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Let me say again that when the Congress passed a bill in 1957 to include district judge representation on the judicial conference of the United States, it became quite evident great benefits were to be received by the judiciary as a whole, by reason of the additional knowledge of the district judges participating in these conferences.

Under the provisions of this bill, each circuit having five or more circuit judges in regular active service would have added to the judicial council two district judges. One of these district judges would be the district judge who represents the circuit on the judicial conference of the United States. The second district judge would be one who serves a district within the circuit other than the one represented by the district judge who is a member of the judicial conference. An exception is provided for, however, for the District of Columbia, which circuit is composed of a single district and, thus the two district judges would be from the District of Columbia.

The bill also provides that each judicial council have a secretary who shall be the clerk of the U.S. Court of Appeals.

At present, one of the circuit judges would normally act as the secretary. The designation by law of the clerk of the U.S. Court of Appeals of each circuit to be the secretary to the council will result in the responsibility being placed permanently in one individual. That responsibility will require keeping the records of the proceedings of the judicial council meetings so that at all times it can be referred to as needed. Under the present system, I am informed, records of meetings are not kept in many instances.

Mr. President, let me again say that on two occasions the judicial conference of the United States wholeheartedly approved this legislation. On three occasions the Senate Committee on the Judiciary approved this legislation and rejected any amendments. In addition thereto, the House of Representatives has approved this legislation in the form of H.R. 6990 of the 87th Congress.

After a complete and thorough study of its merits, this legislation has been submitted to the Senate by the Committee on the Judiciary for its approval.

I sincerely hope that the Senate will in its consideration of this legislation accept the recommendation made by the Judiciary Committee and pass the bill as reported.

Mr. President, at this time I invite attention to the fact that the Senator from Arizona [Mr. HAYDEN] wishes to offer an amendment to the bill, which I have agreed to accept.

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

Mr. JOHNSTON. I yield.

Mr. MANSFIELD. Is my understanding correct that the amendment meets with the approval of the distinguished Senator from New York [Mr. KEATING], the distinguished Senator from Nebraska [Mr. HRUSKA], the distinguished Senator from Montana [Mr. METCALF], and other Senators who are interested in this particular measure?

Mr. JOHNSTON. I believe all have agreed to the amendment, without a great deal of objection. There was another amendment which I believe the Senator from New York [Mr. KEATING] wished to offer, but this amendment meets with his approval, according to my understanding.

Mr. KEATING. Mr. President, if the Senator will yield to me, it does. The amendment I intended to offer, which was defeated in the committee, would not have gone as far as the amendment of the distinguished Senator from Arizona [Mr. HAYDEN]. I am sure the Senator from South Carolina realizes that. I am delighted that the Senator from Arizona got into the act, because that has helped the legislation considerably.

Mr. MANSFIELD. Mr. President, I offer the amendment on behalf of the Senator from Arizona.

The PRESIDING OFFICER (Mr. EMMONSON in the chair). The amendment will be stated for the information of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment may be considered as read, and may be printed in the RECORD.

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

The amendment, ordered to be printed in the RECORD, is as follows:

Beginning with line 3, page 1, strike out all to and including line 14, page 2, and inserting in lieu thereof the following:

That (a) section 332 of title 28 of the United States Code is amended by striking out the first and second paragraphs thereof, and inserting in lieu thereof the following:

"The chief judge of each circuit shall call, at least twice in each year and at such places as he may designate, a council known as the judicial council of the circuit at which he shall preside. The membership of the judicial council of the circuit shall include all circuit judges for the circuit in regular active service and, upon affirmative vote cast by a majority of such circuit judges, may include (1) the district judge in regular active service from such circuit selected as provided in section 331 of this title to serve as a member of the Judicial Conference of the United States, and (2) in any circuit having five or more circuit judges in regular active service, an additional district judge in regular active service who shall be chosen for a three-year term by the district judges in regular active service of the circuit at the next annual judicial conference of the circuit held after the conference at which the district judge in regular active service is selected to serve as a member of the Judicial Conference of the United States. Except in the District of Columbia circuit, such additional district judge shall be from a different district than the district judge then serving as a member of the Judicial Conference of the United States as provided in section 331 of this title. Each member of the council, unless excused by the chief judge, shall attend all sessions of the council."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. MANSFIELD] on behalf of the Senator from Arizona [Mr. HAYDEN].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be

proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 979) 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 (a) section 332 of title 28 of the United States Code is amended by striking out the first and second paragraphs thereof, and inserting in lieu thereof the following:

