

feasibility of constructing a parkway to memorialize Abraham Lincoln.

The year 1961 marks the centennial anniversary of the commencement of the War Between the States. The period during which this dramatic episode of opposing interests ultimately became an engagement of life and limb marks a turning point in the development of this great Nation of ours.

During the year 1961, many pageants and reenactments of famous Civil War battles are planned by various groups interested in the preservation of the traditions to which we, as Americans, are so endeared.

It is my sincere hope that, not only during this year, but also in the many years to follow, further enlightenment may be thrown upon the life and accomplishments of one to whom the Civil War—its ideologies and uncertainties, its battles and blood—was most important. That man was Abraham Lincoln.

Madam President, as Senators may well remember, I introduced recently a bill to provide for the establishment of the Lincoln State Park and the Nancy Hanks Lincoln Memorial—both of which are located in Spencer County, Ind.—as units of the National Park Service. Such establishments will allow for national recognition of the areas as those in which the boy, Abe Lincoln, developed, under the guidance of his beloved mother, the ideals which at a later date would be executed by the Great Emancipator as actions of great decision and judgment. Trusting in the prudence of my distinguished colleagues, I am hopeful that the aforementioned bill will be favorably acted upon.

And yet, beyond this, in further tribute to Abraham Lincoln, I can envision a trail—the parkway which my bill proposes—a route of great majesty, extending from the northern part of Kentucky in which Abe was born, winding its way through the countless knobs of southern Indiana, intersecting the area of Lincoln City, in which Abe spent his formative years, continuing through the rolling prairies and farmlands of Indiana and Illinois, and finally unfolding for the traveler the city of Springfield, Ill., where our 16th President began his great career.

Madam President, I hope that some day my dream may be a reality, a reality which will allow each and every American citizen the privilege of traversing the trail that led from boyhood to Presidency; from a backwoods youth to a man who symbolizes all for which this great Nation stands.

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

The bill (S. 1579) to provide for a study of the feasibility of establishing a national parkway to be known as the Abraham Lincoln Memorial Parkway, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL LANDS FOR JOSHUA TREE NATIONAL MONUMENT, CALIF.

Mr. KUCHEL. Madam President, on behalf of my colleague, the junior Senator from California [Mr. ENGLE] and myself, I introduce, for appropriate reference, a bill to include within the boundaries of Joshua Tree National Monument, in the State of California, certain federally owned lands used in connection with the monument, and for other purposes.

This proposed legislation would officially add about 58 acres of donated land to Joshua Tree National Monument, in California.

The tract was given to the United States in 1950 and since then has been used as a headquarters site for the monument. When title was accepted under the Antiquities Act it was expected that a proclamation adding it to the monument would be issued under that act. However, a technicality arose which necessitates the enactment of legislation in order to include the tract in the monument officially.

The measure I am introducing is desirable also in order to clarify the applicability to the tract of park laws and regulations.

Madam President, I ask unanimous consent that the text of the letter of March 1, 1961, from Assistant Secretary of the Interior John A. Carver, Jr., forwarding this proposed legislation to the President of the Senate be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1582) to include within the boundaries of Joshua Tree National Monument, in the State of California, certain federally owned lands used in connection with said monument, and for other purposes, introduced by Mr. KUCHEL (for himself and Mr. ENGLE), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. KUCHEL is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 1, 1961.

HON. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill to include within the boundaries of Joshua Tree National Monument, in the State of California, certain federally owned lands used in connection with the monument, and for other purposes.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Enactment of this legislation is desired in order to clarify the applicability of park laws and regulations to the land described in the bill through the inclusion of the land in the Joshua Tree National Monument. Clarification is desirable in view of the circumstances set out below.

The 57.8 acres involved are now administered in connection with the monument as

a detached site at which necessary administrative and visitor services are furnished for the monument, but not as a part of it. These lands, referred to as the headquarters tract, were donated to the United States and accepted on August 16, 1950, under the Antiquities Act, for addition to Joshua Tree National Monument. However, only a month after the acceptance, the boundaries of the monument were revised by the act of September 25, 1950, ch. 1030 (64 Stat. 1033; 16 U.S.C. 4501i-4501i-3).

