some deliberation I mean with at least that amount of time afforded by one normal session of the legislature.

The process by which States redesign their systems of representative government should at least be an orderly process. What we have instead under some of these court orders is an almost frantic haste and confusion.

In Connecticut the court order requiring reapportionment was one which the Governor, motivated by complete goodwill and by a deep-seated desire for reform, nevertheless considered impossible to comply with. He appeared before the court and petitioned the court personally and got a relaxation of the decree so that the Connecticut General Assembly might proceed with some sense of order.

Other States have not been so fortunate.

Just as I do not believe that needed reapportionment should be frustrated by long delay, neither do I believe that our Governors and State legislators should be forced to jump through hoops like college freshmen at a fraternity hazing.

I believe that the form by which free government reaches its decisions is often as important, and sometimes more important, than the substance of those decisions.

Therefore, I am in agreement on basic principles with the minority leader, Senator DIRKSEN.

We disagree, however, on the amount of time which constitutes a sufficient period of deliberation by State legislatures. I think that the old phrase, "Justice delayed is justice denied," has some application here. One regular session of the legislature should provide a sufficient amount of time to redesign the electoral districts of a State.

In closing, let me point out that there is no one who believes more strongly than I in the need for reapportionment of our State legislatures in order to bring them

17888

## CONGRESSIONAL RECORD — SENATE

August 7

more closely in harmony with the principle of equality of representation.

I do believe, however, that a reasonable amount of time should be given to our State legislatures to comply, in the best tradition of their own deliberative processes, with Supreme Court rulings and lower court orders.

In view of the fundamental nature of the reforms being sought, and the multiplicity of factors that must be considered in the solution, I think it is sensible and reasonable to allow our State governments one regular legislative session to accomplish these needed and long overdue reforms.

My amendment would see that justice is done without having justice unduly delayed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

#### FEDERAL REINSURANCE OF PRIVATE PENSION PLANS ACT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of August 3, 1964, the names of Mr. BARTLETT, Mr. HART, and Mr. RANDOLPH were added as additional cosponsors of the bill (S. 3071) to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans, introduced by Mr. HARTKE on August 3, 1964.

#### INCORPORATION OF AMERICAN ACADEMY OF ACTUARIES—ADDITIONAL COSPONSOR OF BILL

Mr. KEATING. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the bill (S. 3027) to incorporate the American Academy of Actuaries, introduced by the Senator from Connecticut (for himself and other Senators) on July 24, 1964.

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

#### AMENDMENT OF FOREIGN ASSISTANCE ACT—ADDITIONAL COSPONSOR OF AMENDMENT NO. 1191.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the senior Senator from Arkansas [Mr. McCLELLAN] be added as a cosponsor of the amendment (No. 1191), intended to be proposed by the Senator from Illinois [Mr. DIRKSEN] to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. This amendment was submitted by the Senator from Illinois on Wednesday, August 5, and provides for a temporary stay of proceedings in any action for the reapportionment of any State legislative body.

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

#### ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc.,

were ordered to be printed in the Appendix, as follows:

By Mr. THURMOND:

Article entitled "Politicians Share Blame for Race Riots," published in the State, of Columbia, S.C., on August 3, 1964.

Article entitled "Prayer and Bible Reading in School," written by the Reverend Mr. Claud L. Asbury and published on June 30, 1964, in the McCoil Messenger, of McCoil, S.C.

Article entitled "Sinister 'Pattern' Emerging From Probe of Negro Violence," published on August 5, 1964, in the Times and Democrat, of Orangeburg, S.C.

#### THE FREIGHT-CAR SHORTAGE—MYTH OR REALITY?

Mr. COTTON. Mr. President, the August 6 issue of the Journal of Commerce contains an article which provides a calm, dispassionate, and reassuring analysis of the problem of freight-car shortages.

Its author, Ben Kelley, an experienced and able observer of the transportation scene, lays to rest many of the myths which have persistently clung to this matter. He specifically points out that the demand for boxcars so far this year had fallen considerably short of the number of cars supplied by the railroads last year on a sustained basis over a period of many weeks, and that fears of a serious shortage may be exaggerated.