"The chief judge of each circuit shall call, at least twice in each year and at such places as he may designate, a council known as the judicial council of the circuit at which he shall preside. The membership of the judicial council of the circuit shall include all circuit judges for the circuit in regular active service and, upon affirmative vote cast by a majority of such circuit judges, may include (1) the district judge in regular active service from such circuit selected as provided in section 331 of this title to serve as a member of the Judicial Conference of the United States, and (2) in any circuit having five or more circuit judges in regular active service, an additional district judge in regular active service who shall be chosen for a three-year term by the district judges in regular active service of the circuit at the next annual judicial conference of the circuit held after the conference at which the district judge in regular active service is selected to serve as a member of the Judicial Conference of the United States. Except in the District of Columbia circuit, such additional district judge shall be from a different district than the district judge then serving as a member of the Judicial Conference of the United States as provided in section 331 of this title. Each member of the council, unless excused by the chief judge, shall attend all sessions of the council."

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"Each judicial council shall have a secretary, who shall be the clerk of the United States court of appeals."

#### TRANSFER OF EXECUTIVE POWER ON THE EXPIRATION OF TERM OF OFFICE OF PRESIDENT AND INAUGURATION OF A NEW PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 424, H.R. 4638.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4638) to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

The PRESIDING OFFICER. Is there objection of the request by the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, may we have an explanation of the bill?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Senator from New York, the bill would promote the orderly transfer of executive power in connection with

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the expiration of the term of office of a President and the inauguration of a new President.

The Senator will recall that a great deal of money has been expended, on a private or national committee basis, in times past when a transfer of power has been made from one President to another. In an attempt to face this particular difficulty, the Committee on Government Operations, of which the Senator from New York is a distinguished member, reported H.R. 4638. In respect to the bill, the policy committee gave serious consideration to the amount proposed by the committee. It is my intention, in line with instructions from the policy committee, and in accord with the views of the Senator from Arkansas [Mr. McCLELLAN] and of the Senator from Washington [Mr. JACKSON], to offer an amendment to reduce the amount from \$1.3 million to \$500,000.

Mr. JAVITS. I thank the Senator from Montana. That was the reason why I asked for the explanation. I knew there was to be a reduction.

Mr. MANFIELD. Yes.

Mr. JAVITS. I also wished to emphasize that the bill was one of the products of the work of the subcommittee headed by the Senator from Washington [Mr. JACKSON], on which I also have the honor to serve, which subcommittee deals with the exercise of powers by the executive.

Mr. MANFIELD. If my information is correct—and I think it is—this matter has also been discussed with the distinguished Senator from Iowa [Mr. HUMPHREY], who raised a question about the amount involved. I believe it has been satisfactorily cleared so far as he is concerned.

Mr. President, I send two amendments to the desk, and ask that they be stated.

The PRESIDING OFFICER. The clerk will state the amendments.

The Legislative Clerk. It is proposed, on page 8, line 10, to strike out the numeral and insert "\$500,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The Legislative Clerk. It is proposed, on page 8, line 10, after the word "and" to insert the following language:

"Presidential transition, to remain available during the fiscal year in which the transition occurs and the next succeeding."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

The bill was read the third time and passed.

Mr. HUMPHREY subsequently said: Mr. President, the Senator from Washington [Mr. JACKSON] and the Senator from Iowa [Mr. MILLER] wish to engage in a colloquy, in order to clarify certain matters in connection with House bill 4638, which was passed earlier today. It will take only a brief time to bring

up the bill for reconsideration, in order to permit the Senator from Iowa to ask certain questions of the Senator from Washington.

Mr. MILLER. Mr. President, I thank the Senator from Minnesota.

I now enter a motion that the Senate reconsider the votes by which the amendments to House bill 4638 were ordered to be engrossed and the bill was read the third time and passed.

The PRESIDING OFFICER. The motion will be received, under the rule.

Mr. MILLER. Mr. President, I now move that the Senate reconsider those votes.

The PRESIDING OFFICER. The question is on agreeing to the motion that the Senate reconsider the votes by which the amendments to House bill 4638 were ordered to be engrossed and the bill was read the third time and passed.