The timing of the donation and the act of Congress was so close that the headquarters tract was not included within the statutory boundaries. Inasmuch as the Congress fixed the monument boundary, the Solicitor's Office has advised that a subsequent inclusion of the tract should be effected by act of Congress rather than by proclamation under the Antiquities Act, as was contemplated when the tract was accepted.

This bill would clarify the status of the headquarters tract and the applicability of laws and regulations thereto by amending the act of September 25, 1950, so as to include that tract within the statutory boundaries of Joshua Tree National Monument.

Enactment of this bill would involve no additional cost.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AMENDMENT OF COMMUNICATIONS ACT OF 1934, RELATIVE TO ISSUANCE OF RADIO OPERATOR LICENSES

Mr. MAGNUSON. Madam President, by request, I introduce, for appropriate reference, a bill to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States. I ask unanimous consent to have printed in the RECORD a letter from the Assistant Secretary of the Interior, requesting the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1589) to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 3, 1961.

HON. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States.

We suggest that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

If this bill is enacted, the Federal Communications Commission, which now has statutory authority to issue radio operator licenses only to citizens of the United States, will be empowered to issue them to nationals of the United States as well. The persons whom the bill is intended to affect are those natives of American Samoa who are nationals of the United States and owe allegiance to it, but to whom full citizenship has not been extended.

Under the authority of the Communications Act of 1934, as amended (47 U.S.C. sec. 151 et seq.), the Federal Communications Commission requires operators of transmitting stations in the territories (other than operators of those stations owned or operated by the United States) to be licensed by the Commission. Section 303(1) of the Communications Act of 1934, which governs the matter, authorizes the issuance of radio operator's licenses to citizens of the United States, and in certain cases, licenses to foreign nationals in the field of aviation.

The inability of nationals of the United States to obtain operator's licenses imposes a serious handicap upon shipping operating in and from the waters of America Samoa. The efficient and safe operation of the numerous privately owned craft manned by Samoans of American nationality will be greatly enhanced if section 303(1) of the Communications Act of 1934 is amended to permit these Samoan nationals of the United States to operate radios.

The Samoan people owe complete allegiance to the United States and have proved their loyalty through almost 60 years under the American flag and have served their country bravely on many battlefields, and no reason is perceived why these nationals should not be equally eligible with citizens to obtain radio operator's licenses.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AMENDMENT OF INTERSTATE COMMERCE ACT, RELATING TO DENIAL, REVOCATION, OR SUSPENSION OF OPERATING AUTHORITY

Mr. MAGNUSON. Madam President, by request, I introduce for appropriate reference, a bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission, under certain circumstances, to deny, revoke, or suspend operating authority granted under part II of the act, or to order divestiture of interest, and for other purposes. I ask unanimous consent to have printed in the RECORD a justification for the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the justification will be printed in the RECORD.

The bill (S. 1590) to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission, under certain circumstances, to deny, revoke or suspend operating authority granted under part II of the act, or to order divestiture of interest, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The justification presented by Mr. MAGNUSON is as follows:

JUSTIFICATION

The purpose of the attached draft bill is to give the Interstate Commerce Commission specific authority to revoke or suspend operating authority, or order divestiture of interest, under certain circumstances. First, the Commission must find that either the operating authority, or a facility or instrumentality operated or employed in connection with such operating authority, has been used to commit, or aid and abet in the commission of, a felony, or, in connection with an application for operating authority, perjury, or subornation of perjury, has been committed. Second, the Commission must find that the carrier's or broker's conviction, or that a director, officer, or other person convicted of such crime has such an interest in the motor carrier or broker that such conviction, affects the fitness of the carrier or broker to operate as such under the provisions of the act. The Commission, at the present time, has no authority to revoke a certificate solely because a carrier is engaged in some undesirable or even criminal activity.

The law directs the Commission to issue certificates or permits upon a showing, among other things, that the applicant is fit, willing, and able to perform the proposed transportation. It has been said, however, that the issue of fitness is limited to fitness in connection with the performance of motor transportation such as safety of operations, and does not embrace other activities or habits of the applicant.