The article is of special interest, because legislation which unfortunately is linked with the problem is now pending in the Senate. The bill, S. 1063, would give the Interstate Commerce Commission greater power to fix freight-car rental rates. My own views are set forth in the minority views on the bill.

However, as the article implies, the dispute over this proposed legislation has prevented those concerned with the problems from focusing their attention on other, more important aspects of the freight-car supply situation, including such things as Government movements of stored grain from warehouses to ports and elevators at the height of an unusually good crop season.

I hope the day will soon come when those concerned will lay aside their fixed positions on per diem legislation, and will sit down to deal frankly and constructively with the whole freight-car supply question.

I ask that this article be printed in the RECORD, as a part of my remarks.

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

#### FEARS OF FREIGHT-CAR SHORTAGE MAY HAVE BEEN OVERSTATED (By Ben Kelley)

WASHINGTON, August 5.—Say "freight-car shortage" to just about any regular user of the railroads and he'll turn white, start trembling, and beg you to change the subject.

It's an almost built-in reflex, instilled in volume rail shippers by years of shouting about boxcar deficits, legislative and Interstate Commerce Commission pronouncements and, most important, some pretty hair-raising experiences with rail equipment deficiencies.

The reflex is operating again this year, as it almost always does around grain crop time, because of solemn declarations by leading Senators and the ICC that the rail

freight car shortage problem is worse than ever, with no signs of correction in sight.

ICC recently issued a report of its initial investigation of the car situation, and its outlook was gloomy indeed. On its heels came a statement by Senator WARREN MAGNUSON, Democrat, of Washington, chairman of the Senate Commerce Committee, warning that this year may see the worst rail boxcar shortage in the Nation's history.

#### BILL REPORTED

Senator MAGNUSON's statement accompanied the release of his committee's favorable report of S. 1063, a bill affecting rail intra-industry car rental levels. Not altogether justifiably, this legislation has become inextricably a part of debate over the rail car shortage situation. Senate action on the bill is not expected before next week.

Aside from issuing one background statement on boxcar supply levels and demands, the railroad industry as a whole has kept silent in the face of current ICC and senatorial criticism. But industry carloading figures, and computations based on them, seem to support the proposition that unless circumstances change radically, the Nation is not in for the worst boxcar shortage in its history, as feared by Senator MAGNUSON, nor for that matter is it in for any kind of serious rail equipment deficit this year.

Among other things, the figures show that the railroads are able, under the most severe pressure, to sustain boxcar loading levels far higher than those being currently demanded of them by seasonal grain crop movements.

An examination of adjusted figures for the first 28 weeks of 1963, for instance, shows that during that period the railroads handled an average of 203,555 carloads of boxcar traffic per week, ranging from a high of 219,990 to a low of 184,472 boxcars.

At their heaviest demand point in 1963, the railroads handled a peak of 231,105 loads of boxcar traffic, and for 8 weeks sustained a level of roughly 224,500 carloads of this freight.

These peaks were reached in the fall of the year, when the boxcar shortage had become so acute that ICC and the Association of American Railroads were churning out emergency orders embargoing the movement of grain to glutted ports and elevators, requiring hurry-up return of empty boxcars to owners, and urging surplus roads to send equipment to their deficit colleagues.

#### DEMAND LIGHTER

These were trying times for grain shippers, ports, the railroads, and other customers who needed but could not get boxcars. They did seem to illustrate, however, that the carriers could under pressure meet demands for up to 224,500 cars a week on a sustained basis.

This year's comparable figures, also adjusted, show that nothing approaching such demands have yet been made on the industry, despite the fact that the Nation already has wrapped up its first major seasonal grain crop harvest and is into its second.

For the first 28 weeks of 1963, the boxcar loading high was 219,990 in one week, the average, 203,555, and the low, 184,472 cars. The high does not nearly approach the high for the same period of last year, not to speak of the 1964 boxcar peak or the sustained 8 weeks of 224,500 cars per week.

#### NO TROUBLE

While it seems fair on the basis of these figures to say that the railroads are having no trouble this year in meeting demands, grain or otherwise, for boxcars, it also should be stressed that there is a boxcar shortage being felt right now.

And, it can be expected, there will always be a boxcar shortage of sorts on the Nation's railroads, probably even if the Congress passes the pending bill to give ICC greater power over intra-industry car rental rates.