Mr. MILLER. Mr. President, I regret that I was not on the floor at the time when the bill was previously acted on. I had indicated that I might have some objection, or at least some question about certain provisions of the bill. I appreciate the deference of the majority whip, the Senator from Minnesota [Mr. HUMPHREY], in permitting the bill to be reconsidered at this time so that I may have an opportunity to ask a few questions of the Senator from Washington about the bill.

I should like to ask questions about three parts of the bill.

The first question relates to the amount of money which would be authorized, as shown on page 8 of the bill. The bill as passed by the House would have authorized \$1,300,000 for the purpose of paying the administrative and service expenditures of incoming and outgoing Presidents and Vice Presidents. An amendment was offered and accepted which would reduce that amount to \$500,000.

My question is whether even that reduced amount is necessary. Can we get by with less than \$500,000? I would appreciate a little enlightenment on the point from the Senator from Washington.

Mr. JACKSON. As the amendment was agreed to, the \$500,000 represented the maximum amount that the Appropriations Committee would be authorized to appropriate. Therefore, if there was no need for the maximum amount, the appropriation could be less.

In 1960 I served as chairman of the Democratic National Committee. One of the burdens placed on the committee was the payment of costs that had been incurred between the time of the election in November and the assumption of office by the President in January. Those costs amounted to a very substantial sum of money. I do not believe we ought to go through that process again, regardless of who the incoming President or Vice President should be. It is an unfair burden to be placed on the shoulders of either the Democratic National Committee or the Republican National Committee. It involves essential Government expenses that are necessary and pertinent to the job of the Presidency and the Vice Presidency.

Mr. MILLER. I share the view of the Senator from Washington that such a burden should not properly be placed upon the incoming or the outgoing President or Vice President. I would certainly like to see something done about it. My only question is whether we should authorize the amount of \$500,000.

The House sent to the Senate a bill. If Senators will look in the report of the committee, they will see that the sum of \$1,300,000 was the rock bottom amount which would be authorized. The Senate has adopted an amendment which would cut the amount to \$500,000.

I am wondering whether this is as far as we should go. We certainly do not wish to see unnecessary expenditures included in this proposal. What would be the mechanics involved? Would the Appropriations Committee in, let us say, the year 1964, come out with a request for an appropriation within the limits of the authorization, or would the appropriation request come out some time in January of 1965, let us say, with respect to a transition which might take place in 1964? Can the Senator enlighten me on that point?

Mr. JACKSON. I would assume that a sum less than \$500,000 would probably be appropriated in the calendar year 1964, with the stipulation that if there was to be a deficiency, it would be taken care of in 1965. I would not want to structure what that sum should be later. But I would assume that it would be some reasonable amount, probably less than the total authorized by the present bill.

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

Mr. JACKSON. I yield.

Mr. HUMPHREY. Since there will be no transition in 1964, that money would be returned to the Treasury. Is that correct?

Mr. JACKSON. Certainly, Mr. President, I am dealing only with a hypothetical situation, purely fictional. The rest of the dialog here will be a part of the legislative record.

Mr. MILLER. Is the Senator suggesting that the Senator from Minnesota will change the record sometime later this fall or next fall?

Mr. President, I appreciate the responses on that point. My concern is much relieved compared with what it was prior to the reduction of the total amount of the authorization to \$500,000.

I have two additional questions. On page 7, the bill provides that the transition expenditures will be available to both the outgoing President and the outgoing Vice President. The question arises as to whether or not such expenditures really are necessary for an outgoing Vice President. I can understand the problem with respect to an outgoing President because of the vast number of duties, personnel, and problems that are entailed in the White House. But it seems to me that, for all practical purposes, the outgoing Vice President does not have much more in the way of problems than does an outgoing U.S. Senator. I am wondering whether the bill should be directed at both an outgoing President and an outgoing Vice President. I do not believe there was any statement

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in the conference report to indicate the justification.

Mr. JACKSON. Today the Vice President of the United States has duties and responsibilities far greater than in the past. For example, currently the Vice President of the United States is serving as head of the Space Advisory Commission. He serves with the National Security Council.

The previous Vice President had similar broad responsibilities. The Vice President is concerned with subjects related not merely to one State, but to all 50 States. The present burdens of the office of Vice President are such that it is reasonable and proper that he should be included in the period of allowance of 6 months after he leaves office to take care of the necessary transition to private life. I do not believe that is unreasonable.

Mr. MILLER. I wonder if the Senator from Washington could indicate whether he had any experience in that connection or has had any familiarity with the costs of the transition of an outgoing Vice President heretofore, or whether or not he might think that the costs of an outgoing Vice President with respect to, let us say, the National Security Council and some of the other commissions or committees which the Vice President heads, would not be borne by those agencies or those committees anyway.