The Commission is of the view that investigations of criminal activities, other than violations of the Interstate Commerce Act and related acts, are matters peculiarly within the province of some agency other than the Interstate Commerce Commission. The Commission is of the further view that it is not now qualified to function in the capacity of a criminal court. Moreover, it would be a virtually impossible task for the Commission to undertake to investigate the moral character of all those who apply for operating authority.

While the Commission is convinced that it should not become the keeper of the morals of the transportation industry, nevertheless, it is equally convinced that it should lend its weight to efforts to stamp out crime wherever it arises within the motor carrier industry it regulates. The Commission strongly believes that its authority with respect to both denial and revocation should especially be relevant to the conduct of the transportation business. Motor carriers and brokers must be fit to conduct their business, and the jurisdiction of the Commission requires that our judgment must be responsible to that purpose.

Accordingly, we believe that the appropriate sections of the act should be amended to clarify the Commission's authority to deny, and to give it authority to revoke, or suspend, operating authority, or to order divestiture of interest, under the circumstances hereinabove set forth. The primary Federal responsibility for dealing directly with organized crime rests, in large part, with the FBI. The Commission believes, therefore, that its activity in this field should be limited and should be a corollary to the action taken by a duly authorized law enforcement organization.

DEFENSE OF INTERSTATE COMMERCE COMMISSION ORDERS IN FEDERAL COURTS

Mr. MAGNUSON. Madam President, by request, I introduce, for appropriate reference, a bill to amend sections 2322 and 2323 of title 28, United States Code, relating to the defense of Interstate Commerce Commission orders in the

Federal courts. I ask unanimous consent to have printed in the RECORD a justification for the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the justification will be printed in the RECORD.

The bill (S. 1591) to amend sections 2322 and 2323 of title 28, United States Code, relating to the defense of Interstate Commerce Commission orders in the Federal courts, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The justification presented by Mr. MAGNUSON is as follows:

JUSTIFICATION

The purpose of the attached draft bill is to amend title 28 of the United States Code so as to provide for more effective defense of Interstate Commerce Commission orders in the Federal courts.

Under existing statutes providing for judicial review of the Commission's orders by three-judge district courts, the United States, represented by the Department of Justice, is the statutory defendant. The Commission has only a right to intervene in such actions. This it does regularly through its own attorneys.

In most cases, attorneys for the Department and for the Commission file a joint brief and share the oral argument in court. In recent years, however, the Department of Justice has refused to defend some of the Commission's orders, and in others, has attempted to confess error against the Commission. The Commission's records indicate that since 1932 the Department has refused to defend or actively opposed 26 Commission orders. Moreover, in a few cases, such as *Alleghany Corp., et al. v. Breswick & Co.*, 353 U.S. 151 (1957), the Department has even reversed its position by attacking in the Supreme Court an order which it had previously defended in the district court.

At the beginning of a judicial review proceeding the Commission carefully considers the views expressed by the Department of Justice, and in a number of cases the Commission has, upon the joint recommendation of its attorneys and the attorneys for the Department, reopened a proceeding. However, the orderly defense of the Commission's orders is seriously embarrassed when the Department of Justice joins in attacking such orders for the first time in the Supreme Court.

The Commission is of the view that if Congress expected the Department of Justice to defend the Commission's orders instead of performing the judicial function of deciding whether they are right or wrong. The Department has, of course, a primary responsibility for administration of the anti-trust laws, the application of which differs in some respects from the regulatory concepts of the Interstate Commerce Act. In addition, the Department is often required to represent before the Commission and the courts the interests of the United States as the largest shipper in the country. In other crucial cases, the Department apparently finds it embarrassing to defend the Commission's orders against the opposition of the Department of Agriculture, which, under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291), is charged with representing the interest of farmers with respect to "rates, charges, tariffs, and practices relating to the transportation of farm products."

At the same time, however, the Commission, as an independent agency responsible to the Congress, is bound to apply in its decisions the national transportation policy, which the Congress has made overriding in