Mr. JACKSON. That is true so far as the organic organization is concerned. However, undoubtedly he will have conversations with people in private capacities here or in other areas of our country that would necessitate proper responses to such inquiries. In addition, one cannot suddenly cease all his responsibilities and duties in that office or any other office. It is difficult enough for Senators. Former Senators have told me that, when they left office, the job of taking care of the mail alone was a serious one. I cannot help but feel that the duties and responsibilities of the Office of Vice President today are such that the provisions of section 4 are not unreasonable. I think they are entirely proper.

Mr. MILLER. In any event, the amount would have to be justified before the Committee on Appropriations before it would be appropriated for that purpose.

Mr. JACKSON. The Senator is correct.

Mr. MILLER. I thank my colleague.

The last question I have relates to page 6 of the bill on which there is a provision which, in effect, states that up to 20 percent of the amount of these expenditures can be of a confidential nature. I can understand, during the term of office of a President, the need for certain amounts of confidential expenditures.

It is my understanding that for many years there has been a fund which the President has had at his disposal for this purpose, but I must confess that I cannot understand why, in addition, during the transition period of an outgoing President or an incoming President, we should provide for up to 20 percent of the funds to be of a confidential nature. I

believe, frankly, since this is the first time this type of legislation is being considered, that it might be a very good thing to keep them all subject to public scrutiny, so that we will know exactly how these funds are being used. If, perchance, there should be anything of a highly confidential nature, I would hope that the incoming or outgoing President or Vice President would take money out of his own pocket to take care of that. During the period of his term of office he could use the fund which is now available for confidential purposes, without having to resort to the transition money.

I would appreciate it very much if the Senator from Washington could possibly see his way clear to remove this part of the bill, or at least to take it out and go to conference on it.

Mr. JACKSON. If we assume—and it is certainly a correct assumption—that the President of the United States has business of an extremely confidential nature to transact, this very assumption applies to the period when he is getting ready to assume the duties and responsibilities of the Presidency. Logically, it seems to me that this period is of equal importance to the 4-year period of service for which he is elected.

I would have no objection to the deletion of the sentence to which the Senator refers, starting on page 6, line 20, through page 7, line 2, with the understanding that we shall take the amendment to conference to see what can be worked out.

Mr. MILLER. I thank the Senator, and I appreciate it.

Mr. President, may I inquire of the Chair what is the status of the bill?

The PRESIDING OFFICER. The Senate is considering the motion to reconsider the votes by which the amendments were ordered to be engrossed, by which the bill was read the third time, and by which the bill was passed.

Mr. MILLER. Mr. President, before adopting another amendment to the bill, the Senate would have to act on that motion.

Mr. President, I now ask for a vote on my motion with the understanding that the reason for this is that we may have an amendment adopted to the bill and then have it passed.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The question is on the motion to reconsider made by the Senator from Iowa.

The motion was agreed to.

Mr. MILLER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 6, line 20, after the word "Act," it is proposed to strike out:

Not more than 20 per centum of the total expenditures under this Act for any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him pursuant to this section that such expenditures are confidential and that they accord with the provisions of subsections (a), (b), and (d) of this section.

Mr. MILLER. Mr. President, I move the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4638) was read the third time and passed.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT OF THE SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 458, S. 283.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 283) to amend the Small Reclamation Projects Act of 1956.

#### VALIDATION OF CERTAIN RICE ACREAGE ALLOTMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of Calendar No. 458, Senate bill 283, the pending business be Calendar No. 482, House Joint Resolution 192, having to do with certain rice acreage allotments.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the joint resolution (H.J. Res. 192) relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from New York [Mr. JAVITS] has a speech to make, which would fit in very nicely at this time. It is the intention of the leadership, after the disposition of the rice acreage allotments bill, to call up Calendar No. 458, S. 283, to amend the Small Reclamation Projects Act of 1956, and following that, Calendar No. 423, S. 1543, a bill to repeal that portion of the act of March 3, 1893, which prohibits the employment in any Government service or by any officer of the District of Columbia, of any employee of the Pinkerton Detective Agency or any similar agency, and following that to bring up reconsideration of S. 1914, a bill to incorporate the Catholic War Veterans, and the reconsideration of S. 1942, a bill to incorporate the Jewish War Veterans.